

other package containing such substance, when sold at wholesale, shall be properly labeled with the name of the substance, the word "poison", and the name and address of the manufacturer or wholesaler. It shall not be necessary, in sales either at wholesale or at retail, to place a poison label upon, nor to record the delivery of, the sulphide of antimony, or the oxide or carbonate of zinc, or of colors ground in oil and intended for use as paints, or calomel; nor in the case of preparations containing any of the substances named in this section, when a single box, bottle, or other package, or when the bulk of one-half fluid ounce or the weight of one-half avoirdupois ounce does not contain more than an adult medicinal dose of such substance; nor in the case of liniments or ointments sold in good faith as such, when plainly labeled "For external use only"; nor, in the case of preparations put up and sold in the form of pills, tablets, or lozenges, containing any of the substances enumerated in this section and intended for internal use, when the dose recommended does not contain more than one-fourth of an adult medicinal dose of such substance.

For the purpose of this and of every other section of this chapter no box, bottle, or other package shall be regarded as having been labeled "Poison" unless the word "Poison" appears conspicuously thereon, printed in plain, uncondensed gothic letters in red ink.

(Mar. 3, 1915, ch. 74, § 7, 38 Stat. 820.)

#### **§ 210. Pharmacist; unauthorized use of title**

It shall be unlawful for any person whose permanent allegiance is due to the United States, not legally licensed as a pharmacist, to take, use, or exhibit the title of pharmacist, or licensed or registered pharmacist, or the title of druggist or apothecary, or any other title or description of like import.

(Mar. 3, 1915, ch. 74, § 10, 38 Stat. 821.)

#### **§ 211. Preservation of originals of prescriptions compounded and copies thereof; inspection of prescriptions by consular officers; marking containers of drugs**

Every person, firm, or corporation whose permanent allegiance is due to the United States owning, partly owning, or managing a drug store or pharmacy shall keep in his place of business a suitable book or file, in which shall be preserved for a period of not less than three years the original of every prescription compounded or dispensed at such store or pharmacy, or a copy of such prescription, except when the preservation of the original is required by section 207 or 208 of this title. Upon request the owner, part owner, or manager of such store shall furnish to the prescribing physician, or to the person for whom such prescription was compounded or dispensed, a true and correct copy thereof. Any prescription required by section 207 or 208 of this title, and any prescription for, or register of sales of, substances mentioned in such sections shall at all times be open to inspection by duly authorized consular officers in the consular districts of the United States in China. No person, firm, or corporation whose permanent allegiance

is due to the United States shall, in a consular district, compound or dispense any drug or drugs or deliver the same to any other person without marking on the container thereof the name of the drug or drugs contained therein and directions for using the same.

(Mar. 3, 1915, ch. 74, § 9, 38 Stat. 821.)

#### **§ 212. Offenses; punishment; duty to enforce provisions**

Any person, firm, or corporation, whose permanent allegiance is due to the United States, violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$50 and not more than \$100 or by imprisonment for not less than one month and not more than sixty days, or by both such fine and imprisonment, in the discretion of the court, and if the offense be continuing in its character, each week or part of a week during which it continues shall constitute a separate and distinct offense. And it shall be the duty of the consular and judicial officers of the United States in China to enforce the provisions of this chapter.

(Mar. 3, 1915, ch. 74, § 11, 38 Stat. 821.)

#### **§ 213. Fraudulent representations to evade or defeat restrictions**

No person, firm, or corporation whose permanent allegiance is due to the United States seeking to procure in the consular districts of the United States in China any substance the sale of which is regulated by the provisions of this chapter shall make any fraudulent representations so as to evade or defeat the restrictions herein imposed.

(Mar. 3, 1915, ch. 74, § 8, 38 Stat. 821.)

#### **§ 214. Previous laws unaffected**

Nothing in this chapter shall be construed as modifying or revoking any of the provisions of sections 191 to 193<sup>1</sup> of this title.

(Mar. 3, 1915, ch. 74, § 13, 38 Stat. 822.)

#### REFERENCES IN TEXT

Sections 191 to 193 of this title, referred to in text, were repealed by Pub. L. 91-513, title III, § 1101(a)(1), Oct. 27, 1970, 84 Stat. 1291. See section 801 et seq. of this title.

#### **§ 215. "Consul" defined**

The word "consul" as used in this chapter shall mean the consular officer in charge of the district concerned.

(Mar. 3, 1915, ch. 74, § 12, 38 Stat. 822.)

### CHAPTER 8—NARCOTIC FARMS

#### **§§ 221 to 237. Repealed. July 1, 1944, ch. 373, title XIII, § 1313, 58 Stat. 714**

Section 221, act Jan. 19, 1929, ch. 82, § 1, 45 Stat. 1085, defined "habit-forming narcotic drug", "narcotic", and "addict". See section 201 of Title 42, The Public Health and Welfare.

<sup>1</sup> See References in Text note below.

Section 222, act Jan. 19, 1929, ch. 82, §2, 45 Stat. 1085, provided for narcotic farms.

Section 222a, act June 23, 1935, ch. 725, §1, 49 Stat. 1840, provided name for narcotic farm at Lexington, Ky.

Section 222b, act Mar. 28, 1938, ch. 55, §1, 52 Stat. 134, provided name for narcotic farm at Fort Worth, Texas.

Section 223, act Jan. 19, 1929, ch. 82, §3, 45 Stat. 1085; 1939 Reorg. Plan No. I, §205(b), eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1425, provided for an annual estimate of expenses of maintenance of narcotic farms.

Section 224, act Jan. 19, 1929, ch. 82, §4, 45 Stat. 1086, provided for construction of buildings for two of the narcotic farms.

Section 225, acts Jan. 19, 1929, ch. 82, §5, 45 Stat. 1086; June 14, 1930, ch. 488, §4(a), 46 Stat. 586; 1939 Reorg. Plan No. I, §§201, 205, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424, provided for control and management of narcotic farms.

Section 226, act Jan. 19, 1929, ch. 82, §6, 45 Stat. 1086; 1939 Reorg. Plan No. I, §§201, 205, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424, 1425, provided for care and treatment of addicts.

Section 227, act Jan. 19, 1929, ch. 82, §7, 45 Stat. 1086, provided for transfer to and from farms of addicts who are prisoners.

Section 228, act Jan. 19, 1929, ch. 82, §8, 45 Stat. 1087, provided that it was the duty of prosecuting officers to report convicted persons believed to be addicts.

Section 229, act Jan. 19, 1929, ch. 82, §9, 45 Stat. 1087; 1939 Reorg. Plan No. I, §§201, 205, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424, 1425, provided for employment of addicts.

Section 230, act Jan. 19, 1929, ch. 82, §10, 45 Stat. 1087, provided for parole of inmates.

Section 231, act Jan. 19, 1929, ch. 82, §11, 45 Stat. 1087; 1939 Reorg. Plan No. I, §§201, 205, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424, 1425, provided for discharge of addicts.

Section 232, act Jan. 19, 1929, ch. 82, §12, 45 Stat. 1088; 1939 Reorg. Plan No. I, §§201, 205, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424, 1425, provided for admission of voluntary patients.

Section 233, act Jan. 19, 1929, ch. 82, §13, 45 Stat. 1088; 1939 Reorg. Plan No. I, §§201, 205, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424, 1425, provided for furnishing of gratuities and transportation to discharged convicts.

Section 234, act Jan. 19, 1929, ch. 82, §14, 45 Stat. 1089; 1939 Reorg. Plan No. I, §§201, 205, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424, 1425, provided penalties for introduction of narcotic drugs into a narcotic farm.

Section 235, act Jan. 19, 1929, ch. 82, §15, 45 Stat. 1089, provided penalties for escape of inmates.

Section 236, act Jan. 19, 1929, ch. 82, §16, 45 Stat. 1089, provided penalties for procuring of escape by inmates.

Section 237, act Jan. 19, 1929, ch. 82, §17, 45 Stat. 1089, provided for deportation of alien inmates who are entitled to a discharge from narcotic farms.

#### RENUMBERING OF REPEALING ACT

Section 611 of act July 1, 1944, which repealed this section, was renumbered §711 by act Aug. 13, 1946, ch. 958, §5, 60 Stat. 1049, §713 by act Feb. 28, 1948, ch. 83, §9(b), 62 Stat. 47, §813 by act July 30, 1956, ch. 779, §3(b), 70 Stat. 720, §913 by Pub. L. 88-581, §4(b), Sept. 4, 1964, 78 Stat. 919, §1013 by Pub. L. 89-239, §3(b), Oct. 6, 1965, 79 Stat. 931, §1113 by Pub. L. 91-572, §6(b), Dec. 24, 1970, 84 Stat. 1506, §1213 by Pub. L. 92-294, §3(b), May 16, 1972, 86 Stat. 137, §1313 by Pub. L. 93-154, §2(b)(2), Nov. 16, 1973, 87 Stat. 604, and was repealed by Pub. L. 93-222, §7(b), Dec. 29, 1973, 87 Stat. 936.

### CHAPTER 9—FEDERAL FOOD, DRUG, AND COSMETIC ACT

#### SUBCHAPTER I—SHORT TITLE

Sec.  
301. Short title.

#### SUBCHAPTER II—DEFINITIONS

321. Definitions; generally.

Sec.  
321a. "Butter" defined.  
321b. "Package" defined.  
321c. Nonfat dry milk; "milk" defined.  
321d. Market names for catfish and ginseng.  
(a) Catfish labeling.  
(b) Ginseng labeling.

#### SUBCHAPTER III—PROHIBITED ACTS AND PENALTIES

331. Prohibited acts.  
332. Injunction proceedings.  
(a) Jurisdiction of courts.  
(b) Violation of injunction.  
333. Penalties.  
(a) Violation of section 331 of this title; second violation; intent to defraud or mislead.  
(b) Prescription drug marketing violations.  
(c) Exceptions in certain cases of good faith, etc.  
(d) Exceptions involving misbranded food.  
(e) Prohibited distribution of human growth hormone.  
(f) Redesignated (g)  
(g) Violations related to devices.  
333a. Repealed.  
334. Seizure.  
(a) Grounds and jurisdiction.  
(b) Procedure; multiplicity of pending proceedings.  
(c) Availability of samples of seized goods prior to trial.  
(d) Disposition of goods after decree of condemnation; claims for remission or mitigation of forfeitures.  
(e) Costs.  
(f) Removal of case for trial.  
(g) Administrative restraint; detention orders.  
(h) Administrative detention of foods.  
335. Hearing before report of criminal violation.  
335a. Debarment, temporary denial of approval, and suspension.  
(a) Mandatory debarment; certain drug applications.  
(b) Permissive debarment; certain drug applications; food imports.  
(c) Debarment period and considerations.  
(d) Termination of debarment.  
(e) Publication and list of debarred persons.  
(f) Temporary denial of approval.  
(g) Suspension authority.  
(h) Termination of suspension.  
(i) Procedure.  
(j) Judicial review.  
(k) Certification.  
(l) Applicability.  
(m) Devices; mandatory debarment regarding third-party inspections and reviews.  
335b. Civil penalties.  
(a) In general.  
(b) Procedure.  
(c) Judicial review.  
(d) Recovery of penalties.  
(e) Informants.  
335c. Authority to withdraw approval of abbreviated drug applications.  
(a) In general.  
(b) Procedure.  
(c) Applicability.  
(d) Judicial review.  
336. Report of minor violations.  
337. Proceedings in name of United States; provision as to subpoenas.

#### SUBCHAPTER IV—FOOD

341. Definitions and standards for food.