dangerous to health, or against unsafe dosage or methods or duration of administration or applications, in such manner and form as are necessary for the protection of users.

Further misbranding, *nembutal* (pentobarbital sodium), Section 502 (e), the article failed to bear a label containing the name and quantity or proportion of such substance or derivative and, in juxtaposition therewith, a statement "Warning—may be habit forming."

DISPOSITION: April 22, 1946. The defendant having entered a plea of nolo contendere, the court imposed the fine of $100 on each count, a total fine of $400.

2004. Misbranding of Nu Pep Tonic Tablets. U. S. v. David Klebanoff (Dake Pharmacal Company). Plea of nolo contendere. Fine, $250. (F. D. C. No. 16605. Sample Nos. 22518–H, 29023–H.)

INFORMATION FILED: January 29, 1946, Eastern District of Pennsylvania, against David Klebanoff, trading under the firm name of Dake Pharmacal Company, Philadelphia, Pa.

ALLEGED SHIPMENT: On or about December 1 and 10, 1944, from the State of Pennsylvania into the States of Illinois and California.

LABEL, IN PART: "Nu Pep Tonic Tablets."

NATURE OF CHARGE: Misbranding, Section 502 (a), the name "Nu Pep" was false and misleading since the article, when used as directed, would not produce new pep. Further misbranding, Section 502 (a), the labeling of the article was misleading in that it failed to reveal the fact that orchic substance, prostate glands, powdered extract damiana, and powdered extract gentian and avenin were not active ingredients, which fact was material in the light of the following representations displayed upon the box containing the article: "Contents of Each Tablet Strychnine Sulphate 1/80 gr. Yohimbine Hydrochloride 1/10 gr. Zinc Phosphide 1/10 gr. Orchic Substance 1/2 gr. Prostate Glands 1 gr. Powd. Ext. Damiana 1 gr. Powd. Ext. Gentian 1 gr. Avenin 1 gr."

Further misbranding, Section 502 (f) (2), the label of the article failed to bear such adequate warnings against use in those pathological conditions where its use may be dangerous to health, or against unsafe dosage and duration of administration, in such manner and form, as are necessary for the protection of users. The article contained strychnine, and its labeling failed to bear a warning that the use for elderly persons of a product containing strychnine may be especially dangerous and that frequent and continued use of a product containing strychnine should be avoided, since frequent or continued use of the product may result in the administration of an amount of strychnine which would be unsafe.

DISPOSITION: June 5, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of $250.

2005. Misbranding of drug tablets. U. S. v. 70,600 Tablets and 52,000 Tablets. Default decree of condemnation and destruction. (F. D. C. No. 21623. Sample Nos. 5340–H, 5341–H.)

LIBEL FILED: On or about November 12, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about July 19 and September 3, 1945, by Strong Cobb & Co., Inc., from Cleveland, Ohio.

PRODUCT: 70,600 *tablets* and 52,000 *tablets* at Cologne, N. J. Analysis showed that the 70,600-tablet lot contained bismuth carbonate, magnesium sulfate, charcoal, and salol; and that the 52,000-tablet lot contained copper sulfate, magnesium sulfate, and potassium permanganate. The *tablets* were shipped in bulk containers, and no written agreement as to the labeling of the *tablets* existed between the consignee and the shipper.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of both lots of the tablets failed to bear adequate directions for use; and, Section 502 (e) (2), the label of the 52,000-tablet lot failed to bear the common or usual name of each active ingredient.

DISPOSITION: December 9, 1946. No claimant having appeared, judgment of condemnation was entered and the tablets were ordered destroyed.