"Said defendant insists that in view of the stipulation that this defendant did not physically participate in any act charged, absolves him from all criminal responsibility in connection with the violation of the statute. The question has been passed on in *U. S.* v. *Dotterweich*, 320 U. S. 1. c. 281 in which the Court said:

> The prosecution to which Dotterweich was subjected is based on a now familiar type of legislation whereby penalties serve as effective means of regulation. Such legislation dispenses with the conventional requirement for criminal conduct—awareness of some wrongdoing. In the interest of the larger good it puts the burden of acting at hazard upon a person otherwise innocent but standing in responsible relation to a public danger.

"The fact that the defendant Black did not actually participate in the offense, would not absolve him from responsibility. Whether a lack of knowledge of it (which is not revealed here) would absolve him from responsibility is a matter which will have to be determined upon a trial of the case. The indictment charges an offense against said defendant. The stipulation, which says the act was not actually done or participated in by the said defendant, is not a defense under the statute.

"The Motion to Dismiss must therefore be, and is hereby, overruled."

The case came on for trial before the court without a jury on 3–13–56, and at the conclusion of the Government's evidence, the court granted a motion for the acquittal of Lorren R. Black. The other defendants rested their case without offering testimony and submitted motions for acquittal. The matter was taken under advisement by the court; and on 5–4–56, after consideration of the evidence and the briefs of counsel, the court found that the defendants, namely, Black's Prescription Shop, Inc., Virgil L. Haag, and George E. Nicholas, were not guilty as second offenders under the Act, as alleged in the indictment, since no evidence had been submitted to identify and prove that these defendants were second offenders. The court did find, however, that such defendants were guilty as first offenders with respect to the offenses charged and imposed a fine of $600 against the corporation, $200 against Virgil Haag, and $200 against George Nicholas.

5097. (F. D. C. No. 38591. S. Nos. 29–530 M, 30–010 M.)

INFORMATION FILED: 3–21–56, Dist. N. J., against **John J. Mayer, t/a Newton Drug Store, Newton, N. J.**

CHARGE: Between 8–18–55 and 8–31–55, *Bicillin tablets* were dispensed once without a prescription, and *Dexedrine Sulfate tablets* were dispensed once upon request for a prescription refill without authorization by the prescriber.

PLEA: Guilty.

DISPOSITION: 4–27–56. $200 fine.

5098. (F. D. C. No. 38557. S. Nos. 7–057 M, 7–061/2 M.)

INFORMATION FILED: 12–27–55, Dist. Colo., against **Kenneth H. Kimball and Donald E. Meyer (pharmacists for the Walgreen Drug Store, 235 16th Street, Denver, Colo.).**

CHARGE: Between 3–28–55 and 4–15–55, *thyroid tablets* (count 2) and *Dexedrine Sulfate tablets* (count 3) were each dispensed once without a prescription, and *cortisone acetate tablets* (count 1) were dispensed once upon request for a prescription refill without authorization by the prescriber.

PLEA: Guilty—by Kimball to count 1 and by Meyer to counts 2 and 3.

DISPOSITION: 5–18–56. Each defendant fined $100 and placed on probation for 6 months.