

EDITORIAL

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PHARMACY LAWS AND COURT DECISIONS.

DR. THEODORE B. APPEL of the Pennsylvania Board of Health, in an address, stressed the importance of pharmacy as a public health activity and that in order to render the service expected of him "the pharmacist must be a real student and be familiar with his wares;" he must take his stand in the line of battle for general public health and do his part in molding public opinion along proper lines.

Judge Cooley expressed the responsibilities of the pharmacist in the following lines: "People trust not merely their health, but their lives, to the knowledge, care and prudence of druggists, and in many cases a slight want of care is liable to prove fatal to some one. It is, therefore, proper and reasonable that the care required shall be proportional to the danger involved."

In all court decisions in which restrictive measures that apply to medicines are involved there is a question of safeguarding the life and health of the citizens; hence, aside from provisions which give such protection through qualified pharmacists, it is of equal importance that pharmacists be observant of their professional obligations and desire to serve. The progress of the industries depends not only on the regulation of its practices, and reasonable observation of the ethics, but on bringing into active cooperation all of its divisions.

A part of the decision of the United States Supreme Court in the Pennsylvania Ownership Law is quoted, because it pointed out the desirability of restricting the dispensing of medicine to qualified pharmacists. It will be remembered that the law was declared unconstitutional, Judges Holmes and Brandeis dissenting.

"A state undoubtedly may regulate the prescription, compounding of prescriptions, purchase and sale of medicines, by appropriate legislation to the extent reasonably necessary to protect the public health. And this the Pennsylvania legislature sought to do by various statutory provisions in force long before the enactment of the statute under review.

"Briefly stated, these provisions are: No one but a licensed physician may practice medicine or prescribe remedies for sickness (Pa. St. 1290, Section 16,779); no one but a registered pharmacist lawfully may have charge of a drug store (Pa. St. 1920, Sections 9323, 9327); every drug store must itself be registered, and this can be only done where the management is in charge of a registered pharmacist (Pa. St. Supp. 1928, Section 9329a-2); stringent provision is made to prevent the possession or sales of any impure drug or any below the standard, strength, quality and purity as determined by the recognized pharmacopœia of the United States (Pa. St. 1920, Section 9337; Pa. St. Supp. 1928, Section 9339); none but a registered pharmacist is permitted to compound physicians' prescriptions (Pa. St. 1920, Sections 9317, 9323); and, finally, the supervision of the foregoing matters and the enforcement of the laws in respect thereof are in the hands of the State Board of Pharmacy, which is given broad powers for these purposes.

"It, therefore, will be seen that without violating laws, the validity of which is conceded, the owner of a drug store, whether a registered pharmacist or not,

cannot purchase or dispense impure or inferior medicines; he cannot, unless he be a licensed physician, prescribe for the sick; he cannot, unless he be a registered pharmacist, have charge of a drug store or compound a prescription. Thus, it would seem, every point at which the public health is likely to be injuriously affected by the act of the owner in buying, compounding or selling drugs and medicines is amply safeguarded."

Among the points in pharmacy legislation that present difficulties are definitions for items used as medicines and for other purposes, but court decisions are reducing the number of these disturbing factors.

Several decisions, by reference and otherwise, will serve as comment. In the Nebraska case the Supreme Court considered the points raised in the appeal from the District Court, showing that the law was too inclusive. The decision is set forth in the syllabus of the case, as follows:

"1. The police power is an attribute of state sovereignty, and, within the limitations of State and Federal constitutions, the state may, in its exercise, enact laws for the promotion of public safety, health, morals, and generally for the public welfare.

"2. The legislature may not, under the guise of police regulations, arbitrarily invade personal rights or private property.

"3. A law which restricts to registered pharmacists the sale of such articles as salt, soda, soap, distilled water, corn starch and other useful but harmless articles, does not tend to promote the public health or welfare, but tends to place in the hands of a limited class a monopoly of the sale of such articles. Such an act is beyond the scope of the police power and is invalid."

A general statement, restricting items of commercial sale to the pharmacy which have, for example, much larger use in baking, horticulture, etc., would probably not stand the test of courts. Designating items that may or may not be sold except by pharmacists makes the law more definite, but conditions may develop which render that provision of the law unenforcible; medicinal use enters into the question; articles for which there has been only such use may find other extended application.

A recent California decision found, in a case wherein the plaintiff contended for the right to sell anywhere, within or without the 3-mile provision—Cardamom seed, zinc oxide tape, hydrogen peroxide, saltpetre and cod liver oil—that these were medicines, even though they may have other uses and, hence, came within the regulations of the Pharmacy Act. The same Court also defined a "Proprietary Medicine" as a preparation which does not describe its constituents or ingredients, and the names of which do not give any intimation of what the preparations are, or what they are intended to cure. The preparations which were under consideration indicated their composition and, hence, the Court held these preparations subject to regulation under the California Pharmacy Act.

It remains for states to make more general applications of decisions and the laws effective; definitions of laws become fixed by making use of the rulings; the uncertainties of laws are defined by decisions, even though the periods during which they are enforced may be limited. In pharmacy laws public health is of first importance and the duty of pharmacists is to continue in these efforts to shape public opinion and impress the importance of the service of pharmacy.

MODIFICATION OF LAW ON PRESCRIPTIONS FOR LIQUORS.

CHANGES in the Volstead Act to remove the limitation permitting physicians to prescribe only a pint of liquor per patient every ten days, but retaining stringent regulatory powers to curb any misuse of the proposed change, were endorsed, April 8th, by James M. Doran, Commissioner of Industrial Alcohol and Amos W. W. Woodcock, Director of Prohibition, when they testified before a subcommittee of the House Committee on Judiciary.

The present limitation of the amount of liquor a physician may prescribe to one patient, Dr. Doran testified, "was one of the most irritating things in the law that might well be made subject to regulation rather than to statutory control."

The removal of this limitation was favored also by Dr. William C. Woodward, of Chicago, legislative counsel of the American Medical Association. Pharmacists dispense "liquor prescriptions" in the discharge of duties—which have been delegated to them and they have assumed—as other medicines, narcotics for example, that can only be dispensed on physicians' orders; the more prescriptions they have to fill the greater their liability in respect to good faith. Representative Boland favored repeal of the limitation on the number of prescriptions in a given period; that is, authority for physicians to write prescriptions for liquor as freely as any other prescriptions, using their own judgment as to the needs of the patient.

PHARMACY IN MOTION PICTURES.

THE FINE relations which exist between the pharmacists of Canada and of the United States was recently shown in a coöperation which brought results that merit editorial notice. A picture shown in Canada and in the United States impersonated a drunkard leaving a train and making his way to a drug store to buy "Jamaica Ginger." Editor Stanbury received a letter of protest from a subscriber of the *Canadian Pharmaceutical Journal* and several communications of similar tone were received at the office of the AMERICAN PHARMACEUTICAL ASSOCIATION. Dr. Stanbury mailed a copy of the letter received by him to Secretary Kelly, of the A. P. H. A., and the latter at once addressed a protest to President Will H. Hays, of the Motion Picture Producers and Distributors of America, Inc. While action, without resolution, would have been taken in the matter, the letter was drafted, responsive to *Resolution No. 16*, adopted at Miami, which reads:

Resolved, that the AMERICAN PHARMACEUTICAL ASSOCIATION condemn in the strongest manner possible any reference to Pharmacy on the part of the press, radio, moving picture or theater which would reflect in any manner upon the integrity and good name of Pharmacy, and that the executive officers of this ASSOCIATION be instructed to voice our protest whenever and wherever such reflection becomes evident.

Mr. Hays closed his answer to Secretary Kelly in saying

"I am glad to send a copy of your letter to the director of the Studio Relations Committee in Hollywood so that he may bring the subject matter directly to the attention of the men who make the pictures. This is, I am certain, the most effective way to register the suggestion with which we are all in most hearty accord.

"May I express, too, my appreciation for the sympathetic understanding with which you approach the matter."

(Signed) WILL H. HAYS.

The editorial of the *Canadian Pharmaceutical Journal* refers to coöperation at home, and the succeeding paragraph reads:

"Now we have come to another stage and mark another era in the progress of organized and coöperative effort. The report which appears in this issue (March 1) of the *Journal* of the effective protest against the defamation of druggists in motion pictures, is an evidence that in these days when we have so many interests in common with our neighbors to the south, it is mutually beneficial to coöperate internationally."

The last two paragraphs of the editorial read:

"The arranging of the joint convention of the two associations, we believe, has started something which will be to our mutual benefit.

"We now feel closer-knit to our brethren south of the line, and believe in future we will cooperate in all those movements which tend to the protection and the elevation of pharmacy in both countries."

The attitude of Mr. Hays reflects his regret, and the fact that the actor was given the annual award of the Academy of Motion Picture Arts and Sciences for the finest piece of acting in the past year, accounts in part for its presentation without due regard for the feelings of those who were offended. Assuredly, there was no desire to offend them.

INTERNATIONAL CONGRESS OF MILITARY MEDICINE AND PHARMACY.

ON MARCH 30th The Speaker laid before the House the following message (S. Doc. No. 74), from the President of the United States, which was read and with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Secretary of State to the end that legislation may be enacted to authorize an appropriation of \$10,000 for the expenses of participation by the United States in the Seventh International Congress of Military Medicine and Pharmacy, which will be held in Madrid in 1933.

Congressional Record.

The King of the Belgians called the first International Congress of Medicine and Pharmacy which met in Brussels in July 1921; twelve countries were represented. The Congress meets every second year and the sessions have been held in Rome, Paris, Warsaw, London and The Hague; the next session will be held in Madrid. Pharmacists have been delegated from other countries, but none from the United States. While the greater number of delegates should be medical officers, pharmacy should be represented. The United States Pharmacopœia is conceded a foremost rank, and American pharmacists should be given representation in the Congress.

THE SERVICE OF PHARMACISTS.

PIERRE ROBIQUET (1780-1840) served his pharmacy apprenticeship at Lorient and afterward studied under Fourcroy and Vauquelin in Paris. For some time he was with Napoleon's army in Italy; returning to Paris he became

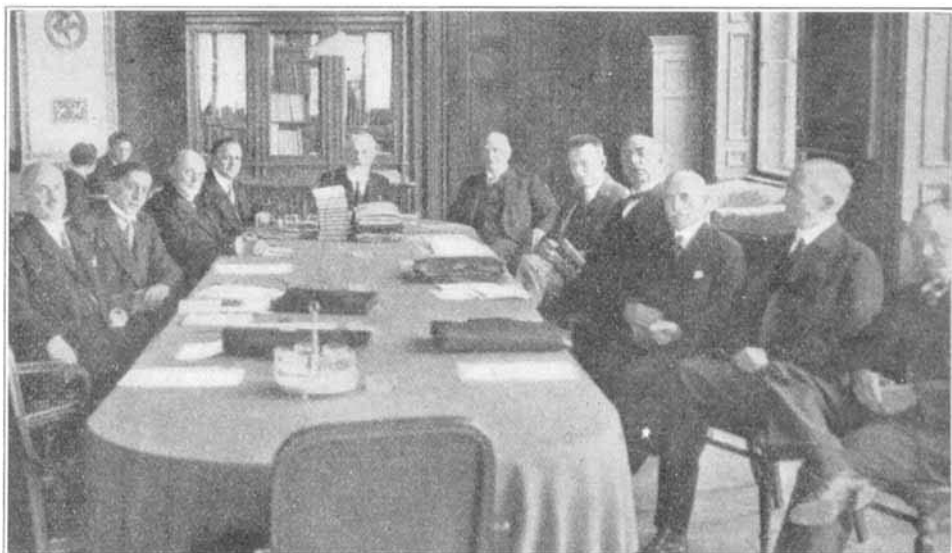
the proprietor of a pharmacy and manufacturer of fine chemicals. He separated asparagin and did considerable work on opium and its salts, cantharides, barytes and nickel.

ANTOINE AUGUSTIN PARMENTIER, pharmacist, (1737-1813) served an apprenticeship in a pharmacy at Montpellier and distinguished himself in the pharmaceutical service of the French army especially in the course of an epidemic by which the French soldiers suffered greatly. After being released in Germany as a prisoner he obtained employment in Frankfort. Opportunity was offered him to remain but he preferred to return to France where he was appointed pharmacist in the Hotel des Invalides, rising to Chief Apothecary. In 1771, he won a prize offered by the Academy of Besancon for the best means to avert the calamities of famine. He utilized his experience in Germany in the cultivation of potatoes, which had gone out of favor because they were thought to bring about diseases—leprosy and various fevers. To combat this prejudice Parmentier sought every possible means and finally triumphed. He contributed largely to the organization of the pharmaceutical service in the French army.

PRESCRIPTION AND DRUG STORE SURVEY.

We hope to have in this number of the JOURNAL an abstract of an address by Frank A. Delgado, at Purdue University, on "The National Drug Store Survey." The reports will show, in a degree, the time he has given to this important work and how successful he has been in this undertaking.¹ Attention is called to the "Prescription Ingredient Survey" and "The Use of Fluid-extracts during the Past Fifty Years,"² by Chairman E. N. Gathercoal. A careful study of these investigations will supply valuable information for revision work and for every pharmacist.

¹ If in time for this month's printing the address will be found following the Department of Association of Colleges. ² March JOURNAL, pages 274-284.



Meeting of the Executive Committee of the International Pharmaceutical Federation at Budapest. Dr. Van Itallie was unavoidably absent and M. Barthet presided in his stead; on his left is the late Prof., Dr. H. Thoms.