to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: November 10, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of $300 against the company and a fine of $150 against the individual.

3286. Misbranding of Nembutal Sodium capsules. U. S. v. B. T. Smith Co., Inc., Bernard T. Smith, Louis Hergenrather, 3d, and Charles E. Spigelmire. Pleas of guilty. Fine of $25, plus costs, against each defendant. (F. D. C. No. 29464. Sample Nos. 2390–K to 2392–K, incl., 67210–K, 67214–K.)

INFORMATION FILED: November 15, 1950, District of Maryland, against B. T. Smith Co., Inc., Baltimore, Md., and against Bernard T. Smith, president, Charles E. Spigelmire, vice president, and Louis Hergenrather, 3d, secretary-treasurer, of the corporation.

INTERSTATE SHIPMENT: From the State of Illinois into the State of Maryland, of quantities of *Nembutal Sodium capsules*.

ALLEGED VIOLATION: On or about January 13, 20, and 30, and February 3 and 7, 1950, while the drug was being held for sale after shipment in interstate commerce, the defendants caused quantities of the capsules to be repacked and sold without a physician's prescription, which acts resulted in the capsules being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged capsules failed to bear a label containing a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the capsules contained a chemical derivative of barbituric acid, which derivative, the Federal Security Administrator, after investigation, has found to be, and by regulations, designated as, habit forming; and the labeling of the repacked capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged capsules failed to bear adequate directions for use since the directions for use "One capsule at bedtime," borne on the labeling of the repackaged capsules, were not adequate directions for use.

DISPOSITION: December 8, 1950. Pleas of guilty having been entered, the court imposed a fine of $25, plus costs, against each of the four defendants.

3287. Misbranding of phenobarbital tablets. U. S. v. Matthias Prescription Pharmacy, Inc., and William C. Matthias. Pleas of guilty. Fine of $20 against each defendant. (F. D. C. No. 29475. Sample Nos. 58158–K, 58164–K, 58165–K, 58492–K.)

INFORMATION FILED: November 1, 1950, District of Arizona, against Matthias Prescription Pharmacy, Inc., Tucson, Ariz., and William C. Matthias, president of the corporation.

INTERSTATE SHIPMENT: From the State of California into the State of Arizona, of a number of tablets containing 1½ grains and ½ grain of phenobarbital.

ALLEGED VIOLATION: On or about July 21 and August 5, 22, and 23, 1949, while the tablets were being held for sale after shipment in interstate commerce, the defendants caused a number of the tablets to be repacked and sold without a physician's prescription, which acts of the defendants resulted in the tablets being misbranded.