as it was a photostatic copy and (b) obtained by unlawful search and seizure, and thus violated the defendant's constitutional rights. The court denied the motion for acquittal, stating that the other evidence produced by the Government was sufficient to refer the case to the jury. The court granted the motion for a new trial on the basis that the letter had been obtained by unlawful search and seizure and that the court had made an error in admitting the letter into evidence.

On 11–28–56, a new trial was held as to count 2, and the jury returned a verdict of guilty. On 11–30–56, the defendant was sentenced to 60 days in jail.

5430. (F.D.C. No. 40439. S. Nos. 36–320 M, 48–485/91 M.)

INFORMATION FILED: 11–27–57, N. Dist. Ill., against **Harold S. Goodman, t/a Janz Drugs, Chicago, Ill., and Frank S. LaCoy (apprentice pharmacist).**

CHARGE: Between 12–4–56 and 1–24–57, *dextro-amphetamine sulfate capsules* were dispensed 3 times, *secobarbital sodium capsules* were dispensed twice, and *Metandren Linguets, Candicillin* (brand of penicillin and bacitracin) *troches*, and *Pentids* (brand of penicillin G potassium) *tablets* were each dispensed once, without a prescription.

PLEA: Guilty by Goodman to all 8 counts of information and by LaCoy to counts 1, 2, 7, and 8 relating to dispensing of *dextro-amphetamine sulfate capsules, Metandren Linguets*, and *secobarbital sodium capsules.*

DISPOSITION: 12–16–57. Goodman fined $400, plus costs, and LaCoy fined $200.

5431. (F.D.C. No. 40432. S. Nos. 60–145 M, 72–350/2 M.)

INFORMATION FILED: 8–23–57, E. Dist. Mich., against **Ralph B. Carpenter, t/a Carpenter's Pharmacy, Royal Oak, Mich.**

CHARGE: Between 1–16–57 and 4–8–57, *dextro-amphetamine sulfate capsules* were dispensed three times and *amphetamine sulfate tablets* were dispensed once without a prescription.

PLEA: Guilty.

DISPOSITION: 11–27–57. Defendant placed on probation for 2 years.

5432. (F.D.C. No. 39971. S. Nos. 40–902 M, 40–906 M.)

INFORMATION FILED: 2–28–57, Dist. Minn., against **Harry M. Zipperman, t/a Zipp's Pharmacy, Minneapolis, Minn., and Ashley H. Morse (pharmacist).**

CHARGE: Between 7–6–56 and 7–19–56, *dextro-amphetamine sulfate tablets* and *amphetamine sulfate tablets* were each dispensed once without a prescription.

PLEA: Guilty.

DISPOSITION: 2–25–58. Zipperman fined $750 and Morse $250. Each defendant placed on probation for 3 years.

5433. (F.D.C. No. 40451. S. Nos. 72–358 M.)

INFORMATION FILED: 11–4–57, E. Dist. Mich., against **Richard T. Furtney, t/a Furtney's Drug Store, Pontiac, Mich.**

CHARGE: On 4–9–57, *dextro-amphetamine sulfate tablets* were dispensed once without a prescription.

PLEA: Guilty.

DISPOSITION: 1–7–58. $500 fine.