NATURE OF CHARGE: On or about June 17, 22, and 30, 1953, while quantities of the above-mentioned drugs were being held for sale at the Eagle Drug Store, after shipment in interstate commerce, the defendant caused quantities of the drugs to be dispensed without a prescription from a practitioner licensed by law to administer such drugs. Such acts of dispensing were contrary to the provisions of Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

DISPOSITION: February 8, 1954. The defendant having entered a plea of nolo contendere, the court imposed a sentence of 1 hour's imprisonment. The sentence was suspended.

4364. Misbranding of dextro-amphetamine sulfate tablets and pentobarbital sodium capsules. U. S. v. Lloyd Mayswinkle (Lloyd's Drug Store), and Harry J. Roberts. Pleas of guilty. Each defendant fined $100 and placed on probation for 2 years. (F. D. C. No. 35772. Sample Nos. 61746–L, 61747–L, 61750–L, 61751–L.)

INFORMATION FILED: January 26, 1954, District of Kansas, against Lloyd Mayswinkle, trading as Lloyd's Drug Store, Kansas City, Kans., and Harry J. Roberts, an employee in the store.

NATURE OF CHARGE: On or about October 13 and 14, 1953, while a number of *dextro-amphetamine sulfate tablets* and *pentobarbital sodium capsules* were being held for sale at Lloyd's Drug Store, after shipment in interstate commerce, various quantities of the drugs were dispensed without a prescription from a practitioner licensed by law to administer such drugs. Defendant Mayswinkle was charged with causing the act of dispensing alleged in each of the four counts of the information, and Defendant Roberts was joined as a defendant in three of the counts. Such acts of dispensing were contrary to the provisions of Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

DISPOSITION: February 4, 1954. The defendants having entered pleas of guilty, the court fined each defendant $100 on count 1 of the information, suspended the imposition of sentence on the remaining counts, and placed each defendant on probation for 2 years.

DRUGS IN VIOLATION OF PRESCRIPTION LABELING REQUIREMENTS

4365. Misbranding of penicillin G potassium. U. S. v. 83 Vials * * *. (F. D. C. No. 36303. Sample No. 83501–L.)

LIBEL FILED: February 2, 1954, Southern District of Iowa.

ALLEGED SHIPMENT: During November or December 1953, by the Gland-O-Lac Co., from Omaha, Nebr.

PRODUCT: 83 vials of *penicillin G potassium* at Des Moines, Iowa.

LABEL, IN PART: "One Million Units Crystalline Penicillin G Potassium Salt 20 cc. Size Vial * * * For Parenteral Administration * * * Caution: Federal Law Prohibits Dispensing Without Prescription."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use; and, Section 503 (b) (4), the article was not intended for use by man, and the label bore the statement "Caution: Federal Law Prohibits Dispensing Without Prescription."

DISPOSITION: March 5, 1954. Default decree of condemnation and destruction.