duction of the force and frequency of the circulation, a sense of muscular inertia and weakness and a slight tingling in the extremities or in the hips.

If the dose administered be large, all these symptoms are, of course, intensified.

Mr. Katz treated his subject in a very exhaustive manner, and gained the thorough appreciation of his auditors.

A general discussion ensued regarding the various papers submitted during the evening, in which Mr. C. A. Apmeyer, Mr. Chas. G. Merrell, Mr. Louis Werner and others took part. CHAS. A. APMEYER, Secretary.

The Pharmacist and the Law

ABSTRACT OF JUDICIAL DECISIONS.

MISBRANDING — ADMINISTRATIVE REGULATIONS—DRUG DERIVATIVES. Certain packages of Antikamnia Tablets, Antikamnia and Codeine Tablets, and Antikamnia and Quinine Tablets were confiscated and condemned for alleged misbranding under the Federal Food and Drugs Act. The owner petitioned to be made a defendant in the libel, which was done, and the Court of Appeals of the District of Columbia affirmed a decree of the Supreme Court of the District, dismissing the libel. The United States Supreme Court has reversed this decision and remanded the cause with directions to overrule the exceptions to the libel. The labels on the packages bore the statement that the tablets contained no acetanilide, antifebrine, antipyrine, morphine, opium, codeine, heroin, cocaine, alpha or beta eucaine, arsenic, strychnine, chloroform, cannabis indica, or chloral hydrate, and stated the number of grains of acetphenetidin, which, the owners contended, was a sufficient compliance with section 8 of the Federal Food and Drugs Act. The ground of condemnation alleged was that the packages contained a large quantity and proportion of acetphenetidin, which, it was alleged, is a derivative of acetanilide, and that under the provisions of the act and of the regulations made thereunder, it was provided and required that the label on each package should bear a statement that the acetphenetidin contained therein is a derivative of acetanilide; which the labels on the packages did not do. It was also alleged that the packages were misbranded in that the labels thereon were false and misleading, for the reason that they bore the statement that no acetanilide is contained therein, and that the statement imports and signifies that there is no quality of any derivative of acetanilide contained in the drug. The owner's exceptions averred that the act does not provide that there should be added to any derivative of any of the substances contained therein the name of the parent substance, and the act cannot be added to or enlarged by requiring the company to add to the name of a known article, the fact that the article is a derivative of any of the substances mentioned in the act. It was also averred that the statement on the labels that no acetanilide was contained in the packages was not false and misleading, but true.

Food Inspection Decision No. 112, issued January 27, 1910, by the Department of Agriculture, quotes section 8 of the act, and states that the Attorney General, in an opinion rendered January 15, 1909, held that a rule or regulation requiring the name of the specified substance to follow that of the derivative would be in harmony with the general purpose of the act, and an appropriate method by which to give effect to its provisions. In conformity to this opinion, Regulation 28 of the Rules and Regulations for the Enforcement of the Food and Drugs Act was amended as follows: "Acetanilide (antifebrine, phenylacetamide). Derivatives—Acetphenetidine * * * (g). In declaring the quantity or proportion of any of the specified substances the names by which they are designated in the act shall be used, and in declaring the quantity or proportion of the derivatives of any of the specified substances, in addition to the trade name of the derivative, the name of the specified substance shall also be stated so as to indicate clearly that the product is a derivative of the particular specified substance."

Section 3 of the Federal Pure Food and Drugs Act gives the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor, power to "make uniform rules and regulations for carrying out the provisions of the act, and the power to collect specimens of food and drugs offered in interstate and foreign com-

merce." It adopts the definitions of the United States Pharmacopœia.

It was held that the power of the Secretaries is one of regulation only—not a power to alter or add to the act. If, therefore, the quantity or proportion of the substances or any derivative or preparation of them must be stated, is it administrative of the law or additive to it to require by regulation that not only the name of the derivative or preparation be stated, but from what substance derived or of which it is a preparation? It was held that the provision was one of regulation or administration only. Furthermore, it was held that the requirement of section 8 of the act means that the label shall also state the substance from which the derivative is produced, in order to make the warning of the labels complete.—*U. S. v. Antikamnia Chemical Co.*, 34 *Supreme Court*, 222.

ANTI-TRUST ACT — INTERSTATE COMMERCE IN MEDICINES.—In an action for a balance due and owing for medicines, extracts, etc., furnished by the plaintiff to the defendant on a writen contract, the defense was that the contract was illegal and unenforceable because violative of the anti-trust laws of Texas. By the contract the plaintiff was to sell to the defendant, f. o. b. the cars at Winona, Minn., its medicines at the usual wholesale prices, less certain discounts, to be sold by him at the regular retail prices in a certain part of Texas, except in incorporated municipalities. The defendant agreed to sell no other goods except those purchased from the plaintiff while the contract remained in force, and only to customers at their residences in the prescribed district. It was held that the contract was violative of the Texas Anti-Trust Act of 1911, it clearly showing by its terms an intention to combine the capital, skill, and acts of the parties to fix and maintain a standard of prices upon a certain commodity and to prevent competition in a given territory. The sale was held to be interstate commerce, the sale of goods by a citizen in one state to a citizen in another state, the goods to be shipped from one to the other, being interstate commerce, even when the sale is made by an agent of the seller in the state of the buyer. But the fact that the sale constituted interstate commerce did not prevent the Anti-Trust Act from applying to invalidate the contract and prevent a recovery thereon. The fact that a part of the account was due and stated at the time the contract was made and that the defendant expressly agreed to pay that sum did not save that part from being illegal and unenforceable; all items of the illegal contract being invalid.—*J. R. Watkins Medical Co. v. Johnson, Texas Civil Appeals*, 162 *S. W.*, 394.

ACTION AGAINST BOARD OF PHARMACY—ITS NATURE—PARTIES.—In an action of mandamus against the Kentucky Board of Pharmacy and its members to compel the issuance of a pharmacist's certificate of registration, permitting him to practice his profession in the state, the question was whether the action must be brought in the county in which the president of the board resides; the board having no office or place of business in any county. It was held that such an action is a transitory action governed by Kentucky Civ. Code Prac., §78, requiring actions whose venue is not established by other sections of the article to be brought in the county where the defendant, or any one of several defendants, resides or is summoned, and may be brought in any county where process is executed upon the members of the board or any one or more of them. The board, not being designated a corporation by the act organizing it, is not a "corporation," and, while it is a "quasi corporation," when acting pursuant to contractual powers conferred by the act creating it, is not governed by Civ. Code Prac., §72, requiring an action of contract against a corporation having an office or place of business in a county or an agent residing therein to be brought in such county or in the county in which the contract is made or to be performed, and that an action of tort be brought in such county or the county in which it is committed. The action being to compel the performance of a ministerial duty, the members must be sued by name in order that the court may determine whether they are the proper persons to perform such duty, and in order that it may command them to perform it.—*King v. Kentucky Board of Pharmacy, Kentucky Court of Appeals*, 162 *S. W.*, 561.

OCCUPATION TAX ON TRAVELING VENDORS OF PATENT MEDICINES.—In proceedings for unlawfully following the occupation of a traveling retail peddler of patent medicines without being licensed and paying the tax required by law, the chief defense was that druggists selling patent and other medecines

at their regular places of business were not required to pay any tax. It was held that Texas Const., Art. 8, §§ 1, 2, authorizing the imposition of occupation taxes, which must be equal and uniform on the same class, empowers the Legislature to establish such classes, and Rev. Civ. St. 1911, arts. 7355, 7357, imposing an occupation tax on traveling vendors of patent medicines, is not invalid because exempting merchants and druggists selling patent medicines, for the classification is reasonable. Penal Code 1911, arts. 3, 6, provides that no person shall be punished for any act unless the same is made a penal offense and a penalty affixed by written law, and that the articles in the Penal Code and other written law may be looked to. Article 130 of the Code makes one pursuing a taxable occupation, without first obtaining a license, liable to a fine not less than the tax due. It is held that under these articles, read in connection with arts. 7355, 7357 of Rev. Civ. St., imposing an occupation tax of $100 on traveling vendors of patent medicines, and providing that the commissioners' court may levy for county revenue purposes, one-half of the state occupation tax on all occupations, prescribes a penal offense for pursuing the business of peddling patent medicines without first paying the occupation tax imposed by the statute and by the commissioners' court. The statutory provisions were held not to be void on the ground that the penalty in part may be fixed by the commissioners' court, levying a tax of one-half of that of the state for the county.—*South v. State, Texas Criminal Appeals,* 162 *S. W.,* 510.

AGENTS' AUTHORITY TO PURCHASE DRUGS—EVIDENCE.—Action was brought for the price of 250 dozen of a patent or proprietary medicine, sold and delivered to an agent of a branch house of the defendant company, which was engaged in a mercantile business. The issue was whether the agent had authority to order the drugs and bind the company for the price. It was held that evidence that the purchase involved was such a large one that it was out of the ordinary line of business of an agent of the character of the one acting for the defendant was properly excluded, in the absence of evidence bringing home to the plaintiff knowledge of the custom, especially where the defendant's vice-president had stated that the agent had authority to make the purchase in question.—*Patton-Worsham Drug Co. v. Goddard Grocery Co. (Mo.),* 162 *S. W.,* 288.

NORTH DAKOTA "ANTI-SNUFF ACT" HELD CONSTITUTIONAL.—Chapter 271 of North Dakota Laws of 1913 makes it unlawful "for any person, firm or corporation to import, manufacture, distribute, * * * or give away any snuff or substitute therefor, under whatever name called, and as defined in this act." The act defines snuff as "any tobacco that has been fermented, or dried, or flavored, or pulverized, or cut, or scented, or otherwise treated, or any substitute therefor or imitation thereof, intended to be taken by the mouth or nose. Provided, however, that ordinary plug, fine-cut, or long-cut chewing tobacco as now commonly known to the trade of this state, shall not be included in this definition." It is held that the statute is constitutional and cannot be assailed upon the ground that it deprives any person of life, liberty, or property without due process of law, or denies to any person the equal protection of the laws. In commenting upon the necessity for the statute, the court held that it could take judicial notice of the fact that the use of tobacco by the young was injurious, and that the school boy could secretly use tobacco in the form of snuff, when he would be liable to be detected in any other form of use. It could also take judicial notice of the general fear in the community that drugs and opium are, and can be, more easily mingled with snuff and be less readily detected than in other forms of tobacco.—*State v. Olson, North Dakota Supreme Court,* 144 *N. W.,* 661.

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ABSTRACT OF TREASURY DECISIONS.

CHEMICALS — MEDICINAL COMPOUNDS — ARTICLES IN PACKAGES OF 2½ POUNDS OR LESS.—All articles provided for in the dutiable schedule of the tariff act of 1913 which in fact consist of chemical or medicinal compounds, or combinations, or articles similar thereto, in packages of 2½ pounds or less, are dutiable at not less than 20 percent ad valorem under paragraph 17. This provision is a new one, and, in the opinion of the department, not only all the articles in Schedule A except soap and sponges, but all

articles elsewhere provided for in the act which in fact consist of chemical or medicinal compounds or combinations or articles similar thereto, are also subject to such minimum rate of duty when put up in such packages. —(*T. D.* 34035.)

DRAWBACKS ON MEDICINAL PREPARATIONS. —Drawbacks have been allowed on the following medicinal preparations:

Tobias Liniment, manufactured by O. H. Jadwin & Sons (Inc.), New York, N. Y., with the use of domestic tax-paid alcohol.—(*T. D.* 34068).

Medicinal and toilet preparations and flavoring extracts manufactured by Dr. Ward's Medical Co., of Winona, Minn., with the use of domestic tax-paid alcohol.—(*T. D.* 34071).

Flavoring extracts manufactured by Richard Frank & Co., of New York, N. Y., with the use of domestic tax-paid alcohol.—(*T. D.* 34082).

Flavoring extracts manufactured by the Liquid Carbonic Co., of Chicago, Ill., with the use of domestic tax-paid alcohol and imported ethers, essential oils, roots, herbs, vegetable coloring matter, and acids.—(*T. D.* 34109).

T. D. 34071 (abstracted above) is extended to cover flavoring extracts manufactured by Jacob House & Sons, of Buffalo, N. Y., with the use of domestic tax-paid alcohol.—(*T. D.* 34149).

ALCOHOLIC PERFUMERY.—The merchandise known as "Lanza" perfume was assessed with duty at the rate of 60 cents per pound and 50 percent ad valorem as an alcoholic perfume under paragraph 67 of the tariff act of August 5, 1909. It was held by the Board of General Appraisers to be properly dutiable, as claimed by the importers in their protest, at the rate of 30 percent ad valorem as ethyl chloride under paragraph 21 of the said act. In view of the importance of the issue, the Treasury Department has directed appeal to be taken from this decision.—(*T. D.* 34058).

IMPORTATION OF VIRUSES, SERUMS, ETC.—LIST OF LICENSED MANUFACTURING ESTABLISHMENTS.—A list of the establishments, fifty in number, holding, on January 1, 1914, licenses under the act of 1902 for the regulation of the sale of viruses, serums, toxins, and analogous products in the District of Columbia, is issued by the Treasury Department, with the names of the several products for which licenses have been given.—(*T. D* 34060).

DRUMS — RE-IMPORTATION — GLYCERIN — CHEMICAL.—Free importation is authorized upon re-importation of drums used for the shipment of glycerin under paragraph 406, tariff act of 1913.

The Bureau of Chemistry states that from a commercial point of view a chemical may be defined as "any substance or mixture of substances of fairly definite composition obtained by chemical process used in the arts for its chemical effect either by itself or in the manufacture of other substances." (*T. D.* 34,113.)

MIXED FISH OIL—COD OIL.—Only oil which is the product of unhealthy and putrid livers of codfish and allied species, whether or not containing the entrails and other refuse parts of the fish thrown in and allowed to undergo putrefaction, is entitled to admission free of duty under paragraph 561 of the tariff act as cod oil.—(*T. D.* 34160.)

RADIOGEN-TRINKWASSER—RADIUM BROMIDE IN WATER.—Radium bromide dissolved in distilled water is entitled to free entry as "radium" under paragraph 659 of the free list, and is not properly dutiable at 25 percent ad valorem as a medicinal preparation not specially provided for under paragraph 65, act of 1909.—(*T. D.* 34052.)

ALCOHOLIC COMPOUND—CHEMICAL MIXTURE CONTAINING ALCOHOL.—To constitute a chemical mixture containing alcohol under paragraph 3, act of 1909, the chemicals themselves must form such a substantial part, without the alcohol, as to give such predominant character to the article taken as a whole.

2. If the alcohol largely predominates, and the other ingredients of a chemical nature become relatively insignificant in quantity and proportion, then the article is an alcoholic compound under paragraph 2.

3. Linalco Seele, manufactured as a base for non-alcoholic drinks, is an alcoholic compound.—*U. S. v. Kraemer* (4 *Ct. Court Appls.*, 433; *T. D.* 33858) followed. (*T. D.* 34124—*G. A.* 7527.)