DISPOSITION: 2–26–58. Default—destruction.

5721. Arben capsules. (F.D.C. No. 40615. S. No. 65–351 M.)

INFORMATION FILED: 8–4–58, S. Dist. Fla., against Arthur Bennett, Miami Beach, Fla.

SHIPPED: 12–31–56, from Miami Beach, Fla., to Youngstown, Ohio.

LABEL IN PART: "Arben Capsules Number 2 Each capsule contains: Desiccated Thyroid 5 mgm. Caffeine 2.2 mgm. Amphetamine Sulfate 1.2 mgm. With fillers Arthur Bennett Pharmaceuticals Miami Beach, Florida #1109."

CHARGE: 501(c)—the strength of the article differed from that which it purported to possess since each capsule of the article contained more than 1.2 milligrams of amphetamine sulfate.

PLEA: Nolo contendere.

DISPOSITION: 2–25–59. $1,000 fine.

5722. Del-Bardex capsules. (F.D.C. No. 41692. S. No. 39–322 P.)

QUANTITY: 1 drum containing 9,600 capsules at Napa, Calif.

SHIPPED: 3–12–58, from Rensselaer, N.Y., by Delmar Pharmacal Corp.

LABEL IN PART: "Del-Bardex #1 Timed Disintegration Capsule Each Capsule Contains: Dextro Amphetamine Sulfate 10 mg. Amobarbital 60 Mg. * * * Each Capsule Contains 15 Mg. of Dextro Amphetamine Sulfate and 60 Mg. of Amobarbital In a Special Base That Provides for the Disintegration of the Contents Throughout a Period of About 6–10 Hours."

RESULTS OF INVESTIGATION: Analysis showed that the article contained 10 milligrams of dextro-amphetamine sulfate of which 70 percent was released in 2 hours.

LIBELED: 5–6–58, N. Dist. Calif.

CHARGE: 501(c)—the quality of the article, when shipped, differed from that which it purported or was represented to possess in that it failed to disintegrate at a uniform rate over a 6–10 hour period; and 502(a)—the label statement "Each Capsule Contains 15 Mg. of Dextro Amphetamine Sulfate * * * In a Special Base That Provides for the Disintegration of the Contents Throughout a Period of About 6–10 Hours" was false and misleading as applied to the article which contained only 10 milligrams of dextro-amphetamine sulfate per capsule, and did not release such ingredient at a uniform rate over a 6–10 hour period.

DISPOSITION: 6–12–58. Default—destruction.

5723. Somnesium capsules. (F.D.C. No. 41861. S. No. 31–358 P.)

QUANTITY: 326 24-capsule vials at Newark, N.J., in possession of Hicks Pharmacal Co.

SHIPPED: 9–25–57, from Mount Vernon, N.Y.

LABEL IN PART: "Somnesium to induce Sleep Each capsule contains 25 mg. Methapyrilene HCl. 66.6 mg. Aspirin 133.4 mg. Salicylamide * * * Distributed by Hicks Pharmacal Company."

RESULTS OF INVESTIGATION: Examination showed that the product had the odor of acetic acid, a caking of the contents, free salicylic acid, and 70 percent of the labeled amount of aspirin, all of which indicated decomposition of the aspirin. The article contained the labeled amount of methapyrilene HCl and salicylamide.