DISPOSITION: The defendants filed a motion for a bill of particulars and a motion to quash the information, and on September 27, 1951, the court overruled such motions. Thereafter, the case came on for trial before the court upon the defendants' pleas of not guilty. On January 23, 1952, at the conclusion of the trial, the court returned a verdict of not guilty.

3708. Misbranding of pentobarbital sodium capsules. U. S. v. Maurice Booke (Del-Mor Pharmacy). Plea of guilty. Fine, $1,000. (F. D. C. No. 31259. Sample No. 88896-K).

INFORMATION FILED: December 3, 1951, Western District of New York, against Maurice Booke, trading as Del-Mor Pharmacy, Buffalo, N. Y.

INTERSTATE SHIPMENT: Between the approximate dates of July 31 and October 4, 1950, from the State of Illinois into the State of New York, of a quantity of *pentobarbital sodium capsules.*

ALLEGED VIOLATION: On December 4, 1950, while the drug was being held for sale after shipment in interstate commerce, the defendant caused a quantity of the drug to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drug being misbranded.

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

Further misbranding, Section 502 (d), the drug contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the repackaged capsules failed to bear a label containing 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 drug failed to bear adequate directions for use.

DISPOSITION: December 18, 1951. A plea of guilty having been entered, the court fined the defendant $1,000.

3709. Misbranding of Dexedrine Sulfate tablets. U. S. v. Joe C. Nace. Plea of guilty. Defendant placed on probation for 3 years. (F. D. C. No. 31098. Sample Nos. 2856-L, 2883-L, 2887-L.)

INFORMATION FILED: October 8, 1951, Southern District of West Virginia, against Joe C. Nace, manager of the McDowell Pharmacy, War, W. Va.

INTERSTATE SHIPMENT: From the State of Tennessee into the State of West Virginia, of quantities of *Dexedrine Sulfate tablets.*

ALLEGED VIOLATION: On or about January 23 and March 6 and 13, 1951, while the tablets were being held for sale after shipment in interstate commerce, the defendant caused a number of the tablets to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged tablets being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged tablets failed to bear a label containing a statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged tablets failed to bear adequate directions for use.

DISPOSITION: January 15, 1952. A plea of guilty having been entered, the court placed the defendant on probation for 3 years.