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ORIGINAL
FILED

May 17 1962

CLERK, U.S. DIST. COURT
SAN FRANCISCO

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA, SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff.

v.

ERNST T. KREBS, JR.,
an individual,
Defendant.

CRIMINAL NO. 38179

JUDGMENT AND ORDER OF PROBATION

On the 3rd day of May, 1962, came the attorney for the government and the defendant appeared in person, and by counsel, James B. O'Grady, Esq.

IT IS ADJUDGED that the defendant has been convicted upon his plea of guilty to Counts I, II, III, IV and V of the Information, charging violation of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 331(a) and (d) in that he unlawfully caused new drugs to be introduced into interstate commerce which were misbranded because their labeling was inadequate, and which were so introduced when there was no effective new drug application on file with the Food and Drug Administration with respect to such drugs, as charged in said counts, and the court having asked the defendant whether he had anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the court.

IT IS ADJUDGED that the defendant is guilty as charged and convicted. Counts VI, VII, VIII and IX are hereby dismissed.

IT IS ADJUDGED that defendant pay a fine of \$750.00 on each of said five counts, making a total fine of \$3,750.00. Execution of said sentence is stayed for 30 days. Imposition of sentence of imprisonment is suspended, and the defendant is placed on probation for three years on the following conditions, for violation of which the defendant may be brought before the Court and sentenced to imprisonment:

1. That the defendant shall not produce or manufacture any drug until and unless he has a license or permit to do so from the California State Board of Pharmacy.

2. That the defendant shall not manufacture, sell, offer for sale, hold for sale, deliver or give away any new drug, as the term "new drug" is defined in the Federal Food, Drug and Cosmetic Act (including specifically but not exclusively the new drugs Pangamic Acid and Laetrile in its several forms) unless there is, for each such new drug, an effective new drug application on file with the Federal Food and Drug Administration or, if the drug is not subject to federal jurisdiction, with the California State Board of Public Health. This condition applies to new drugs intended solely for investigational use as well as to new drugs not so intended. Provided, however, that the defendant is hereby permitted to export from the United States new drugs heretofore manufactured and in stock in strict accordance with the provisions of Exhibit A attached hereto and made a part hereof.

3. That the defendant shall not engage in the business of manufacturing or marketing drugs under the name "John Beard Memorial Foundation", or any name suggestive of a non-profit organization, unless he does so as director or employee of a corporation of such name.

4. That the defendant shall not violate the laws of the United States or of any state with respect to the manufacture, marketing or other disposition of drugs.

IT IS FURTHER ORDERED that the clerk deliver two certified copies of this judgment and order to the probation officer of this court, one of which shall be delivered to the defendant by the probation officer.

DATED: MAY 17 1962

W.T. SWEIGERT
UNITED STATES DISTRICT JUDGE