

3984. Misbranding of Sulfonamides Triplex tablets and sulfathiazole tablets. U. S. v. William A. Walker (Fourth Street Drug Store and Palace Drug Store), and Aaron E. Henry and Frank H. Hudson, Jr. Pleas of nolo contendere. Fine of \$50 against each defendant. (F. D. C. No. 34303. Sample Nos. 46515-L to 46517-L, incl., 46524-L to 46526-L, incl.)

INFORMATION FILED: On or about January 2, 1953, Northern District of Mississippi, against William A. Walker, trading as the Fourth Street Drug Store and the Palace Drug Store, Clarksdale, Miss., and against Aaron E. Henry, pharmacist and manager of the Fourth Street Drug Store, and Frank H. Hudson, Jr., a pharmacist of the Palace Drug Store.

NATURE OF CHARGE: On or about June 18, 19, and 20, 1952, while a number of *Sulfonamides Triplex tablets* and *sulfathiazole tablets* were being held for sale at the Fourth Street Drug Store and a number of *sulfathiazole tablets* were being held for sale at the Palace Drug Store, after shipment in interstate commerce, various quantities of the drugs were dispensed without a prescription from a practitioner licensed by law to administer such drugs. William A. Walker was charged with causing the act of dispensing in each of the six counts of the information, Frank H. Hudson, Jr., was joined as a defendant in two of the counts, and Aaron E. Henry was joined as a defendant in one count. Such acts of dispensing were contrary to the provisions of Section 503 (b) (1) and resulted in the dispensed drugs being misbranded.

DISPOSITION: March 25, 1953. Pleas of nolo contendere having been entered by each of the defendants, the court fined each defendant \$50.

DRUG IN VIOLATION OF PRESCRIPTION LABELING REQUIREMENTS

3985. Adulteration and misbranding of first aid kits. U. S. v. 58 First Aid Kits * * *. (F. D. C. No. 34093. Sample No. 14049-L.)

LIBEL FILED: November 5, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about September 5, 1952, by Industrial Drug Supplies, Inc., from New York, N. Y.

PRODUCT: 58 *first aid kits*, one of the components of which consisted of a box containing 24 *sulfadiazine tablets* in a cellophane envelope, at Denver, Colo. Analysis showed that the *sulfadiazine tablets* contained approximately $\frac{1}{2}$ gram of sulfadiazine.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the *sulfadiazine tablets* differed from that which they were represented to possess, namely, 1.0 gram of sulfadiazine per tablet.

Misbranding, Section 502 (a), the label statement "Sulfadiazine Tablets 1.0 Gm." was false and misleading as applied to tablets containing $\frac{1}{2}$ gram of sulfadiazine, and the label statement "take the contents of one envelope (4 tablets)" was false and misleading since the one envelope in the box contained 24 tablets. Further misbranding, Section 503 (b) (4), the tablets were a drug intended for use by man which, because of toxicity and other potentiality for harmful effect and method of use and the collateral measures necessary to their use, were not safe for use except under the supervision of a practitioner licensed by law to administer the drug, and the label of the tablets failed to bear the statement "Caution: Federal law prohibits dispensing without prescription."