DISPOSITION: On 6–9–61, Fleetwood Co., claimant, filed an answer denying that the article was misbranded. On 9–25–61, the claimant having consented, a decree was entered condemning the article and ordering its destruction. The article was subsequently destroyed.

6889. Bicarbonate of soda. (F.D.C. No. 45496. S. No. 99–561 R.)

QUANTITY: 11 100-lb. bags and 24 cases, 24 1-lb. pkgs. each, at Bangor, Maine, in possession of Byron H. Smith Co., Inc.

SHIPPED: 11–2–60 and 11–22–60, from Barberton, Ohio and Peabody, Mass.

LABEL IN PART: (Pkg.) "Baking Soda Three Crow Soda Packed by The Atlantic Spice Co. Bangor, Maine."

RESULTS OF INVESTIGATION: The article in the packages was repacked and labeled by the dealer from the bulk stock shipped as described above. The dealer also had a number of empty retail packages on hand.

LIBELED: 3–3–61, Dist. Maine.

CHARGE: 502(a)—while held for sale, the label of the article contained false and misleading representations that it was an adequate and effective treatment for "sick" headache, eczema, colds, and for preserving enamel of the teeth.

DISPOSITION: 6–30–61. Consent—claimed by Byron H. Smith Co., Inc., and relabeled.

6890. Various prescription drugs. (F.D.C. No. 46235. S. Nos. 98–301/10 R.)

QUANTITY: 1,964 tablets and capsules and 38 other vials, bottles, or tubes, at Kansas City, Mo., in possession of Summit Pharmacy.

SHIPPED: On unknown dates, by various drug handlers.

LABEL IN PART: (Some labels) "Physician's sample," "Complimentary package," "Professional Sample," "Professional Sample–Not to be sold," and "Professional Trial Package."

RESULTS OF INVESTIGATION: The articles consisted of quantities of prescription drugs repacked from physicians samples into containers having labels bearing the brand name of the drugs, the "complimentary–professional sample" legend, and the names and addresses of manufacturers, packers, or distributors located outside the State of Missouri; and of quantities of prescription drugs which were not yet repacked, originally intended for use as samples, and still in the original sample package bearing the names and addresses of manufacturers, packers, or distributors located outside the State of Missouri.

LIBELED: 8–4–61, W. Dist. Mo.

CHARGE: 502(a)—while held for sale, the sample legend appearing on the labels affixed to the articles was false and misleading as applied to the articles in the possession of a repacker and intended for sale and not intended for use as "complimentary–not to be sold" samples for physicians and others lawfully engaged in dispensing prescription drugs.

DISPOSITION: 10–6–61. Default—destruction.

6891. Various prescription drugs. (F.D.C. No. 46251. S. Nos. 76–441/6 R, 76–457/60 R.)

QUANTITY: 5,069 tablets, 205 capsules, and 100 other vials and btls., at Charlotte, N.C., in possession of Sterling Drug Store, Inc.

SHIPPED: On unknown dates, by various drug handlers.