

RESULTS OF INVESTIGATION: The drugs involved were manufactured by various companies. After manufacture, but before final packaging, samples of the drugs were submitted to the defendants for analysis in order to determine if the strength of the drugs met the standards which they purported and were represented to possess. The defendants submitted reports to the companies indicating that the samples had been analyzed and were found to be of proper strength. In reliance thereon, the manufacturing companies packaged the drugs and shipped them in interstate commerce. Subsequent analysis by the Food and Drug Administration showed that the drugs differed in strength from that which they were represented to possess.

CHARGE: 501(c)—when shipped, the strength of the articles differed from that which they purported and were represented to possess in that the article of *Gardophen elixir* contained more than the 16.20 mg. of phenobarbital in each 5 cc. which it was represented to possess; the article of *Thriocaine Lotion* contained more than 0.01 percent of Tyrothricin per 3 fl. ozs. which it was represented to possess; the *Rauprote tablets* contained less than the 0.2 mg. of Protoveratrines A and B per tablet which they were represented to possess; the *Piptelate tablets* contained less than the equivalent of 250 mg. of piperazine hexahydrate per tablet, which they were represented to possess; and the *Triophen tablets* contained less than $\frac{1}{8}$ gr. of phenobarbital per tablet which they were represented to possess.

PLEA: Nolo contendere.

DISPOSITION: 2-19-60. Corporation—\$25 fine; Cohen—\$1,000 fine, 1 year imprisonment which was suspended, and probation for 3 years.

5973. (F.D.C. No. 43697. S. Nos. 50-861/5 P.)

INFORMATION FILED: 12-8-59, N. Dist. Ind., against Lyle V. Prendergast, t/a Lyle's Pharmacy, Cedar Lake, Ind.

CHARGE: Between 1-22-59 and 3-5-59, *Miltown tablets* and *Dewedrine Spansule capsules* were dispensed twice each and *AM Plus capsules* were dispensed once without a prescription.

PLEA: Guilty.

DISPOSITION: 12-22-59. \$250 fine, plus costs.

5974. (F.D.C. No. 43240. S. Nos. 31-012 P, 32-852 P, 33-106 P.)

INFORMATION FILED: 9-29-59, Dist. N.J., against Raymond S. Bennett, t/a Bennett's Pharmacy, Maplewood, N.J.

CHARGE: Between 3-20-59 and 4-23-59, *pentobarbital sodium capsules* were dispensed once without a prescription, and *Dewedrine Spansule capsules* and *Butisol Sodium Elixir* were each dispensed once upon requests for prescription refills without authorization from a prescriber.

PLEA: Nolo contendere.

DISPOSITION: 12-11-59. Probation for 2 years.

5975. (F.D.C. No. 42028. S. Nos. 2-385 P, 2-396 P, 2-401/3 P.)

INFORMATION FILED: 10-20-58, S. Dist. Fla., against Solomon George Saig, t/a St. Clair Grocery, Jacksonville, Fla.

CHARGE: Between 2-4-58 and 2-18-58, *Nembutal capsules* and *Tuinal capsules* were each dispensed once and *Dewedrine Spansule capsules* were dispensed 3 times without a prescription.

PLEA: Guilty.

DISPOSITION: The case was transferred to the United States District Court for the Eastern District of Michigan for a plea of guilty. On 1-15-60, the defendant was sentenced to 6 months imprisonment.

5976. (F.D.C. No. 38602. S. Nos. 864/5M, 868 M.)

INFORMATION FILED: 6-21-56, S. Dist. Fla., against **Mussa C. Bateh (pharmacist)**, and **Issa C. Bateh (clerk)**, Jacksonville, Fla.

CHARGE: Between 7-10-55 and 8-13-55, *Benzedrine Sulfate tablets* were dispensed once and *capsules containing a mixture of secobarbital sodium and amobarbital sodium* were dispensed twice without a prescription.

PLEA: Guilty by Issa Bateh to one count involving *capsules containing a mixture of secobarbital sodium and amobarbital sodium*, and by Mussa Bateh to the other two counts.

DISPOSITION: 4-26-57. Issa Bateh—\$200 fine; 1-22-60, Mussa Bateh—9 months imprisonment.

5977. (F.D.C. No. 43257. S. Nos. 47-657 P, 47-660 P, 47-961 P, 47-972/4 P, 47-977/9 P.)

INFORMATION FILED: 12-4-59, Dist. Mass., against **Henry H. Rendell**, Medford, Mass.

CHARGE: Between 1-22-59 and 3-10-59, *Nembutal capsules* were dispensed 4 times, *Tuinal capsules* were dispensed twice, and *Amsustain tablets*, *Dewedrine Spansule capsules*, and *Seconal Sodium capsules* were each dispensed once without a prescription.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before the court and jury on 3-1-60, and, on 3-3-60, the jury returned a verdict of guilty. On 4-18-60, the defendant was sentenced to 6 months in jail which was suspended and he was placed on probation for 3 years.

5978. (F.D.C. No. 42029. S. Nos. 2-384 P, 2-394 P, 2-398 P, 2-404 P, 2-408 P.)

INFORMATION FILED: 10-20-58, S. Dist. Fla., against **Albert Younan**, Jacksonville, Fla.

CHARGE: Between 2-4-58 and 3-5-58, *Benzedrine Sulfate tablets* were dispensed 5 times without a prescription.

PLEA: Guilty.

DISPOSITION: 4-8-60. 6 months in prison.

5979. (F.D.C. No. 39833. S. Nos. 22-053 M, 22-055/6 M, 37-962/3 M.)

INFORMATION FILED: 3-15-57, N. Dist. N.Y., against **Jacob Baurle (store manager and pharmacist)** and **LeRoy R. Tesiero (pharmacist)**, Schenectady, N. Y.

CHARGE: Between 1-17-56 and 1-25-56, *capsules containing a mixture of secobarbital sodium and amobarbital sodium* (counts 1 and 3) and *Gantrisin tablets* (counts 2 and 4) were each dispensed twice upon request for prescription refills without authorization from the prescriber, and *Dewedrine Sulfate tablets* (count 5) were dispensed once without a prescription.

PLEA: Guilty by Baurle to all counts and by Tesiero to counts 1, 3, 4, and 5.

DISPOSITION: 5-6-57. Baurle—\$500 fine; Tesiero—\$400 fine.