

## EDITORIAL

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### THE VALIDITY OF THE PENNSYLVANIA OWNERSHIP LAW.

THE constitutionality of the Pennsylvania Ownership Law was argued in the Supreme Court of the United States on October 8th. The case involving this question, as is well known, is that of Louis K. Liggett Company *vs.* Thomas J. Baldrige, Attorney-General of the Commonwealth of Pennsylvania *et al.*

According to the brief filed in the case by the appellant, the evidence shows that the Company, a Massachusetts corporation, owns and operates twenty-eight retail drug stores in Pennsylvania. It is stated that "wishing to open stores in other cities and towns, the appellant secured leases and prepared to open stores in two other cities. Due to the passage of the Pennsylvania statute of May 13, 1927, which makes it a crime for any but a licensed pharmacist to own a pharmacy or to own a share of stock in a corporation owning a pharmacy, the appellant has been prevented, it was stated by counsel, from doing so by the refusal of the Pennsylvania Board of Pharmacy to grant a license therefor and the expressed intention of the Attorney-General to prosecute the appellant."

The appellant contended that the statute is destructive of its property rights in that it deprives it of the right to do business in any other cities or in any other locations than those in which it had units on May 13, 1927, and argued that "when such destruction is accomplished without any benefit to the public, it is a deprivation of property without due process of law."

The argument of the appellant contends further that the "ownership of drug stores by a particular class is not necessary to the preservation of public health," and "that the natural effect of the Act is simply to give a monopoly of the retail drug store to pharmacists." The appellant's counsel further contended "that this is not a police regulation, nor that any law forbidding the expansion of chain drug stores is a health regulation."

It was also argued by the appellant "that the ownership of property is not a profession. Neither is the practice of pharmacy, properly speaking, a profession, but if it is, that fact does not justify depriving corporations of business and property rights merely because a certificate of competency is required of the corporation's employee pharmacists."

Counsel for the appellees contended "that the Act of May 13, 1927 is constitutional and base this argument upon the proposition that the statute was enacted by the legislature of the Commonwealth of Pennsylvania by virtue of the police power inherent in it to legislate for the public good, health and welfare."

It was argued "that the provisions of this Act are reasonable and have a substantial relation to the health and welfare of the public."

The appellees further assert "that the act does not deprive the appellant of its business and property rights without due process of law, nor does it deny to appellant the equal protection of the law; that statutory changes must have a beginning, and the fixing of a date as of which the statute shall become effective and a classi-

fication of the persons upon whom it shall operate as of that date is not inconsistent with the 14th Amendment of the Federal Constitution."

The decision of the court will be watched with interest by the public and by the entire drug trade. It is, perhaps, not in order, at this time, to further discuss the presentation before the Supreme Court nor what the effect of the decision will be, whether favorable or unfavorable; however, we ask you to re-read the articles on the subject in recent issues of the JOURNAL.

This much can be said, it is our duty for pharmacy's advancement and public good to maintain the honor and standing of our profession and to that end the concluding words of an address by Judge Batchelor, at a banquet of Washington State Pharmaceutical Association, are repeated:

"Pharmacy is an ancient and honorable science. The chemist, the pharmacist and the physician are the handmaidens of the science of medicine. They have always been the benefactors of mankind. By all honorable means preserve the tradition, integrity and usefulness of your profession. To so preserve them you must safeguard the privileges gained through your scientific study, work and experience. To properly safeguard those privileges and prerogatives you must maintain an active militant organization. You owe this not only to yourselves but to the public health and safety as well.

"United in an active, militant organization you will stand, divided you will fall."

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#### A PHARMACY CORPS IN THE U. S. ARMY.

THE reports of a special Committee appointed by the AMERICAN PHARMACEUTICAL ASSOCIATION in convention at Portland, Me., and of the Committee on the Status of Pharmacists in the Government Service, evidence that unsatisfactory conditions obtain in the practice of pharmacy in the U. S. Army.

For many years, even before the war, efforts were made for improving these conditions and also to provide for a Pharmacy Corps in the Army, but without success. It has been pointed out on a number of occasions that the dispensing of medicine in the Government Service is not invariably in accordance with state pharmacy laws, and that the dispensing of potent remedial agents, whether in civil practice or in the military service, should be restricted entirely to those who have been especially educated and trained as compounders and dispensers of medicines. This principle is so thoroughly established that the States, and likewise the District of Columbia and our Insular possessions, in the exercise of their police power, have by legal enactment provided for boards of pharmacy to examine and license those to whom authority only is given to compound and dispense medicines. It is, unfortunately, true that the aim of pharmacists to adjust the conditions by persuasive means and reasoning has not received much encouragement.

After due consideration of the situation as to pharmacy a special committee was appointed at the Portland meeting to confer on the situation and report. The report which was adopted reads:

The members of your Committee have conferred on the matter presented to it and have given careful study to the bill in question.

In our opinion the conditions surrounding the practice of pharmacy in the Army are highly unsatisfactory from the standpoint of the control and dispensing of drugs and medicines used in the maintenance and safeguarding of the health of the Army and from the standpoint of the position which the pharmacist occupies.

We, therefore, recommend that the AMERICAN PHARMACEUTICAL ASSOCIATION approve of the objects of the bill under consideration and create at this time the machinery required to bring this or a similar measure before the Congress of the United States for enactment into law.

We further recommend that for the purposes of initiating and organizing the support of this proposed legislation, there be appointed a committee of not less than seven members, the chairman of which shall be willing and able to give the greater part of his time, for several months, if necessary, to furthering this project.

Later, the following Committee on Pharmacy Corps in the U. S. Army was appointed consisting of: A. L. I. Winne, Richmond, Va., *Chairman*; S. L. Hilton and A. C. Taylor, Washington, D. C.; John C. Krantz, Jr., S. Y. Harris, A. R. L. Dohme and B. Olive Cole, Baltimore. Chairman Winne called a meeting of the Committee to meet in Baltimore on October 10th and an invitation was extended to others to attend and counsel with the Committee.

The National Wholesale Druggists' Association, at its recent meeting endorsed the movement; the National Retail Druggists' Association adopted the following resolution.

WHEREAS, there will be introduced into the next session of Congress a bill to establish as a branch of the Army Medical Corps—a Pharmacy Corps, and

WHEREAS, this new division of the Army will help to correct many grave defects in the serving of our nation's sick in the U. S. Army, and

WHEREAS, this new division will allow a reserve of great value to our country in time of war in making our Army safe and efficient and less liable to the ravages of disease and pestilence: therefore, be it

*Resolved*, That the N. A. R. D. in Annual Convention assembled, endorse this Proposed Bill to make a new Pharmacy Corps and urge all State Associations to enlist the support of their Congressmen before the next session of Congress, for this measure.

Endorsements were also given, at Portland, by the American Association of Colleges of Pharmacy and the National Association of Boards of Pharmacy. The resolutions follow:

*Resolved*, That the National Association of Boards of Pharmacy go on record as endorsing the establishment of a Pharmacy Corps in the United States Army and that the Committee on National Legislation be instructed to cooperate with legislative committees of other pharmaceutical associations and other interested agencies to the fullest extent in securing the necessary legislation to accomplish the object sought.

*Resolved*, That the American Association of Colleges of Pharmacy strongly endorse the principle to establish a Pharmacy Corps as a component part of the Medical Department of the United States Army and that a committee of three be appointed to assist in securing proper legislation.

The success of all worthy endeavor requires that those who further it present a united front and have the backing and strong support of those they represent. This message is, therefore, to enlist your interest and support; it is evident that the organizations of pharmacy and the drug trade activities in general will cooperate.