

THE DEPARTMENT OF THE AMERICAN ASSOCIATION OF COLLEGES OF PHARMACY

C. B. JORDAN—CHAIRMAN OF EXECUTIVE COMMITTEE, A. A. C. P., EDITOR OF THIS
DEPARTMENT.

Food, drug and cosmetic legislation seems to be at a standstill at the time this note is written. Our efforts to secure the needed provision to protect the consumer under present conditions have been blocked by interested parties whose activity would be curtailed if the proposed bill becomes a law. Public sentiment should be aroused to the point where Congress will have to recognize it. We have no objection whatever to a revision of S. B. 5 provided the revision is for the best interests of the consumer and also reasonable from the standpoint of the manufacturer and distributor. We are, however, opposed to revisions that will nullify the bill. Ralph W. Clark of the University of Wisconsin, along with many others, has been active in bringing this bill to the attention of the retail pharmacists and the public. The following radio address by Dr. Clark is a sane presentation of the situation.—C. B. JORDAN, *Editor*.

NATIONAL FOOD AND DRUG LEGISLATION.*

BY RALPH W. CLARK.**

Our social order has entered a period of accelerating change. Notwithstanding this fact, the attempt last year represents the first far-reaching effort since 1906 to augment the legal safeguards of the consumers of foods, drugs and cosmetics.

In a simple agricultural society the problem of the supply of these commodities devolves, more or less, upon every family. In the present industrial society a large proportion of the population is entirely dependent upon the general market. There is, therefore, a need for more stringent regulation of foods and drugs and the inclusion of cosmetics and advertising which are not mentioned in the 1906 Food and Drugs Act.

The first step in food and drug legislation was taken in 1850 when a law was passed which classified various kinds of tea. One year later the AMERICAN PHARMACEUTICAL ASSOCIATION was organized "to improve and regulate the drug market by preventing the importation of inferior, adulterated and deteriorated drugs and by detecting and exposing home adulterations." This organization, as well as the American Association of Colleges of Pharmacy, the National Association of Boards of Pharmacy, the National Association of Retail Druggists, and the Wisconsin Pharmaceutical Association, favors the present bill, the essential points of which will be outlined shortly. Last year, due to a misunderstanding, pharmacists were classed as opponents to the bill. They did oppose some portions of it which they thought were unreasonable and which have since been modified. They favor the present legislation as they have in the past favored desirable legislation which had to do with public health.

From 1879 to 1906, when the present Food and Drugs Act was passed, 190 measures were presented in Congress which were designed in some way to protect the consumer. Very little active interest in favor of such legislation as well as powerful opposition thereto resulted in only eight of these measures becoming laws.

* Radio Station WHA, Home-Maker's Hour—May 15, 1935.

** Instructor in Pharmacy, University of Wisconsin; Chairman, Inter-Professional Relationship Committee, Wisconsin Pharmaceutical Association.

When the fight, just before 1906, was at its height, the name of Dr. Harvey W. Wiley was associated with various newspapers and magazines in exposing many existing evils and urging legislation to correct them. How different is the situation now when newspapers, magazines and radio are not favoring, but in many cases opposing this legislation, at least by not bringing information on it before the public. It is encouraging to have read early this year in the *Nation* and the *Milwaukee Journal* comments favorable to the proposed legislation. *Time*, however, recently made somewhat of a joke over the fact that the present Copeland Bill had been indefinitely postponed.

Credit should be given to the book, "100,000,000 Guinea Pigs," for stirring up an interest in the need for this type of legislation. Its authors, however, in writing the book, a best-seller a year or two ago, and in operating Consumer's Research, are no less financially interested than manufacturers of foods, drugs and cosmetics. Many of the statements made are radical to say the least and should not influence the consumer too much. After all, it is home operation of an electric refrigerator or car and not laboratory tests that decides the value of the product. Certainly most manufacturers, the ones who intend to stay in business, undertake to market a product only after assuming the responsibility that their product is of high enough quality to be safe for consumer use and will be what they claim it to be when the consumer uses it for the purpose for which it is intended.

For the past few years, however, there has been a rapidly growing public recognition of the need for a revision of the Law of 1906 to better control the unscrupulous manufacturer. Court decisions have revealed weaknesses in the measure that were not foreseen when it was enacted, yet few substantial alterations of the existing Law have been made. In June 1933, Senator Copeland introduced a bill, S. 1944, known as the Tugwell Bill, intended to strengthen and extend the Federal Food and Drugs Act of 1906. A storm of protest arose against the bill and it was twice revised, first as S. 2000 and later as S. 2800. Although the bill was reported favorably by a sub-committee of the Committee on Commerce, it was not acted upon in the last Congress because of the brief time between its favorable report and adjournment, because of the press of other legislative matters and because the revisions had not served to allay powerful opposition from some elements of the regulated industries.

Since the last session of Congress Senator Copeland has spent much time in revising and perfecting the measure which was introduced into this session as S. 5 and is now popularly called the Copeland Bill. Following hearings held in March 1935, the bill was again favorably reported to the Senate. The provisions which aroused most opposition have been rejected. Chief among them was the one giving the Secretary of Agriculture extensive power in rule-making. The Secretary must, in the revision, which at the moment has been indefinitely postponed, consult the proper advisory committee, one on Food and one on Public Health, to be appointed by the President, and have its majority vote before establishing any regulations for the enforcement of the Act.

The bill now contains the valuable features of the present law. Its principal differences from the present law lie in the elimination of those provisions whose terms have caused courts to make interpretations that have afforded avenues for escape for the unscrupulous; extension of its provisions to cosmetics and advertis-

ing; amplification and reinforcement of certain provisions to safeguard public health and to promote honesty and fair dealing; and to strengthen its procedural provisions better to effectuate its purpose.

The Copeland Bill contains definitions of foods, drugs and cosmetics which are broad. There has been no difficulty experienced with the definition of a food, but the term drug has now been made broad enough to include mechanical devices; while the definition of the term cosmetic is inclusive enough to embrace all substances, other than ordinary toilet or household soap, intended for cleansing or altering the appearance of, or promoting the attractiveness of the person. The bill prohibits labeling of foods, drugs and cosmetics in any manner which is false or misleading in any particular and every label must bear the name and place of business of the manufacturer. The latter inclusion is intended to prevent the sale of commodities under labels which remain silent with respect to the sponsorship of the products, or which utilize merely fictitious names, and to establish responsibility for statements used in advertising. The language of the bill is designed to prevent the use of claims of misleading breadth and to require, in the case of drugs, that all representation be limited to the actual value of the drug. In general, misbranding is designed to apply to all misrepresentation of whatever kind, whether of origin, identity, quality, effect or other description of property.

The definitions of standards in the bill are broad and delegation of power to make further regulations such as may become necessary are provided for in the manner previously mentioned. Adulterated is the term applied to products to which substances have been added which are in themselves harmful. An adulterated food, drug or cosmetic is, therefore, one which contains a substance which may render it dangerous to health under the conditions prescribed for its use. Certain color and other tolerances are set up and still others may be promulgated by the Secretary with the approval of the proper advisory committee.

Advertising, as you all know from seeing and hearing it, needs considerable attention. Much of it is based upon the motive of fear—fear that one will lose his position unless he sleeps on a certain kind of mattress or drinks a certain kind of coffee; fear that he will be ostracized from society if certain mouth washes are not used to purify his breath; fear that a child will not be well if he is not given certain beverages and food—all these and many more call to mind specific advertising seen and heard regularly. This sort of thing I hope and believe will be cleared up if the Copeland Bill becomes a law. It should be remembered, too, that half-truths are more pernicious than falsehoods. The bill requires that statements used on the package, in the newspaper, in the magazine, and on the radio, must be statements of fact when the product is used as specified. If, for instance, the word antiseptic is used in describing a product, it must meet the test required in the bill for an antiseptic under the conditions indicated.

I have two small children at home. It is irritating to me to read or hear advertising stating that I am experimenting with them unless I use certain products for appetite-stimulators or for the treatment of colds and other so-called minor ills. I know full well that I really am experimenting unless they are seen regularly, whether sick or well, by a physician who has the training, the experience and the apparatus to check up on their general condition, and, in the case of colds, to listen to their lungs and inspect their ears and throats.

It should be pointed out that the manufacturer who is interested is treated fairly in that he may ask and receive a court review of the regulations handed down by the Secretary of the Department of Agriculture. The Act, by the way, should be administered in this department, rather than by the Federal Trade Commission, as proposed in certain other bills on this subject before this session of Congress. The Federal Trade Commission is regularly occupied in issuing cease and desist orders for unfair trade practices and not in deciding what products are good for the public health.

In conclusion let me quote from *The Milwaukee Journal* editorial: "In general the Copeland Bill is right, and it would result in more effective protection to the public than does the present law." It is therefore necessary for you home-makers to take an active interest in securing the passage of the Copeland Bill. As I have said before, this bill¹ has now been indefinitely postponed but may be brought up again at any time. The present attempt is in danger of again not becoming a law and the much-needed legislation will be successful only if sufficient consumer interest can be aroused.

¹ The Copeland Bill (Federal Food, Drugs and Cosmetic Act) was passed by Senate, May 28, 1935, and referred to Interstate and Foreign Commerce, May 31, 1935.



Crater Lake, in Crater Lake National Park, is known as one of the "Seven Wonders of the World."

Crater Lake, in Crater Lake National Park, is considered one of the wonders of the world. To one historically minded, Oregon has an extra charm. The winning of the Pacific Northwest—the states of Oregon, Washington, Montana, Idaho and Wyoming—is a story with Oregon its focal center. It was at Champoege, a little spot on the Willamette 30 miles above Portland, that a provisional government of the Oregon country under the Stars and Stripes was declared on May 2, 1843. At the mouth of the Columbia River a hundred miles from Portland lies Astoria, the first settlement in Oregon, founded by John Jacob Astor in 1811, a community that fell to the British in the War of 1812 and was recovered six years later. A few miles beyond lies Seaside, where Lewis and Clark reached the end of the trail. Just across the Columbia from Portland stand Vancouver Barracks, where General Grant and others of his day served as lieutenants and captains. Monuments, statues and shrines mark these places.

The world-famed Columbia River Highway starts eastward through the wondrous gorge of the Columbia from the very edge of Portland. An hour's drive carries you to some of the greatest scenic spots on this magnificent drive: to the Vista House perched on the top of a mighty cliff some 700 feet straight above the great river where you may look out over a vast stretch of Oregon and of Washington lying just across the stream; to Multnomah Falls leaping down a sheer 625 feet in a roaring, mystic white. Words are futile in describing the magnificence, the awe-inspiring grandeur of this highway hewn out of the towering rock-walled gorge which the river cut through the Cascade mountain in endless centuries of toil.