

## LEGAL AND LEGISLATIVE.

### CODE CONFERENCE.

President Roosevelt will address what probably will be the greatest gathering of leaders of industry and trade in the country's history—the conference of Code Authorities and trade association committees scheduled to be held in Washington, March 5th to March 8th.

In his call for the conference, the opening sessions of which are to be held in Constitution Hall, General Johnson outlined the major purposes to include "the consideration in public sessions of the possibilities of increasing employment; protections against destructive competition and against excessive prices and monopolistic tendencies; the elimination of inequalities and inconsistencies in codes; the position of small enterprises; and the vast problem of code administration and the organization of industry for self-government."

### ALTERATION OF LOSS LIMIT CLAUSE.

It is expected that a hearing will be called. At that time the druggists will be permitted to put in all the evidence they have tending to show the inadequacy of a small markup. At the same time it is expected that a compromise proposal which has been worked out in the NRA will be presented for the druggists' consideration.

Just what this compromise proposal will be could not be learned at this writing, but it was expected that it would be made public when formal announcement of the hearing was made. It is understood that the hearing will cover only the loss limitation provision of the retail drug code and will not affect the food code or the general retail code.

### MODEL STATE NRA LAW.

Administrator Hugh S. Johnson has made public a "model" State industrial recovery act which has been submitted to governors, together with a diplomatically worded letter pointing out that NRA is "deeply interested" in the passage of measures for coöperation with the Federal law and for elimination of conflicts. Just how far the proposal could be advanced this year is not clear. Relatively few states have regular sessions of legislatures in the even numbered years and while special sessions were set for this year in several, some of these already have been held. Twelve states to

date have enacted NRA coöperative legislation: New York, New Jersey, Virginia, Ohio, Texas, California, Utah, Colorado, Wisconsin, Kansas, Massachusetts and Washington.

Though the Administrator's idea looks toward the eventual continuance of codes past the emergency period, the present proposal is purely an emergency plan worded to expire with the Federal industrial act, using as a preamble a declaration of state-wide emergency similar in nature to the Congressional declaration on which the National Industrial Recovery Act is founded.

The immediate problem which calls for state assistance is twofold: A number of Federal judges hearing the relatively few cases so far in court have declared Congress cannot delegate power to regulate business which is not interstate. Machinery for 100 per cent Federal enforcement might prove as cumbersome as prohibition enforcement, in the opinion of NRA officials.

### ONLY MEDICINE IS CALLED "GOOD FOR HEALTH" IN TEXAS.

Only medicines and drugs can be labeled as "good for the health," under a new ruling recently made by the Texas Pure Food and Drug Division of the State Health Department. This means that advertising and window displays cannot include the statement that the product is "Good for Your Health," or a similar statement.

In view of this ruling, bakeries in the state which are selling a wheat bread advertised as "Good for Your Health," will be barred from continuing such advertising. It is the opinion of the Pure Food and Drug Division that ingredients of bread and food do not belong in class of health remedies and so cannot bear "health" labels.

### MAIL-ORDER HOUSES OPPOSE PRICE-FIXING.

On February 17th, leading mail-order houses placed before General Johnson a comprehensive study of price fixing under codes of fair competition and called upon him to eliminate provisions which compel manufacturers to post for the notice of all competitors current and future prices.

The representatives suggested that collection and dissemination of current price information should be done by NRA administrators

and not by the industry itself through its code authority.

#### VIRGINIA LEGISLATION.

*Liquor Control Act.*—H. R. 33, passed the House on February 1st, will allow druggists to sell whisky on prescription, but they must buy liquor supplies from control board stores. Bay Rum must be sold on prescription. It does not control wines and beer of 3.2% or less alcoholic content.

*Virginia Trades Practice Act* does not define "cost," but an interesting provision makes cut prices unlawful if they tend to substantially lessen competition or unfairly injure a competitor.

*Fair Trade Practice Bill* makes it unlawful to sell merchandise below cost, and defines "cost" for the retailer as the invoice price or price paid for the goods plus overhead.

#### VALIDITY OF 20-YEAR-OLD PRICE DISCRIMINATION IN UTAH.

Attorney General Joseph Chez of Utah has brought suit against Safeway Stores, Inc., grocery chain, which will serve as a test of the validity of a twenty-year-old Utah law said never to have been argued in court.

The suit alleges that the grocery firm "did unlawfully and intentionally for the purpose of destroying the competition of an established dealer in similar commodity, to discriminate between different sections within Salt Lake City by selling commodities in one section lower than the price charged for such commodities in another section."

While the case does not involve drug stores, the test is being watched eagerly by druggists because of its application to drug price cutters who use similar tactics.

#### NEW JERSEY STATE CODE.

Under leadership of the New Jersey State Pharmaceutical Association, pharmacies, drug stores and other types of retailers handling drugs are cooperating to draw up a retail drug code for the state of New Jersey to offer greater protection than does the Federal code.

This action is taken under a law passed by the New Jersey Legislature and approved by the Governor last September, giving the

Governor power to set up within the state codes of fair ethics for different lines of business, similar to the power held by the President under the NRA. This law says that the state codes may be approved by the Governor provided they are consistent with the federal codes, but "due regard, however, may be had for local conditions and local customs."

#### DRUGGIST'S LICENSE SUSPENDED.

License of a New York City pharmacist alleged to have been apprehended imitating a well-known proprietary drug has been suspended by the New York State Board of Pharmacy, George W. Mather, secretary, announces. He states that drastic action was taken in this case because it was found that the pharmacist in question was manufacturing the imitation product himself. Suspension is of indefinite duration, and the board can restore the license or permanently revoke it, as it sees fit.

#### PHARMACISTS ASK REORGANIZATION OF MISSISSIPPI BOARD.

A bill to reorganize the Mississippi board of pharmacy and strengthen the old law governing the profession of pharmacy in this state has been approved by the House Committee. Under the new bill there is authorized an executive officer, who is secretary of the Board, to be charged with investigating the complaints against pharmacists with authority to employ counsel. The new bill provides for a Board of Pharmacy of four members appointed by the governor from a list of twenty-one submitted by the State Pharmaceutical Association. The executive officer is to be nominated by the association and appointed by the governor.

#### TREATY SERIES NO. 863—NARCOTIC DRUGS.

Editorial comment was made in the July number of the JOURNAL, page 596, on the ratification of the Narcotics Limitation Convention. The transactions covering this important action is published in pamphlet form and may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D. C., for 50 cents.

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We are in receipt of a souvenir booklet of the incorporation of Dartford as a municipal borough on September 13, 1933. Here the Wellcome chemical and galenic works are located. The booklet is finely illustrated and bound, containing views of Dartford and an insignia of the Lord Mayor of London presenting the charter together with the official blazon of the borough of Dartford.