

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs bore no labels containing a statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs bore no directions for use.

Further misbranding, Section 502 (b) (1), the repackaged *Dexedrine Sulfate tablets*, *Benzedrine Sulfate tablets*, *phenobarbital tablets*, and *Amytal tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the *phenobarbital tablets* and the *Amytal tablets* contained chemical derivatives of barbituric acid, which derivatives have been found to be, and by regulations designated as, habit forming; and the label of the repackaged tablets failed to bear the name, and quantity or proportion of each such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: May 30, 1951. A plea of nolo contendere having been entered, the court suspended the imposition of sentence and placed the defendant on probation without supervision for 1 year.

3443. Misbranding of thyroid tablets, diethylstilbestrol tablets, Dexedrine Sulfate tablets, and phenobarbital tablets. U. S. v. Willie D. Phillips (Phillips Bros. Drug Co.). Plea of nolo contendere. Sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 30018. Sample Nos. 61895-K, 76415-K, 77701-K, 77711-K.)

INFORMATION FILED: January 31, 1951, Western District of Arkansas, against Willie D. Phillips, trading as the Phillips Bros. Drug Co., Ashdown, Ark.

INTERSTATE SHIPMENT: From the States of Missouri, New York, and Pennsylvania, into the State of Arkansas, of quantities of *thyroid tablets*, *diethylstilbestrol tablets*, *Dexedrine Sulfate tablets*, and *phenobarbital tablets*.

ALLEGED VIOLATION: On or about March 7, 9, and 13, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drugs to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs bore no label containing statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs bore no directions for use.

Further misbranding, Section 502 (b) (1), the repackaged *Dexedrine Sulfate tablets* and *phenobarbital tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the repackaged *phenobarbital tablets* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged *phenobarbital tablets* failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (2), the repackaged *diethylstilbestrol tablets* failed to bear labeling containing warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: May 30, 1951. A plea of nolo contendere having been entered, the court suspended sentence against the defendant and placed him on probation for 1 year without supervision.

3444. Misbranding of thyroid tablets and phenobarbital tablets. U. S. v. Hugh Latimer (Latimer Drug Co.). Plea of nolo contendere. Sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 30023. Sample Nos. 61893-K, 61900-K, 76414-K, 77118-K, 77712-K.)

INFORMATION FILED: February 26, 1951, Western District of Arkansas, against Hugh Latimer, trading as the Latimer Drug Co., Lockesburg, Ark.

INTERSTATE SHIPMENT: From the State of Indiana into the State of Arkansas, of quantities of *thyroid tablets* and *phenobarbital tablets*.

ALLEGED VIOLATION: On or about March 7, 9, and 13, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear any directions for use.

Further misbranding, Section 502 (d), the *phenobarbital tablets* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged *phenobarbital tablets* failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: May 30, 1951. A plea of nolo contendere having been entered, the court suspended sentence against the defendant and placed him on probation for 1 year without supervision.

3445. Misbranding of thyroid tablets, pentobarbital sodium capsules, and Tricombe tablets. U. S. v. Harvey L. Claybaugh. Plea of nolo contendere. Fine of \$1,000 and sentence of 1 year in jail; jail sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 29998. Sample Nos. 71094-K, 71106-K, 71110-K, 71117-K.)

INFORMATION FILED: February 21, 1951, District of Nevada, against Harvey L. Claybaugh, Las Vegas, Nev.

INTERSTATE SHIPMENT: From the State of California into the State of Nevada, of quantities of *thyroid tablets*, *pentobarbital sodium capsules*, and *Tricombe tablets*.

ALLEGED VIOLATION: On or about January 30 and February 3, 4, and 13, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed