

ties affected will lose sight of the importance of adequate pharmaceutical service. Also the prospective student of pharmacy will not be encouraged by the picture presented under such a system.

During the past ten years we have witnessed a gradual but distinct retrogression in the statutory protection of the field of pharmacy, mainly through judicial decisions, and during the same period we have advanced rapidly in educational facilities and requirements for the pharmacist. If this retrogression continues to such an extent that legal protection on U. S. P. drugs and preparations and poisons is lost as we have lost the protection in the patent and proprietary field, I feel grave concern as to our ability to maintain pharmacy at its present high level.

I believe, that as pharmacy law enforcement officials, it behooves us to oppose to the limit further modification of pharmacy law restrictions and to work toward licensing restrictions upon sales of drug products through other outlets. While in South Dakota, we were forced to accept a license fee of only \$3 for the patent license, I believe that such license should be much higher. It would seem from the taxation standpoint, that the license for the sale of patent medicines should be at least as high as that required for the sale of non-intoxicating beverages.

Where funds for law enforcement are needed by Boards of Pharmacy, license fees should be allocated directly to the Boards for this work. Where funds are ample such license fee may be advanced as a source of tax income to the state which is badly needed in most states. Needless to say, the latter course offers a valuable lever in a successful legislative campaign.

The sale of biological products presents a problem, particularly in parts of the country where the treatment of veterinary diseases provides a lucrative source of income for the pharmacist. In many states such products are freely sold without restriction and even in some cases by itinerant vendors. The proper storage and handling of biological products and their intelligent dispensing is important. Biologicals for veterinary use have a definite public health relation. Ignorant use of biologicals constitutes a menace if handled without benefit of expert knowledge. Most pharmacy laws define drugs and medicines using the term "for man or for animal." With this in mind we have ample ground for insisting that the sale of veterinary biologicals by other than licensed veterinarians be restricted to the pharmacist. For example, the average uninformed storekeeper should not have the privilege of keeping for sale anthrax live spore vaccine.

In the field of insecticides and fungicides it seems evident, that we as pharmacists, cannot hope to control the general sale of such products which have become staple articles of commerce. I believe, however, that such sales by unregistered dealers should be accompanied by such regulations as license, registration of sales, labeling, etc. The pharmacist who will keep himself informed upon the technical aspects of this rapidly growing field, need have little fear from competitive outlets.

This paper is possibly misnamed. It should be "What Privileges Should *Not* Be Granted Unregistered Dealers." It is my contention that no privileges, with the exception of those herein discussed, should be granted in any case without a strenuous fight. If the sale of drugs which have been termed "simple household medicines" by those seeking to undermine pharmacy statutes, is allowed by unregistered dealers, it will only serve as an entering wedge and such action will be made a basis and a precedent for further encroachments.

U. S. P. drugs and preparations have always been and are now strictly within the field of pharmacy as have been poisons, with the exceptions heretofore noted. Let us be prepared to fight for that which is rightfully within the province of pharmacy and not grant privileges to laymen, the demand for which has so greatly increased due to the stringency of economic conditions. Without strict statutory protection, pharmacy as we know it and as we dream it for the future, cannot continue its logical progress. The health of the nations needs this progress.

Mr. Mac Childs of Kansas next gave an address verbally on the "Need for Strict Enforcement of Law," in which he suggested the Conference follow the method of the N. A. B. P. as to model laws for enforcement. The subject was discussed by Messrs. Meads, Judisch, Fischelis, Durham, Swain and Henry. An excerpt follows:

THE NEED FOR STRICT ENFORCEMENT OF THE LAW.

BY MAC CHILDS.

"My speech is going to be a series of recommendations rather than the discussion assigned. The National Association Boards of Pharmacy was the conceived idea of several gentlemen and has

done great work. It has served its purpose admirably and I think in the next five years will complete what it set out to do, and I hope it will be of greater help to the different parts of the organization which wish to make their laws more stringent and more useful. Each of us have ideas that should constitute our laws, but the trouble is that we have local ideas and we usually have a local law. I have found that in cases of court that the citing of a precedent established in another state is a very great help in clinching the case as the judge and jury usually use the precedent set. I might say that I have also found out that the enforcement must be tempered and not too strict as it is primarily for the protection of the public and of course it reverts back very favorably to the pharmacists.

"At one time, three years ago, I was Secretary of our Board and thought maybe we had better 'clean-up our own back yard' first. We made an inspection of every drug store in Kansas and we notified druggists as to where they were making a violation and notified them that the inspectors would call on them in two or three weeks. We requested them to send in a notice to the Secretary of the Board that this violation had been eliminated and it would not be continued. Of course, in a great many instances we found that their reply was just like the advertising of many patent medicines, it was 'baloney.' In some cases warrants were sworn out and we received 100% convictions. We do not believe convictions are the way to handle this, but with certain people this is necessary. After 'the clean-up in our own back yard' we had very little trouble with others. We treated everybody alike. I was condemned a lot at first and lost many of my friends, who thought I was picking on them. After they found they were receiving the same treatment as anyone else they have become my very good friends again and have given me much help. We made some mistakes in our law enforcement by trying to be over zealous. We tried to stop the sale of paregoric by unregistered pharmacists and only by prescription of physicians. We, later, found out that there was a legal use for a 2-oz. bottle of paregoric and found that we had made a mistake in allowing it to be sold only by a physician's prescription; as we had given them something these should not have left our control."

The speaker also described how they handled their court cases and said they did not even take a case into court unless they were positive they could get a conviction on it. They usually got an opinion from the Attorney General, and had this opinion read in the court the case was being tried or else had an Asst. Attorney General present. He also said that to have the proper evidence that prescriptions were being filled by a person not under the direct supervision of a registered pharmacist it was necessary that the inspector catch him in the act and actually see that this was done or else the evidence would not stand up in court.

Hugo H. Schaefer, in the absence of Mr. Mather, presented the subject, "Restricting the Practice of Pharmacy to Proper Persons." The subject was then discussed by different members, until 12:15 when the Conference adjourned.

Thursday, August 31, 1933.

At eight P.M. a joint session was held in the Pompeian Room with the Section on Education and Legislation. The joint session was well attended and it was urged the annual joint sessions be continued.

Friday, September 1, 1933.

The Conference convened at 2:00 P.M. in the Colonial Room with the following present: Messrs. Fischelis of New Jersey, Costello of North Dakota, Mr. and Mrs. Bruce Philip of California, Henry, Durham and Borniac of Michigan, Heine of Texas, Hugo H. Schaefer and F. C. A. Schaefer of New York, Monias of Illinois, King and Milne of Kansas, Teeters of Iowa, Rothrock of Indiana, Swain of Maryland, King and Ford of Ohio.

Chairman Swain asked for the presentation of the paper of Mr. Woodside of Pennsylvania on the subject "A Change in the Law Enforcement Procedure in Pennsylvania." In the absence of Mr. Woodside, the paper was presented by Hugo H. Schaefer of New York. Upon motion of Mr. Henry seconded by Mr. Schaefer, the paper was accepted and discussed.

A NEW SYSTEM OF LAW ENFORCEMENT IN PENNSYLVANIA.

BY JOHN M. WOODSIDE.*

New deals in governmental procedure are so common at present that it seemed reasonable to expect, in some states at least, a change in the manner of enforcing the pharmacy laws.

* Enforcement executive, Pennsylvania Board of Pharmacy.