**4249. Misbranding of Dexedrine Sulfate tablets and Seconal Sodium capsules. U. S. v. Keller Drug Co. Plea of guilty. Fine of $800 and probation for 2 years.** (F. D. C. No. 34817. Sample Nos. 35069–L, 35532–L, 48393–L, 48395–L.)

INFORMATION FILED: April 21, 1953, District of Minnesota, against the Keller Drug Co., a corporation, Minneapolis, Minn.

ALLEGED VIOLATION: On or about February 6, 12, 27, and 28, 1952, while a number of *Dexedrine Sulfate tablets* and *Seconal Sodium capsules* were being held for sale at the Keller Drug Co., after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

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

Further misbranding, Section 502 (d), the repackaged *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged 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 (e) (2), the label of the repackaged *Dexedrine Sulfate tablets* failed to bear the common or usual name of each active ingredient of the tablets.

DISPOSITION: December 14, 1953. The defendant having entered a plea of guilty, the court fined it $800 and placed it on probation for 2 years.

**4250. Misbranding of Green Kaps. U. S. v. Lawrence F. Rathbun (Asthmacine Distributing Co.). Plea of guilty. Fine of $350, plus costs.** (F. D. C. No. 33793. Sample No. 54728–L.)

INFORMATION FILED: August 13, 1953, Northern District of Illinois, against Lawrence F. Rathbun, trading as the Asthmacine Distributing Co., Chicago, Ill.

ALLEGED SHIPMENT: On or about August 21, 1952, from the State of Illinois into the State of Michigan.

LABEL, IN PART: "Green-Kaps A Dietary Supplement."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use for the condition for which it was intended, namely, delayed menstruation.

DISPOSITION: November 23, 1953. The defendant having entered a plea of guilty, the court fined him $350, plus costs.

**4251. Misbranding of El Rancho Adolphus products. U. S. v. 3 Cans, etc.** (F. D. C. No. 35350. Sample Nos. 45551–L to 45554–L, incl., 45556–L.)

LIBEL FILED: July 8, 1953, District of Massachusetts.

ALLEGED SHIPMENT: A quantity of *papaya sirup* was shipped by the Lakewood Foods Co., from Miami, Fla., on or about May 26, 1953, and the other products were shipped by El Rancho Adolphus Products, Inc., from Scranton, Pa., and from Hohensee Park, Jermyn, Pa., on or about June 8, 15, and 16, 1953.