CHAPTER 152

PHARMACY; PROHIBITED DRUGS

152.01 DEFINITIONS.

NOTE: L. 1927, c. 354, entirely superseded all prior laws relating to the practice of pharmacy and the regulation of the sale of drugs.

The concept of misbranding was expanded by the Federal Food, Drug and Cosmetic Act of 1938, to include any drug whose "labeling" is false or misleading. United States v Jugs, etc. Dr. Salisbury's, 53 F. Supp. 746.

152.03 MANUFACTURE OR SALE OF ADULTERATED, MISLABELED, OR MISBRANDED DRUGS PROHIBITED; PENALTY.

Where approximately 7.37 per cent of prophylactics tested, which were for the ostensible purpose of preventing transmission of venereal disease, were defective and would not successfully serve such purpose, the government was entitled to condemn the entire shipment subject to the right of the owners to repossess and separate the defective articles therefrom. Gellman v United States, 159 F(2d) 881.

Under the power of congress to regulate commerce the Federal Food, Drug and Cosmetic Act is constitutional; complete in itself; under no limitations except those found in the constitution; and should be liberally construed. United States v Jugs, etc. Dr. Salisbury's, 53 F. Supp. 746.

152.06 DRUGS DEEMED MISLABELED OR MISBRANDED.

Where printed matter and drugs had a common origin and destination, in that both were intended to come into dealers' stores where there was actual physical association and distribution together to purchasers, the printed matter actually did "accompany" the drugs within the meaning of the federal act defining "labeling," irrespective of the manner of shipping. United States v Jugs, etc. Dr. Salisbury's, 53 F. Supp. 746.