

filed claim to said article. Now without admitting any of the allegations of the Libel, Claimant consents that a decree, as therein prayed for, be entered.

It is therefore ordered, adjudged and decreed That, based on the consent of the Claimant which does not admit any of the allegations of the Libel, the said article, namely 68 bottles of Peritrate SA, under seizure, is in violation of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355(a) and 21 U.S.C. 352(a), 352(f) (1) and 352(n)] and it is hereby condemned pursuant to 21 U.S.C. 334(a) ;

And it is further ordered, adjudged and decreed That the United States Marshal shall destroy the said condemned article; costs of which shall be taxed and paid by the Claimant subsequent to destruction.

And it is further ordered, adjudged and decreed That the bond for costs executed and filed herein be and the same hereby is canceled upon payment by Claimant of Court costs of \$35.00, and \$25.88 Marshal's fees.

Dated this 12th day of May, 1966.

GEORGE ROSLING, U.S.D.J.

We hereby consent to the entry of the foregoing decree.

WARNER-LAMBERT PHARMACEUTICAL COMPANY

By ROBERT B. CLAIL, *Vice President.*

ROGERS, HOGE & HILLS,

By JAMES S. HOGE,

Attorneys for Claimant Warner-Lambert Pharmaceutical Company.

UNITED STATES ATTORNEY,

By CARL GOLDEN,

Assistant United States Attorney.

STATE OF NEW YORK

County of New York, ss:

Personally appeared before me Robert B. Clark who being duly sworn deposed and said that he is the Vice President of Warner-Lambert Pharmaceutical Company and the seal affixed hereto is the seal of said corporation and that his signature is duly authorized.

LEONORE H. WICHMANN,

Notary Public, State of New York.

District Court of the United States, Eastern District of New York

THE PRESIDENT OF THE UNITED STATES OF AMERICA

To the Marshal of the Eastern District of New York—Greetings:

Whereas, a libel of information hath been filed in the District Court of the United States for the Eastern District of New York, on the 28th day of February, in the year of our Lord one thousand nine hundred and sixty-six by Joseph P. Hoey, Esquire, United States Attorney, on behalf of the United States of America, against An article of drug consisting of 68 bottles, more or less, of an article labeled in part:

(btl.) "100 80 mg. Tablets Peritrate SA Sustained Action (Pentacrythritol tetranitrate) Caution: Federal law prohibits dispensing without prescription. Warner-Chilcott Laboratories Div., Morris Plains, N.J. Usual Adult Dose: b.i.d. 1 tablet immediately on arising and 1 tablet 12 hours later *** Read accompanying directions *** Quality Control No. 3264115B"

(Package insert) "349G243 Peritrate SA (pentacrythritol tetranitrate) peritrate with Phenobarbital SA Sustained Action Each tablet contains: Phenobarbital 45 mg. (¾ gr.) *** Pentacrythritol Tetranitrate 80 mg. ***"

(For breach of the provisions of 21 U.S.C. 301 et seq.) for the reasons and causes in the said libel of Information mentioned, and praying the usual process and Monition of the said Court in that behalf to be made, and that all persons interested in the said above-entitled article may be cited in General and Special, to answer the premises, and all proceedings being had that the said above-entitled article may, for the causes in the said libel of Information mentioned, be condemned as forfeited to the use of the United States.

You are therefore hereby commanded, to attach the said above-entitled article and to detain the same in your custody until the further order of the Court respecting the same, and to give due notice to all persons claiming the same, or knowing or having anything to say why the same should not be condemned and sold pursuant to the prayer of the said libel of Information, that they be