

Mr. Walton was treasurer of the Grace Methodist Episcopal Church for twenty-five years. An editorial of one of the home papers, which is typical of all the others, closes with these words: "His name merits a high place in the list of Williamsporters of whom their city may well be proud."

#### WILLIAM L. STEARNS.

William L. Stearns, one of the oldest as well as one of the best known members of the Pharmacy Corps of the U. S. Public Health Service, died at the U. S. Marine Hospital, Stapleton, Staten Island, on January 17, 1936, where he had been under treatment for a number of months.

Mr. Stearns's career as a pharmacist in the Corps of the U. S. Public Health Service was a long and distinguished one. He was appointed in 1892 and remained on active duty until September of 1933, at which time he was retired. He served at the largest hospitals of the Service in the East, at Boston, New York, Dansville, N. Y., and at several of the principal southern quarantine stations during the period when yellow fever scourged that section of the country each summer. He rendered service at the special temporary quarantine camp, which was established at Sandy Hook, N. J., in the summer of 1892, when Asiatic Cholera was epidemic in several European ports.

He was for many years on duty in New York City in connection with Medical Purveying Depot and Supply Service.

He was a graduate of the Massachusetts

College of Pharmacy. In 1930 he was commissioned as a pharmacist officer of the United States Public Health Service in accordance with the provisions of the Parker Bill.

He was buried in Lynn, Massachusetts.—H.

#### J. ALLEN TAILBY.

J. Allen Tailby—of the Tailby-Nason Company, Cambridge, Mass.—member of the AMERICAN PHARMACEUTICAL ASSOCIATION, died January 10, 1936, aged 70 years.

Mr. Tailby was born at Hunters Point, New York, February 1, 1866. The family removed to Wellesley, Massachusetts, when he was three years of age. He attended the elementary schools in Wellesley and graduated from the Chauncy Hall School of Boston. Following a special course in chemistry at Clark University, Worcester, he entered the Massachusetts College of Pharmacy and graduated from the college May 24, 1888. He was one of the founders, in 1905, of the Tailby-Nason Company of Massachusetts and was president and a director of the company until June 1910, when it was reorganized as the Tailby-Nason Company of Maine. He continued to serve as a director of the Maine corporation until the time of his death.

The deceased had served on various town committees and at the time of his death was *Chairman* of the Board of Health of Wellesley. He was a member of the Boston Druggists' Association, the American Chemical Society and also of the Contact Committee of the American Pharmaceutical Manufacturers' Association.

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## SOCIETIES AND COLLEGES.

### CONVENTIONS.

The 59th annual Convention of the Pennsylvania Pharmaceutical Association will be held at the Bellevue-Stratford Hotel, Philadelphia, June 16th, 17th, 18th. The N. A. R. D. will hold its annual meeting at the William Penn Hotel, Pittsburgh, September 21st, 22nd, 23rd, 24th, 25th.

The Kansas Pharmaceutical Association will convene in the Hotel Jayhawk, Topeka, April 13th to 16th.

The Missouri Pharmaceutical Association meets in St. Joseph, April 21st to 23rd.

Oklahoma Pharmaceutical Association holds its annual session at Enid, April 21st to 23rd.

Iowa Pharmaceutical Association meets in Davenport, February 4th to 6th.

Nebraska Pharmaceutical Association has selected Hotel Fontenelle as headquarters, February 18th to 21st. The Northwest Drug Show will be held in the Auditorium, a few blocks away from the headquarters.

Arkansas will hold its annual convention June 9th in Little Rock, at the Marion Hotel.

The Federal Wholesale Druggists' Association will hold its mid-winter meeting in the Hotel Roosevelt, New York, February 25th-27th. The first day will be devoted to a joint meeting of active (coöperative wholesale) and associate (manufacturing) members for an open discussion of trade subjects.

The Canadian Pharmaceutical Association will meet in Bessborough Hotel, Saskatoon, Sask., during the week of August 17th.

The Purdue Pharmacy Extension Department was instituted six years ago to assist druggists of the state who wish to apply to their stores some of the principles and methods studied and promoted by the Department. The annual druggist business conference will be held Marth 25th and 26th.

#### JAPANESE PUBLIC HEALTH INSTITUTE.

The Rockefeller Foundation has provided a building for the Japanese Public Health Institute. The proposed building will be a five-story reinforced concrete one. The Institution will be used for the training of health technicians and officials in charge of administration affairs.

#### OFFICERS OF TEXAS PHARMACEUTICAL ASSOCIATION.

B. B. Brown, Dallas, was elected president of the Texas Pharmaceutical Association by its executive committee to succeed C. C. Harris, Houston, who resigned recently. Festus Pierce, Corsicana, and W. V. Paul, El Paso, were named vice-presidents. Mr. Pierce will be legislative committee chairman, assisted by E. E. Weaver, Fort Worth, and Carter Summers, San Antonio.

Plans to entertain the AMERICAN PHARMACEUTICAL ASSOCIATION convention in Dallas in August were discussed. Walter D. Adams was named Local Secretary.

San Antonio was selected as the convention city for the State meeting, June 8th to 11th, with Roy Phillips in charge of the drug show.

#### OFFICERS OF ARIZONA ASSOCIATION.

Since the recent convention of the Arizona Pharmaceutical Association, held during October in Tucson, there has been a change in the roster of its officers. Newell W. Stewart, of Phoenix, assumes the office of *First Vice-President*, following the resignation of Andrew P. Martin; L. R. Johnson, of Tucson, is *Second Vice-President*; Fred W. Moore, of Flagstaff, is the *President*; Lawrence Evans, Jr., Phoenix, is the *Executive Secretary*. *Executive Committee*: Russell Meadows, J. B. McDonald, J. B. Ryan.

#### SOCIETY FOR THE HISTORY OF PHARMACY.

The annual meeting of the Society for the History of Pharmacy will take place in Stutt-

gart; definite date has not been fixed but it will be held in June.

The new officers of the Society are as follows: *President*, Dr. L. Kofler, Innsbruck, Germany; *Vice-President*, Dr. J. A. Haeffiger, Basel, Switzerland; *Chairman of Publicity*, Dr. Fritz Ferchl, Mittenwald, Germany; *Librarian*, Dr. Alfred Adlung, Berlin, Germany; *Treasurer and Director*, Dr. Hans Hoesel, Berlin, Germany.

#### SOUTH DAKOTA.

The power of the South Dakota State Board of Pharmacy to reject applications for Pharmacy license was upheld in a Circuit Court decision rendered by Judge L. L. Fleeger. The case arose as a result of a refusal to license an applicant. Counsel for the plaintiff sought to prove the unconstitutionality of part of the law. The Judge's decision supports the State Board of Pharmacy.

#### DEFINES "INDUSTRIAL ALCOHOL USES."

The Federal Alcohol Administration Act, passed at the last session of Congress, covers alcohol and distilled spirits for non-industrial use. The regulations just issued define what type of spirits are to be regarded as for industrial use, hence exempt from the provisions of the law. These industrial uses are:

1. Use of tax-free alcohol by any governmental agency, state or federal, or any scientific university or college of learning, or by any laboratory exclusively in scientific research, or by any hospital or sanatorium.
2. Use of alcohol or other distilled spirits of wine which has been lawfully denatured or otherwise rendered unfit for beverage use.
3. Uses of distilled spirits or wine for experimental purposes, and in the manufacture of medicinal, pharmaceutical or antiseptic products, including prescriptions compounded by retail druggists; of toilet products; of flavoring extracts, syrups or food products, or of scientific, chemical, mechanical or industrial products, provided such products are unfit for beverage use.

The new regulations continue in effect the old regulation which provided that distilled spirits in containers of a capacity of one wine gallon or less, except anhydrous alcohol and alcohol which may be withdrawn tax free under the internal revenue laws, will be deemed to be for non-industrial use, hence subject to the act.

### VIRGINIA PHARMACEUTICAL ASSOCIATION.

Virginia Pharmaceutical Association will hold its mid-year meeting at Richmond, John Marshall Hotel, February 11th and 12th.

The annual meeting will be held on board the Steamship Reliance, sailing from Norfolk to Bermuda and return, June 14th-19th.

### DEDICATION OF REMINGTON MEMORIAL LABORATORIES.

In connection with the annual conferences and exhibits of the Philadelphia College of Pharmacy and Science the Remington Memorial Laboratories were dedicated January 31st. The donors are alumni of the College—Josiah K. Lilly (1882), Eli Lilly (1907); the presentation was made for them by Edward J. Hughes of Eli Lilly & Co., and accepted for the College by Dean Charles H. LaWall.

The control division of the laboratory is on the second floor; "it is for the application of the official physical, chemical and botanical tests and assays used in the examination of ingredients and finished chemical and pharmaceutical products." The manufacturing division is on the ground floor. Here is located apparatus used in the pharmaceutical manufacturing processes.

A professional symposium and exhibit was part of the day's program with demonstrations of the relationship of pharmacy, chemistry, bacteriology and biology, in the efforts to cure disease and maintain health. References to the addresses and the exhibits will have to be deferred.

The program also included the presentation of the "Procter Award" for 1936 to Dr. William Boswell Castle, assistant professor of Medicine at Harvard Medical College, in recognition of an outstanding contribution to medicine and pharmacy. The subject of the recipient's address was "New Developments in the Products for the Treatment of Pernicious Anemia."

Chairman E. Fullerton Cook spoke on "Significant Features of the New Pharmacopœia," and Secretary Adley B. Nichols discussed "The New National Formulary."

Dr. Owen Stanley Gibbs, M.B., Ch.B., recently was appointed professor of pharmacology and chief of the division of pharmacy and materia medica of the University of Tennessee.

The following were elected officers of the Association of Official Agricultural Chemists: *President*, H. H. Hanson, State Board of Agri-

culture, Dover, Del.; *Vice-President*, C. C. McDonnell, Washington; *Secretary-Treasurer*, W. W. Skinner, U. S. Bureau of Chemistry and Soils, Washington; *Members of the Executive Committee*: H. R. Kraybill, La Fayette, Ind.; W. S. Frisbie, Washington, D. C.; C. L. Hare, Auburn, Ala.; F. E. Blanck, Washington, D. C.

Dr. P. A. Foote, of the University of Florida, was the principal speaker at the annual banquet of the Volusia County Pharmaceutical Association to the physicians, at Daytona, on January 22nd. The subject was "Coöperation."

### GERMAN APOTHECARIES WILL VISIT THE UNITED STATES.

The tour of the German Apothecaries scheduled for a year ago has been arranged for April of this year and cities thus far named in the itinerary are New York, Buffalo, Detroit, Chicago, Philadelphia and Washington. The AMERICAN INSTITUTE OF PHARMACY is listed; the party will reach Washington on April 26th.

### LAW MAKING BY MODEL.

*The Oil Paint and Drug Reporter*, of January 27th, closes an editorial with the following paragraph: "The fixing of a resale price by contract between manufacturer and dealer is valid in this State. It would not be in Montana, whose constitution specifically forbids the making of such contracts. Constitutional provisions in Idaho and New Hampshire may be applied with similar effect; although Idaho has a law (enacted in 1911) making it illegal to sell any article 'at less than its fair market value.' The constitutions of five or six other States have provisions that make even contractual price-fixing difficult if not impossible. To make an effective law much more than a model is necessary."

### SENATOR TYDINGS REVISES FAIR TRADE MEASURE.

On January 27th, Senator Millard F. Tydings introduced a revised draft of the fair trade measure, S. 3822, the provisions of which are:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 1 of the act entitled, "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, is amended by striking out of the period at the end of the

first sentence thereof and inserting in lieu thereof a colon and the following: "Provided, That nothing herein contained shall render illegal contracts or agreements prescribing minimum prices or other conditions for the resale of a commodity which bears, or the label or container of which bears, the trade-mark, brand or name of the producer of such commodity and which is in free and open competition with commodities of the same general class produced by others, when contracts or agreements of that description are lawful as applied to intrastate transactions, under any statute, law or public policy now or hereafter in effect in any State, Territory or the District of Columbia in which such resale is made, or to which the commodity is to be transported following such resale, and the making of such contracts or agreements shall not be an unfair method of competition under Section 5, as amended and supplemented, of the act entitled 'An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes,' approved September 26, 1914."

#### COPELAND DRUG BILL INTRODUCED IN HOUSE.

Apparently with an idea of forcing action in the House on food and drug legislation, Representative Martin J. Kennedy of New York, in a surprise move January 13th, introduced in the House the Copeland bill in the form in which it passed the Senate. The Kennedy bill is known as H. R. 10124.—*Drug Trade News*.

#### THE OPINION INVALIDATING PRICE FIXING IN NEW YORK LAW.

##### COURT DECISION BASED ON SECTION 2.

"Section 2 is that part of the law which is questioned in this case. The interpretation given below to this section and by all the parties apparently is that it attempts to accomplish just what the plaintiffs claim for it, as stated in the complaint and as given above. But for this we would have grave doubts whether the Legislature ever intended to fix the price of books after they had been purchased in the open market under no agreement as to resale price. Thus it is possible to read Section 2 as referring to the contract made under Section 1, or, as binding on those books like an equitable servitude which had been parted with under a contract as to resale price.

"However, for the purpose of this appeal we confine ourselves to the question of the constitutionality of the statute as construed by

the parties and the court below and treat this section as allowing book price-fixing in the absence of contract made by the purchaser or his agents.

"We agree with Special Term that, if this be its meaning, the law is unconstitutional. That the States cannot fix the selling price of any and all commodities has been settled. (*Williams Co. vs. Standard Oil Co.*, 278 U. S. 235; *Tyson & Bro. vs. Banton*, 273 U. S. 418; *Wolff Co. vs. Industrial Court*, 262 U. S. 522; *Straus vs. Victor Talking Mach. Co.*, 243 U. S. 490.)

"Books, at least these books, are not 'affected with a public interest' any more than theatre tickets; no emergency has yet arisen in literary publications, and the business is not such as comes within the classes which must submit to rate fixing."

#### BOERNER'S PHARMACY WEEK WINDOW.

Edward S. Rose, of Iowa City, is doing honor to the memory of his predecessor in Boerner's Prescription Pharmacy. The founder of the pharmacy, Emil P. Boerner, was an honored member of the profession and of the A. Ph. A.

The following explains the window in part:

"Title—Ethics of Pharmacy—based on the Code of Ethics of the AMERICAN PHARMACEUTICAL ASSOCIATION, which is divided into three parts—

1. The Pharmacist and the Public
2. The Pharmacist and the Physician
3. Relation—Pharmacists to Each Other.

"On display—

"Certificates of Registered Pharmacists Membership in AMERICAN PHARMACEUTICAL ASSOCIATION. Postal pictures of AMERICAN INSTITUTE OF PHARMACY. U. S. P.—N. F.—U. S. Dispensatory. Eighty U. S. P. and N. F. preparations.

"Boerner's Pharmacy subscribes to the Code of Ethics of the AMERICAN PHARMACEUTICAL ASSOCIATION."

#### CONSIGNMENT SALES BANNED.

Administrator Franklin C. Hoyt recently announced that any sale of alcoholic beverages in which title is not transferred at the time of shipment and which does not involve some form of settlement, in cash or on open account, is unlawful. Returns made for ordinary commercial reasons arising after the merchandise is sold are excepted.