

Proportions of the Ingredients," by F. H. Milner.

"Carbolic Acid Suppositories, B. P., 1914," by Harry Brindle, B.Sc. (Lond.), A.I.C., Ph.C., and L. H. Boardman, Ph.C.

"A New Method of Locating the End-Point in Alkaloidal Titrations," by C. Morton, B.Sc., Ph.C.

"The Detection and Estimation of Vitamin A and of Vitamin D in Cod-Liver Oil and Various Food Products," by Frank W. Wokes, B.Sc., F. I.C., Ph.C., and Stanley G. Willimott, Ph.D., B.Sc., A.I.C.

"Some Constituents of Citrus Fruits," by Stanley G. Willimott, Ph.D., B.Sc., A.I.C., and Frank Wokes, B.Sc., F.I.C., Ph.C.

"The Use of Certain Carbohydrates and Glucosides in the Differentiation of Members of the Almonella Group of Food-Poisoning

Bacilli," by Frank W. Wokes, B.Sc., F.I.C., Ph.C. and Joseph H. Irwin, B.Sc.

"Some Less Appreciated Constituents of Orange Juice," by Stanley G. Willimott, Ph.D., B.Sc., A.I.C.

"A Supplementary Paper on Official Astringent Drugs," by Alan H. Ware, Ph.C.

"The Detection of Carbolic Acid in Commercial Cresols," by Alan H. Ware, Ph.C.

"The Extractive of Ginger," by J. R. Walmsley, Ph.C., F.I.C., F.C.S., A.M.S.T.

"The Detection of Chlorides in Mercuric Oxide," by G. J. W. Ferrey, B.Sc., A.I.C.

"Tea Seed Oil and Its Use as an Adulterant of Olive Oil," by H. A. Caulkin, B.Sc. (Lond.), F.I.C.

"A Note on Antimony Trichloride and Some Factors Affecting Its Sensitivity as a Reagent for Vitamin A," by Frank Wokes, B.Sc., F.I.C.

THE PHARMACIST AND THE LAW.

LIABILITY FROM DRUG SENT ON TELEPHONE PRESCRIPTION.

(*Twombly v. Piette* (Vt.), 134 Atl. R 700.)

The Supreme Court of Vermont, in affirming a judgment for the plaintiff without stating the amount of the judgment, says that her evidence tended to show that her mother telephoned to the defendant physician telling him that the plaintiff had had mosquito bites on her head and had accidentally combed through them, so that they were causing her trouble with keeping her hair in curl, and that water came from them, and asking him if he could send something to put on to heal and stop them, in answer to which he said that he could, and would send a white powder to be put on those places. The powder was received and applied, and so burned the plaintiff's head that her mother telephoned to the defendant that her daughter could hardly bear it. The powder sent by the pharmacist, under the defendant's direction, was mercuric chloride. The defendant testified that, deciding from the description given him that the trouble was not mosquito bites, but impetigo, he called up the pharmacy by telephone and asked the pharmacist if he would send to the plaintiff's mother "1 ounce of mild chloride of mercury," to which the pharmacist answered yes; that the next thing that he knew about the matter was when he received word that the medicine burned the plaintiff's scalp, and he suggested that she be sent to him. The pharmacist testified that he was told by the defendant,

over the telephone, to send "1 ounce of bichloride of mercury."

The question whether the defendant ordered the pharmacist to send to the plaintiff's mother "bichloride of mercury" or whether it was "mild chloride of mercury," was submitted to the jury in a manner satisfactory to the defendant, the jury being told in that connection that, if the defendant told the pharmacist to send "mild chloride of mercury," and the pharmacist, through mistake, sent "bichloride of mercury," then the defendant was not responsible for the negligence or fault of the pharmacist, and the verdict must be for the defendant. The court further instructed the jury in effect that, it being conceded on behalf of the defendant that if he prescribed "bichloride of mercury" to be used on the plaintiff's scalp he was guilty of negligence as a physician in directing the pharmacist to send "bichloride of mercury," if he did so direct, this was a prescription of it, and, if that was the proximate cause of the injuries suffered by the plaintiff, she was entitled to recover in this action. Under the foregoing instructions, to which no exception was taken, the jury must have found that the defendant's order to the pharmacist was to send "bichloride of mercury," for it returned a verdict for the plaintiff.

The ruling of the trial court, rightly made this court thinks, without any exception thereto saved, that the defendant's act in calling up the pharmacist and directing him

to send a certain drug to the plaintiff's mother was a prescription of it, established the law of the case in such respect. And it was a prescription by the defendant, a legally qualified practitioner of medicine, to his patient, the plaintiff. It therefore fell within the provisions of section 6284 of the general law of the State that "the provisions of the two preceding sections shall not apply to legally qualified practitioners of medicine or to their prescriptions or recipes to their patients," which sections require a record to be kept, when a sale is made, of the use to be made of the drug purchased. This disposed of the defendant's contention that the law required the pharmacist to ascertain the proposed use of the ordered drug and that if he would not have sent the bichloride of mercury had he ascertained the proposed use of it, then his negligence in sending it without ascertaining the proposed use of it became the immediate and proximate cause of the sending of it and its subsequent injurious application, and the defendant could not be held liable therefor, even assuming that he had prescribed it.

The defendant having testified that when the plaintiff came to his office he saw the mercuric chloride on her head and told her that she had better go right home and wash it out with a large amount of water, it was proper cross-examination to ask him if, had he cared to, he could not have cleaned that condition up immediately; and "You knew that if that remained there any length of time longer, greater absorption would take place?" The latter question was proper on cross-examination to test the defendant's capacity as an expert.

CAUSTIC ACIDS BILL.

From Proceedings A. D. M. A.

Among the other measures which became law is the so-called caustic acid bill, which is to be known as the federal caustic poison act. The bill was sponsored by the American Medical Association and designed chiefly to require the use of poison labels on lye sold for household use. In protesting against this bill we offered no objection to a requirement poison label on lye, but did oppose the sweeping nature of the bill, which applies to a long list of caustic or corrosive acids or alkalis. The bill prohibits the shipment of delivery and shipment in interstate or foreign commerce of any dangerous caustic or corrosive substances suitable for household use in a misbranded

parcel, package or container. The term "misbranded" is defined as applying to poisons of the kind mentioned in the measure which do not bear a conspicuous label containing the word poison in legible type. The terms "dangerous," "caustic" or "corrosive" substances are defined to mean and include such acids as hydrochloric acid, sulphuric acid, nitric acid, carbolic acid, oxalic acid, acetic acid, potassium hydroxide, sodium hydroxide, silver nitrate, ammonia water, in various strengths and solutions. Responsibility for the enforcement of the act is placed in the hands of the Secretary of Agriculture. It is understood that the Department of Agriculture is planning on taking in the near future the work of formulating regulations under this measure, and it is possible that the act will not go into effect until some time in 1928, since Congress failed to provide the necessary appropriation for its enforcement. We desire to take this opportunity to urge you to carefully study the provisions of the bill, and any regulations that may be promulgated thereunder, in order that you may fully comply with them.

TAXES ON NARCOTICS UNDER HARRISON ACT DECLARED TO BE VALID.

The imposition of a stamp tax on certain drugs by the Harrison Narcotic Act, Section 1, as amended, which provides that it shall be unlawful to purchase and sell such drugs except in or from original packages, was herein held to be a valid exercise of the power of Congress to lay taxes.

The case came before the Supreme Court of the United States on certificate from the Circuit of Appeals for the 8th Circuit.

Mr. Justice McReynolds delivered the opinion of the court, the full text of which follows:

In the United States District Court, Southern District of Iowa, an indictment with three counts, filed December 2, 1924, charged Alston with violating Section 1, Harrison Narcotic Act, approved December 17, 1924, c. 1, 38 Stat. 785, as amended February 24, 1919, c. 18, 40 Stat. 1057, 1130, 1131, by purchasing morphine and cocaine from unstamped packages. He pleaded "guilty" and was sentenced to the penitentiary.

A writ of error took the cause to the Circuit Court of Appeals 8th Circuit, and it asked our instruction upon certain questions. Thereupon, we required the entire record to be sent

here for final determination of the whole matter. Section 239, Jud. Code.

PROVISIONS ADDED TO ACT.

Sections 1 and 6 of the Harrison Narcotic Act were amended by the Act of February 24, 1919, and, as thus amended, were reenacted without change by Sections 1005 and 1006, Revenue Act approved November 23, 1921, c. 136, 42 Stat. 227, 298, 300. The amending Act added the following provisions (among others) to Section 1:

"That there shall be levied, assessed, collected and paid upon opium, coca leaves, any compound, salt, derivative, or preparation thereof, produced in or imported into the United States, and sold, or removed for consumption or sale, an internal revenue tax at the rate of 1 cent per ounce, and any fraction of an ounce in a package shall be taxed as an ounce, such tax to be paid by the importer, manufacturer, producer, or compounder thereof, and to be represented by appropriate stamps, to be provided by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury; and the stamps herein provided shall be so affixed to the bottle or other container as to securely seal the stopper, covering or wrapper thereof.

"The tax imposed by this section shall be in addition to any import duty imposed on the aforesaid drugs.

"It shall be unlawful for any person to purchase, sell, dispense, or distribute any of the aforesaid drugs except in the original stamped package or from the original stamped package; and the absence of appropriate tax-paid stamps from any of the aforesaid drugs shall be prima facie evidence of a violation of this section by the person in whose possession same may be found; and the possession of any original stamped package containing any of the aforesaid drugs by any person who has not registered and paid special taxes as required by this section shall be prima facie evidence of liability to such special tax:

Provided ***

PENALTIES ARE PROVIDED.

"Section 9 of the original Harrison Act has remained without change. It provides: "That any person who violates or fails to comply with any of the requirements of this Act shall, on conviction, be fined not more than \$2000 or be imprisoned not more than five years, or both, in the discretion of the court."

"The judgment of the trial court is assailed upon two grounds: That Congress has failed to prescribe any punishment for the purchase of drugs from unstamped packages, forbidden by amended Section 1. And, that the entire Act, as amended, is invalid because Congress has undertaken thereby to regulate matters beyond its powers and within exclusive control of the States.

"Section 9, above quoted, obviously applies to the requirements of the amended Act as well as to those found in the original. The first objection has no merit.

"The present cause arises under those provisions of Section 1 which impose a stamp tax on certain drugs and declare it unlawful to purchase or sell them except in or from original stamped packages. These provisions are clearly within the power of Congress to lay taxes and have no necessary connection with any requirement of the Act which may be subject to reasonable disputation. They do not absolutely prohibit buying or selling; have produced substantial revenue; contain nothing to indicate that by colorable use of taxation Congress is attempting to invade the reserved powers of the States. The impositions are not penalties.

"The judgment of the trial court must be affirmed."

CANADIAN FOOD AND DRUGS ACT
AMENDMENT RELATING TO DRUGS.

An amendment to the Canadian Food and Drugs Act, passed by the House of Commons on March 25, 1927, and approved by the deputy governor general on April 14th, extends the provisions of the food and drugs act relating to medicines, for internal or external use, to apply to any substance or mixture of substances intended to be used for the treatment, mitigation, or prevention of disease in man or animal. The governor in council may make regulations as follows, respecting any or all of the drugs mentioned in Schedule B. (see below).

Prescribing standards of quality and potency; defining official methods for biological testing, which shall permit manufacturers to have biological tests made in any laboratory; licensing manufacturers preparing drugs mentioned in Parts II and III of Schedule B; inspection of premises and equipment and technical qualifications of the staff of manufacturers preparing such drugs; requiring manufacturers of drugs mentioned in Part IV of Schedule B

to submit test portions of each and every batch of such drugs to be tested in the laboratories of the Department of Health; requiring that only approved batches may be imported, sold, or offered for sale; and prescribing a schedule of fees for inspection, licensing and biological testing.

The amendment also prohibits the distribution from door to door, or in a public place, or through the mails, of samples of

any drugs. This provision, however, does not prevent manufacturers or wholesale dealers from distributing samples by mail or otherwise, in compliance with individual requests for same, or from distributing samples to physicians, veterinary surgeons, dentists, registered nurses, hospitals, or to retail druggists for individual redistribution to adults only. (Assistant Trade Commissioner O. B. North, Ottawa.)

BOOK NOTICES AND REVIEWS.

Julius von Wiesner *Die Rohstoffe des Pflanzenreichs*. (The Raw Materials of the Plant Kingdom.) Edited by Paul Kraus and William von Brehmer. 4th edition. Volume I. Alkaloide bis Hefen (Alkaloids to Yeasts). With 307 fig., 1122 pages. Press of Wilhelm Engelmann, Leipzig, 1927. The following co-workers have added to the success of this work: F. Boas, K. Bourant, E. Gilg, W. Figdor, F. Schneider, P. N. Schürhoff, J. Weese, H. Wolff, S. Zeisel and A. Zimmermann.

This edition differs from the previous ones in first dividing the numerous raw materials into groups, which are then arranged alphabetically and are thus taken up. In this first volume the groups are the following: *Alkaloide* (Alkaloids) by F. Boas, to which 32 pages are devoted; *Aetherische Oele und Kampfer* (Ethereal Oils and Camphor) by K. Bourant, E. Gilg and P. N. Schürhoff, to which 50 pages are devoted; *Bitterstoffe* (Bitter Principles) by J. Messner, 80 pages; *Eiweissstoffe* (Albuminous Substances) by F. Boas, 9 pages; *Enzyme* (Enzymes) by F. Boas, 12 pages; *Farbstoffe* (Coloring Substances) by R. Hoffmann, E. Gilg and P. N. Schürhoff, 79 pages; *Fasern und Baste* (Fibres and Bast) by J. Weese and S. Zeisel, 95 pages; *Gerbstoffe* (Tannins) by W. v. Brehmer and E. Konstanty, 136 pages; *Gallen* (Galls) by W. Figdor, 19 pages; *Gummiarten* (Gums) by W. v. Brehmer and S. Zeisel, 58 pages; *Harze und Balsame* (Resins and Balsams) by H. Wolff, 85 pages; and *Hefen* (Yeasts) by F. Boas, 14 pages. The authors' concept "raw materials" is pretty broad, and includes not only in a few instances the living plant, for example the sugar cane, and more often the dried plant, but also such substances as exudations, whether natural or produced artificially, and extracts, for example Gambir, fixed oils, etc., etc. They realize the difficulty in answering the two questions, "What is a

raw material?" and "What is a manufacture?" They note that the concept "raw material" is not a fixed one, and that it is more or less conventional.

Each group of raw materials is preceded first by a general part, next the special part and finally a bibliography. Thus under *Alkaloide*, in the general part are taken up, "Characteristics," "Occurrence," "Detection," and "Classification." In the special part we find descriptions of the various alkaloids known, arranged in scientific order, beginning with those found in the Cryptogams, next those found in the Gymnosperms, then those in the Monocotyledons and lastly those in the Dicotyledons. Most of the alkaloids are found in the Dicotyledons. A bibliography of 191 titles concludes the article on Alkaloids.

Ethereal Oils are treated in the same way. First, the general part in which are taken up the chemistry, the physics, how obtained, adulterations, substitutions, etc., etc. In the special part comes a botanical explanation and illustration of the various glands, and glandular hairs that secrete volatile oil. The oils are taken up alphabetically, and in each case is given its botanic source, habitat, how obtained, its composition, how detected and its uses. It has a bibliography containing 112 titles.

Likewise, *Bitter Principles* are treated much the same way. It is concluded with a bibliography containing 874 titles. Also the one on *Albuminous Substances or Proteids*, it is concluded with a bibliography containing 17 titles. And the one on *Enzymes* has one containing 84 titles. The article on *Coloring Substances* is treated as follows: First the botanical part and second, the chemical part. In the latter, the various coloring substances, 170 in number, are classified and then taken up according to their chemical composition. It is concluded with a bibliography con-