Editorial

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PATIENCE AND "PEARSON'S."

THERE is no human quality so useful as Patience under misrepresentation; a tolerance which endures; a serenity of mind which allows oneself to be maligned; which, confident of strength sees petty natures lie and injure without a word of protest or one thought of dismay. Sanco Panza tells us, "Patience and shuffle the cards." And we should have been patient under the criticism of the profession which recently appeared in a fourth-rate magazine, rather than to have encouraged and stimulated their untrue attack by striving to show them that they were wrong. They knew they were wrong, that they were misrepresenting matters, but they simply wished to bring a dying venture into the lime-light, to acquire notoriety. Did they care that what they said was untrue? Not at all. Did they care what injury they might do by their false misrepresentation? Did they care that they maligned a body of men whose services to humanity and to every community are second to none? They cared not for this. And the only answer to such criticism is a dignified silence. You please a blackguard, when you notice him. To reply to him is as unwise as for a gentleman to answer the gibes and jeers of a boozy corner-bully.

"It don't pay to do much talkin'
When you're mad enough to choke,
For the word that stings the deepest
Is the word that's never spoke.

"Let the other feller do the talkin'
Till the clouds are cleared away,
Then he'll do a heap er thinkin'
'Bout the things you didn't say."

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DRUG IMPORTATIONS.

IN view of the testimony recently given by Mr. Harry B. French, President of the Smith, Kline and French Company of Philadelphia, before the Committee on Uniform Food and Drug Regulations of the Chamber of Commerce of the United States, it is evident that it is exceedingly difficult for Government officials at different ports, however honest their intention, to pass judgment upon drug importations and arrive at the same conclusions.

Mr. French testified that:—

"If the Government makes a statement that the goods will not be released because of certain allegations on the part of the Government, these allegations are made to the importer and he is given an opportunity to appear before the collector of the port of entry and present arguments. The samples and arguments are then sent to Washington, and if the Washington officials uphold the local officials, the importer has no alternative but to re-export the goods. The tendency at Washington is invariably to support the reports received from the authorities of the different ports, and the reports vary with the numbers of ports.

"For example: (1) We imported Asafetida. Its solubility test was 40 per cent. It was rejected at Philadelphia. The goods were re-exported to London. We then bought Asafetida in New York. It tested only 30 per cent. solubility and we so labelled it. The goods were seized by the U. S. officials, but the Courts decided that the goods were legally our property because they were properly marked: (2) We imported Myrrh through New York. The Collector of the Port refused to pass the drug on the grounds that it contained too much ash

and did not answer the U. S. P. description. The Pharmacopœia gives no standard for ash. The Government officials suspected the presence of foreign gum. They did not assert that they could show its presence, but they refused the admission on suspicion, and their stand was upheld by the Washington authorities. An independent examination by one of the leading experts of the country showed the entire absence of foreign gum; (3) We imported Saffron through Philadelphia. It was refused admittance on the ground that it contained too much moisture, ash and sugar. Saffron is not official in the present U. S. P. (VIII) but the next edition of the U. S. P. (IX) will permit 7.5 per cent. of ash. The content of ash in the Saffron was less than that allowed by the new Pharmacopœia. There is, of course, no moisture-standard in the U. S. P. (VIII), but the next edition of the U. S. P. (IX) will permit 14 per cent. The Saffron rejected contained a slightly larger percentage of moisture than the standard to be, but this could have been readily removed by drying before admission (as it was later). As regards the sugar, it can be said that all Saffron contains sugar, and the quantity present was less than the standard. Other instances of abuses in drug importations can be cited."

According to Mr. French, the following abuses are possible:—

"The same quality of drug may be brought to five different ports. At one port the drug may be permitted entry without examination; at another port the drug may be examined and admission granted; at the third port the drug may be examined and refused admission on grounds which have a legal basis; at the fourth port importation may be refused because of suspicions on the part of executive officials and for reasons that are not legal, and at the fifth port the drug may be examined and delivery made on conditions that the goods are marked in a certain manner."

Drugs imported into the United States must comply with the provisions of the Drugs and Medicine Act of 1848 and the provisions of the Food and Drugs Act of June 30, 1906. These two acts are held by the Attorney General to be cumulative. Decisions whether drugs shall be admitted in the United States rest with the administrative officers of the Government. Neither act provides for a review by the courts of such decisions. Under Section 11 of the Food and Drug Act, importers are privileged to appeal to the Secretary of Agriculture and submit testimony, but such appeals are usually made or referred to the Bureau of Chemistry (which may have prejudged the case), and are then passed upon by the Secretary of Agriculture, whose decision is final.

In a letter to Hon. F. M. Simmons, Chairman of the Finance Commitee of the U. S. Senate, Secretary Houston, of the U. S. Department of Agriculture, writes:

"It is true, as stated by Smith, Kline & French Co., that there have been differences in the findings of the Department's chemists at different ports of entry with respect to crude drugs. The number of samples of imported food and drugs examined since the Food and Drugs Act became effective, January 1, 1907, has been enormous. It has been impossible to avoid differences in results of analyses made by different chemists at the same or different ports. The Department, however, has endeavored to be fair and consistent in its rulings. When differences in analyses have been noted, or the results of the analyses have been questioned by importers, such analyses have been made before arriving at decisions. It is believed that as a result of the experience of the Department, fewer differences in analyses occur now than formerly, but in view of the large number of samples of imported food and drugs required to be examined, it is to be anticipated that there will be some differences in the findings of the chemists in the future."

And it is these differences that should be corrected. The methods of examining imported drugs at the ports of entry should be standardized, as suggested by the Drug Trade Section of the New York Board of Trade and Transportation,

and the conditions of entry made as uniform as possible at all ports. The "personal equation" factor should be eliminated. Rejections should be based on demonstrable facts and not on suspicions.

It must be borne in mind that customs officials exercise the power of passing importations without examination; that it is within their power to give legal reasons for the rejection of an importation, which objections, however, may not have been founded on fact, and yet the importer has no legal redress. It is manifest that such a system gives a large scope for the use of personal influence, and offers the possibility of gratifying private grudges. It is not asserted or intimated that any of the officials of the ports of this country are guilty of such nefarious practice, but it is certain that the system encourages such practice. Russia is the only great civilized country in the world that has a bureaucratic government and the power of Russian officials to send citizens to Siberia, without trial, should not commend the system to American citizens.

Importers of drugs should be given the right of judicial appeal when a refusal of delivery of goods is made by the Treasury Department, a right accorded by law to importers in the assessment of goods for duty under the Tariff Act.

It may be argued that it would not be expedient to give importers the right of appeal to the courts upon matters of a scientific or technical character—that such questions should be determined only by Government officials trained in the work. But Government officials are human and naturally sustain the findings of each other. Whoever heard of a Government official in any department failing to sustain the scientific or technical report of a fellow official?

As to the lack of scientific or technical training by the Court, the latter could readily appoint a scientific or technical referee (as it does other referees) who could take testimony and report upon the facts to the Court, when an impartial decision could be rendered.

Section 11 of the Food and Drugs Act should be amended to provide for appeals to the courts from decisions of the Secretary of Agriculture in the matter of *both* food and drug importations, and it should be entirely possible to do this, and also, "adequately safe-guard the admission into the United States of only such foods and drugs as are not adulterated or misbranded or otherwise in violation of the Act."

The great principle involved in the demand for an amendment of the Act is that American citizens should not be deprived of their constitutional rights and their business placed at the mercy of executive officials without the power of judicial appeal.

J. W. ENGLAND.

THE HARRISON BILL.

THIS law has been discussed at such length that it is almost unnecessary to speak of it except to note the fact that *Jacta alea est,* it is now the law of the land, and as such it must be obeyed.

It is certainly very satisfactory that many vexatious and burdensome restrictions have been eliminated from the original bill and, in its present form, it is as unobjectionable as such a bill could well be to the trade. The National Drug Trade Conference has again demonstrated the wisdom of its establishment, for by its wise direction the bill has been wisely amended and much that was mischievous has been eliminated.

The country demanded some law to control what was termed the drug-evil. Exaggerated statements and garbled statistics had engendered the belief that the nation was largely composed of weak-minded people, who must be protected against themselves. Now that this law is passed it may be that those who thought the nation was going straight to "the demnition bow-wows" will be for a time satisfied, will allow it to demonstrate its usefulness, and will cease their striving to impose further restrictions upon an already overburdened profession.

The results of the bill may be salutary. It must be said that the intent of the framer of the bill and of its protagonists is most commendable, but sometimes laws intended to be restrictive fail, because they attempt to do too much.

Lord Chesterfield, in his famous letters to his son, told him that he wished him to frequent the Courts of Europe, principally to see "with what little wit the world was governed." And if this law proves ineffective, it will not disappoint those of us who have seen so many other laws fail in attaining the results which they were intended to accomplish.

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SAN FRANCISCO.

THE attention of the members is called to the advertisement of the World's Fair Company, which appears on Page VII of our advertising pages.

This company has the backing of some of the leading citizens of Columbus, and the inclusive price, which they make for the trip, embraces unusual features for the excursion to the meeting.

The special trains which this company will run will be equipped with moving-picture outfits and it is planned that cabaret artists will accompany every party to relieve the tedium of the long railroad journey.

Full information regarding these many attractive features may be received by writing to Mr. Robert C. Byers, the District Director, at 27-28 Ruggery Building, Columbus, Ohio, and the name of every person so writing will be placed upon a list to receive the latest information in regard to the Fair and the advantages of use of the company's arrangements in going and returning from the meeting.

JAMES HARTLEY BEAL, PHAR. D., SC. D., LL. B.

Professor Beal was born on the twenty-third of September, 1861 near New Philadelphia, Ohio. He received the education of that municipality and during the school-vacations he worked at farming and coal-mining. After leaving school he entered the profession of Pharmacy in Urichsville, Ohio, and afterwards was employed in its active practice in Akron, Ohio.

Filled with the ambition for a college-education he entered Scio College graduating from that institution in 1884, with the degree of Ph. B. He then studied Chemistry and Pharmacy in the University of Michigan, also attending the Law School of that institution. Later he entered the Cincinnati Law School, from which he graduated in 1886. He has never practiced the profession of law, but his studies in that have been decidedly useful to the profession in the service he has rendered to it in the preparation of many legislative bills and the study of Pharmacy Laws.

In 1895 he received the degree of Doctor of Science *in Curia* from Mount Union College and Phar. D. from the University of Western Pennsylvania. He was Dean of the Department of Pharmacy of Scio College from 1887 until 1908, and was the acting president of that institution from 1902-1904.

His activities in the Association has embraced all fields of its endeavor. He became a member of the Association in 1892. In 1897 he was elected Chairman of the Section on Education and Legislation. He was chosen First Vice President in 1900, and President for the year 1904-5. He was President of the Conference of Pharmaceutical Faculties in 1906-7; President of the Ohio State Pharmaceutical Association in 1898-9; Chairman of the Committee on Uniformity of Legislation, Methods of Analysis and Marking of Food Products at the National Pure Food and Drug Congress in 1898. At the present time he is Chairman of the Board of Trustees of the U. S. P. Convention and a member of the Food and Drug Trades Conference and a member of the Board of Directors of the American Druggist's Fire Insurance Company of Cincinnati, Ohio.

In 1911 he was elected General Secretary of the Association and Editor of the JOURNAL, from which positions he resigned in June of last year. He has contributed largely to pharmaceutical literature and is the author of many books relating to Pharmacy and its co-ordinate professions, among these works being "The Elements of Pharmacy," "Chemical Arithmetic," "The Era Course in Pharmacy," "Pharmaceutical Interrogations," "Interrogations in Dental Metallurgy," "Equation Writing."

Prof. Beal was a member of the Seventy-fifth General Assembly of Ohio. In his legislative service he was Chairman and member of important committees, and he left upon the statute-books of the state an enduring impress in the Beal Local Option Law, now one of the most effective and wise laws of the State.

For many years Dr. Beal has been interested in the oil and natural gas properties of the Midland region.

In 1886 he espoused Fannie Snyder Young of Urichsville and two children have been born of that union; George Denton Beal, Associate Professor of Chemistry of the University of Illinois, and Nannie Esther Beal. Prof. Beal now resides in Urbana, Ill.