3422. Misbranding of methyltestosterone tablets, Dexedrine Sulfate tablets, and amphetamine sulfate tablets. U. S. v. The Brant Building Pharmacy Co. (Physicians Pharmacy), Louis Weiner, and Edward Vogler. Pleas of guilty. Fine of $200, plus costs, against company; fine of $100 against Louis Weiner, and $50 against Edward Vogler. (F. D. C. No. 30022. Sample Nos. 52473–K, 72179–K, 72225–K, 72242–K, 72418–K.)

INFORMATION FILED: April 2, 1951, Northern District of Ohio, against The Brant Building Pharmacy Co., a corporation, trading as Physicians Pharmacy, Canton, Ohio; Louis Weiner, president and treasurer of the corporation; and Edward Vogler, pharmacist for the corporation.

INTERSTATE SHIPMENT: From the States of New Jersey, Pennsylvania, and New York, into the State of Ohio, of quantities of *methyltestosterone tablets*, *Dexedrine Sulfate tablets*, and *amphetamine sulfate tablets*.

ALLEGED VIOLATION: On or about December 17, 1949, and January 13, February 21, and March 25, 1950, while the drugs were being held for sale at The Brant Building Pharmacy Co. after shipment in interstate commerce, various quantities of the drugs were repacked and sold without a prescription, which acts resulted in the repackaged drugs being misbranded.

The Brant Building Pharmacy Co. and Louis Weiner were charged with causing the acts of repacking and sale of the drugs involved in each of the 5 counts of the information; and, in addition, Edward Vogler was charged in 2 of the counts with causing such acts to be done in connection with the drugs involved in those counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing a statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs bore no directions for use.

Further misbranding, Section 502 (b) (1), the repackaged *amphetamine sulfate tablets* and a portion of the repackaged *Dexedrine Sulfate tablets* bore no labels containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (e) (1), all of the repackaged *Dexedrine Sulfate tablets* and *amphetamine sulfate tablets* failed to bear labels containing the common or usual name of the drugs.

DISPOSITION: April 13, 1951. Pleas of guilty having been entered, the court imposed a fine of $200, plus costs, against the corporation, a fine of $100 against Louis Weiner, and a fine of $50 against Edward Vogler.

3423. Misbranding of phenobarbital tablets and Dexedrine Sulfate tablets. U. S. v. Smith's Inc., Harry J. Crow, John K. Robertson, and Benjamin F. Talbert. Pleas of nolo contendere. Corporation fined $100; each individual fined $25 and placed on probation for 5 years. (F. D. C. No. 30041. Sample Nos. 81983–K, 81984–K, 81986–K, 81987–K, 81995–K, 81997–K.)

INFORMATION FILED: February 21, 1951, Western District of South Carolina, against Smith's, Inc., a corporation, Spartanburg, S. C., and against Harry J. Crow, vice president, and John K. Robertson and Benjamin F. Talbert, pharmacists for the corporation.

INTERSTATE SHIPMENT: From the States of Georgia and Pennsylvania into the State of South Carolina, of quantities of *phenobarbital tablets* and *Dexedrine Sulfate tablets*.

ALLEGED VIOLATION: On or about July 13 and 20 and August 9, 1950, while the drugs were being held for sale at Smith's, Inc., after shipment in interstate