

CHARGE: 501(c)—while held for sale, the strength of the article differed from that which it purported to possess; and 502(1)—the article was a drug composed in part of penicillin and it was from a batch with respect to which a certificate issued pursuant to 507 had ceased to be effective by reason of its penicillin potency.

DISPOSITION: 7-31-62. Default—destruction.

#### DRUG FOR VETERINARY USE

7006. Medicated feed. (F.D.C. No. 46754. S. No. 34-802 T.)

QUANTITY: 25 cases, 6 3½-lb. cans each, at Mankato, Minn., in possession of Paul's Products Co.

SHIPPED: 11-23-60, from Indianapolis, Ind.

LABEL IN PART: (Can) "Paul's 3½ Pounds \* \* \* Mycine—4 Water Dispersible Antibiotic Vitamins Each Pound Contains Procaine Penicillin 4 Grams \* \* \* Vitamin K (Menadione Sodium Bisulfite) 120 Mgms. \* \* \* Manufactured by Paul's Products Co. Mankato, Minnesota."

RESULTS OF INVESTIGATION: The article was manufactured in part from raw material (procaine penicillin G), which was shipped on the above date.

LIBELED: 12-29-61, Dist. Minn.

CHARGE: 502(1)—while held for sale, the article contained procaine penicillin, and it was not from a batch with respect to which a certificate or release had been issued pursuant to 507, and it was not exempt from the requirements of certification.

DISPOSITION: 3-6-62. Default—destruction.

#### DRUGS IN VIOLATION OF PRESCRIPTION LABELING REQUIREMENTS

7007. Various prescription drugs. (F.D.C. No. 46452. S. Nos. 729/31 T, 734 T, 736/9 T, 741/2 T.)

QUANTITY: 12,426 tablets and capsules, 172 btls. of liquids, and 35 tubes, jars, and cans, at Charleston, S.C., in possession of Prescription Center, Inc.

SHIPPED: On unknown dates, by various drug handlers.

RESULTS OF INVESTIGATION: Some of the articles were prescription drugs which had been repacked from physicians' samples into bottles and other containers to which had been affixed labels (in most cases the label originally affixed to the physicians' sample container) bearing the brand names of the drugs, a "complimentary-not for sale" professional sample legend, and the name and address of the manufacturers, packers, or distributors located outside the State of South Carolina; and some of the articles were prescription drugs originally intended for use as samples for physicians and others lawfully engaged in dispensing prescription drugs and bearing labels containing a "complimentary-not for sale" professional sample legend, and the name and address of the manufacturer, packer, or distributor located outside the State of South Carolina.

LIBELED: 9-16-61, E. Dist. S.C.

CHARGE: 502(a)—while held for sale, the words "Professional Sample," "Sample-Not To Be Sold," "Physician's Sample," "Physician's Package," and similar wording on the labels of some of the articles, were false and misleading as applied to these articles in the possession of a repacker and intended for sale

and not intended for use as "complimentary-not for sale" samples for physicians and others lawfully engaged in dispensing prescription drugs; 502(b)—some of the articles failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; 502(e)—some of the articles were not designated solely by a name recognized in an official compendium and their labels failed to bear (1) the common or usual name of the drug, and (2) the common or usual name of each active ingredient contained therein; 502(f) (1)—the labeling of some of the articles failed to bear adequate directions for use and the articles were not exempt from that requirement since they were drugs subject to the provisions of 503(b) (1) and their labels failed to bear an identifying lot or control number from which it was possible to determine the complete manufacturing history of the package of the drug, as required by regulations; and 503(b) (4)—some of the articles were drugs subject to the provisions of 503(b) (1) and their labels failed to bear the statement "Caution: Federal law prohibits dispensing without prescription."

DISPOSITION: 1-8-62. Default—destruction.

**7008. Various prescription drugs.** (F.D.C. No. 46070. S. Nos. 25-137/42 R, 25-144/45 R, 25-147/51 R.)

QUANTITY: 5 cartons of various prescription drugs at Kansas City, Mo., in possession of Prospect Pharmacy.

SHIPPED: On unknown dates, by various drug handlers.

RESULTS OF INVESTIGATION: The articles consisted of quantities of prescription drugs repacked from physicians' samples into bottles having labels bearing brand names indicative of manufacture outside the State of Missouri and bearing the words "Complimentary," "Professional Trial Package," "Professional Sample" or similar wording and the names and addresses of the manufacturers, packers, or distributors located outside the State of Missouri; and quantities of prescription drugs which were not yet repacked, originally intended for use as samples, and still in the original sample packages bearing the names and addresses of manufacturers, packers, and distributors outside the State of Missouri.

LIBELED: 7-10-61, W. Dist. Mo.

CHARGE: 502(a)—while held for sale, the sample legends appearing on the labels affixed to a number of the articles were false and misleading as applied to the articles in the possession of a repacker and intended for sale and not intended for use as "complimentary-not for sale" samples for physicians and others lawfully engaged in dispensing prescription drugs; 502(b) (1)—a number of the articles of drug failed to bear a label containing the names and places of business of the manufacturers, packers, or distributors; 502(f) (1)—the labeling of a number of articles failed to bear adequate directions for use and they were not exempt from that requirement since they were subject to 503(b) (1) and their labels failed to bear an identifying lot number as required by regulations; and 503(b) (4)—a number of the articles were drugs subject to the provisions of 503(b) (1) and their labels failed to bear the statement "Caution: Federal law prohibits dispensing without prescription."

DISPOSITION: 1-16-62. Default—destruction.

**7009. Various prescription drugs.** (F.D.C. No. 46886. S. Nos. 54-821/2 T, 54-825/7 T, 54-830 T, 54-832/3 T, 54-838/9 T.)