3365. Misbranding of Seconal Sodium capsules and Benzedrine Sulfate tablets. U. S. v. Ernest A. Boynes (Boynes Pharmacy). Plea of guilty. Fine, $200. (F. D. C. No. 29465. Sample Nos. 60241–K to 60245–K, incl.)

INFORMATION FILED: November 3, 1950, Eastern District of Michigan, against Ernest A. Boynes, trading as Boynes Pharmacy, Detroit, Mich.

INTERSTATE SHIPMENT: From the States of Indiana and Pennsylvania into the State of Michigan, of quantities of *Seconal Sodium capsules* and *Benzedrine Sulfate tablets.*

ALLEGED VIOLATION: On or about January 19, 23, and 25, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused quantities of the drugs to be repackaged and sold without a prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs bore no 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 bore no directions for use.

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

Further misbranding, Section 502 (e) (1), the repackaged *Benzedrine Sulfate tablets* bore no label containing the common or usual name of the drug.

DISPOSITION: January 15, 1951. A plea of guilty having been entered, the court imposed a fine of $200 against the defendant.

3366. Misbranding of thyroid tablets, Benzedrine Sulfate tablets, and diethylstilbestrol tablets. U. S. v. Fish O. Norris (Norris Rexall Drug Store). Plea of nolo contendere. Imposition of sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 30021. Sample Nos. 61891–K, 61892–K, 76418–K, 77125–K.)

INFORMATION FILED: January 15, 1951, Western District of Arkansas, against Fish O. Norris, trading as the Norris Rexall Drug Store, Mena, Ark.

INTERSTATE SHIPMENT: From the States of Texas, Pennsylvania, and Indiana, into the State of Arkansas, of quantities of *thyroid tablets, Benzedrine Sulfate tablets,* and *diethylstilbestrol tablets.*

ALLEGED VIOLATION: On or about March 6 and 14, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused quantities of the drugs to be repacked and sold without a 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 bore no directions for use.

DISPOSITION: February 5, 1951. A plea of nolo contendere having been entered, the court suspended the imposition of sentence and placed the defendant on probation for 1 year.