

SOME FACTS CONCERNING DRUG IMPORTATIONS.

H. H. RUSBY, M. D.

In the January number of the *JOURNAL*, Mr. J. W. England contributes a noteworthy article on "Drug Importations." With Mr. England's general conclusions and claims, as there outlined, I am in full accord. Too much care cannot be taken, either to insure uniform findings at different ports and at the same port on different occasions, or to give the importer the fullest opportunity of having the merits of his case sifted until the truth is established. On the other hand, there are statements in Mr. England's article that have no basis whatever in fact, and there are others which can be justly weighed only in the light of existing conditions to which he makes no reference. On page 57 he says:—"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." It is a fact that the system in operation at the ports of entry of this country is devised to prevent the analyst from knowing anything about the personal or firm relations of the articles examined. It is very likely that at small ports, where little business is done and where very few persons are employed, such knowledge incidentally reaches the analyst, but this is not a design in the establishment of the methods. I presume that my own case does not differ materially from that of others at the larger ports. I have probably examined more than half of the crude drugs that have entered the United States during the last few years, and I have probably not known anything of the shipper, consignee or owner of a dozen shipments that I have thus examined. In case of the few exceptions, the knowledge has come to me purely by accident. If, after the signing and filing of my certificate a protest is made, such knowledge necessarily reaches me, but up to that time, all that I know of the article is its serial number, its professed character and the date on which I receive it. It is manifest that Mr. England's statements about the tendency of the system are wholly erroneous. While it may be believed by some persons that an analyst would, if he could, gratify a malignant spirit, it can hardly be believed, under the circumstances, that he could do so if he would.

As a matter of fact, the danger, if Mr. England's assumption were correct, would be rather in the direction of trying to save some one from a loss than of trying to cause one to occur. On the day of this writing, an intimate personal friend is condemned to a four hundred dollar loss, upon my certificate, because his importation contains 57% of adulterant, and it is a blessed relief that I am able to tell him that I knew nothing more of his sample than its date and number, until he himself informed me that it belonged to him.

Farther on, Mr. England asks, "Whoever heard of a Government official in any department, failing to sustain the scientific or technical report of a fellow official?" I think he will adopt a somewhat less cynical view upon my assurance that this is a common occurrence in the Bureau whose workings he is criticising. During

the month of January, I prevented two prosecutions by submitting a judgment that a fellow member was in error in his findings. I have in many cases rendered a favorable opinion of shipments that others had condemned, and vice versa. I have never known the slightest resentment or criticism to result from such action. My own judgments have been similarly disputed by others. Although in some such cases I have continued to believe my opinion to be the correct one, no thought of resentment has ever been excited. It is very likely that Mr. England's impressions on this subject have resulted from cases of the following kind. An importer who has always insisted upon his approval of the objects and purposes of the drug law, and who has given it his continued support, suddenly finds himself saddled with a shipment of the unfitness of which neither he nor any one else has any doubt. He may previously have condemned the importation of a shipment of far better quality, yet he now insists upon having his own importation released, and he resorts to every sort of misrepresentation of the case and to unjust criticism of the officer who condemned the goods, in his endeavor to escape the consequences of a mistake that he would have loudly condemned in any other. The rarest thing in all my experience, although I have known it to occur, is for an importer to exhibit a willingness to have the law justly enforced when this would result in a loss to him.

A far more serious question than any of the above is that of providing for judicial review of the findings of experts, which Mr. England strongly approves, and in which approval he is supported by many of the ablest lawyers, judges and legislators in the country. On general principles, it would seem clear that the importer should have this right and it is only the result of experience which can lead one to take the opposite view. Fortunately, we have an abundance of experience upon which to base our conclusions. All seizures of interstate shipments are subject to court review and many hundreds of such cases have been brought since the Federal Food and Drugs Act went into operation. At many of these trials, I have been a listener and I can recall scarcely any into which gross perjury did not enter. Were one to judge only by his observations of such cases, he would be likely to conclude that there is no other class of persons so dishonest as these expert witnesses. Leaving out of consideration all cases in which there is a fair ground of error and all differences of opinion, I do not hesitate to assert that in nearly all important cases one or more witnesses testify to what they know or fully believe at the time to be untrue. Our unfavorable opinion of these results must be qualified by the reflection that in most such cases, some experts have been asked to testify who have refused to do so, on conscientious grounds. Nevertheless, it is never difficult for an attorney to find one or more who are willing to thus degrade the profession. I have seen a chemist deny the pinkish-color which promptly appeared in the test performed in the courtroom while he was looking on. I have known a witness, after having sworn to an entirely different result from that which he had previously obtained, to retire under instructions of his attorney, so that he would not see the result of the same test applied in the presence of a jury and in this way would escape being compelled to state the truth concerning it. I have heard a witness testify that all volatile oils contain alcohol in varying amounts, oil of peppermint about 90%!

In this case, because that witness occupied the chair of *Materia Medica* in a medical college, while the one opposed to him was in a college of pharmacy, it was only with great difficulty that the jury could be convinced that his testimony was incorrect. It is this ignorance of the jurors, their complete dependence upon the statements submitted, and their unfitness for grasping and interpreting technical facts, in which the danger of this method of deciding such questions principally resides. As to the tendency of the witnesses to speak correctly, we must consider whether government witnesses, with no other influencing motive than that of justly and impartially upholding the law, are more or less likely to testify truthfully than are men who have been offered a rich fee, often a temptingly large one, to say that for the saying of which they are to be paid.

After all, could there be a more satisfactory method of deciding contested cases than by a central reviewing board at Washington, properly constituted and manned? Such a board should of course be sufficiently large to contain experts in every subject coming before it, so that it would collectively represent a greater and more accurate knowledge and better judgment than that of any of those whose opinions are to be reviewed. I am not discussing whether this is or is not true at present, but merely submitting the opinion that this method, properly carried out, is the ideal one and that it is free from those objectionable features which are collectively represented by the term "bureaucratic."

HYPODERMIC INJECTION OF PHENOL FOR TETANUS.

In spite of treatment by antitetanic serum, cases occur in which the course of the disease does not appear to be checked. In one such case of traumatic tetanus recorded, in which the gravest symptoms developed even after the administration of two successive injections of serum, rapid amelioration and ultimate cure were obtained by the use of hypodermic injections of phenol. The dose given was 2 mils of a 5 per cent. solution, every two hours for six days, then every four hours for another five days, after which they were no longer needed. No urinary pigmentation and no albuminuria were observed, but a carbolic rash appeared about the seventh day of treatment. It is stated that the gross mortality in cases treated with antitetanic serum is from 61.8 to 78.9 per cent. Bacelli, the originator of the phenol treatment, gives the mortality by that method as only 17.4 per cent. Since the hypodermic injection of phenol in no way interferes with the action of serum previously administered as a preventive, it is worthy of extended use where the former appears to have failed and the disease shows signs of developing.—Drs. Purves Stewart and J. T. C. Laing (*B. M. J.*, 1914, 2, 1098).