

General Session

REPORT OF THE COMMITTEE ON POST OFFICE REGULATIONS FOR THE MAILING OF POISONS.

The appointment of this committee is due to a decision rendered in the United States District Court for the District of Missouri to the effect that the Post Office regulation prohibiting the mailing of poisons or poisonous medicines to others than licensed physicians, surgeons and pharmacists was illegal in that it restricted postal privileges to particular classes of individuals.

The present postal law, which was passed March 4, 1909, deals with the subject of poisons, inflammable materials, dangerous articles, intoxicating liquors, etc., in Section 472, as follows:—

SECTION 472. All kinds of poisons, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials and infernal machines, and mechanical, chemical or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions or materials of whatever kind which may kill, or in anywise hurt, harm or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be non-mailable matter, and shall not be conveyed in the mails or delivered from any post office, or station thereof, nor by any letter carriers; but the Postmaster General may permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property: Provided, That all spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind are hereby declared to be non-mailable and shall not be deposited in or carried through the mails. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the directions thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be non-mailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster General, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be non-mailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster General or not, with the design, intent, or purpose to kill, or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

In elucidation of this law the following regulation was promulgated by the Postmaster General:—

4. Medicines composed in part or wholly of poison or poisons, and anesthetic agents, which are not outwardly or of their own force dangerous or injurious to

life, health, or property, and not in themselves unmailable (see Sections 480 and 497), may be admitted to the mails for transmission in the domestic mails from the manufacturer thereof or dealer therein to licensed physicians, surgeons, pharmacists and dentists, and not otherwise, when inclosed in packages in conformity with the conditions prescribed in Section 496: Provided, That the package bears the label or superscription of the manufacturer of or dealer in the article mailed.

In view of the decision in the case above cited the Postmaster General issued a regulation to take the place of paragraph 4 above, the new paragraph reading as follows:—

4. Medicines and anesthetic agents, which are not outwardly or of their own force dangerous or injurious to life, health, or property, and not in themselves unmailable (see Sections 454 and 480), may be admitted to the mails for transmission in the domestic mails when inclosed in packages in conformity with the conditions prescribed in Section 474: Provided, That the terms "medicines" and "anesthetic agents" shall not be construed to mean poisons. Provided further, That the article mailed bears the label or superscription of the manufacturer thereof, or dealer therein, or of the licensed physician, surgeon, dentist, or veterinarian preparing or prescribing the same.

It will be observed that the revised regulation makes no distinction regarding the purchaser, leaving the purchase open to anyone. The question of what does and what does not constitute a poison in the meaning of the act is not defined either in the act or in the regulation, and when anyone proposes to mail an article the postal authorities decline to make a ruling as to what is meant by the word "poison," leaving the mailer to exercise his own judgment in the construction of the law, and, of course, to take the consequences of any errors of judgment which he may make.

This leaves the matter in a very unsatisfactory condition from the point of view of the legitimate drug trade, members of which are frequently requested to mail medicines containing poisons under circumstances which might possibly render them liable to punishment. In fact, a branch manager of one of our largest pharmaceutical houses was arrested in February of this year on the charge of illegal use of the mails in having shipped 100 heroin tablets by mail to a wholesale dealer in another city. Fortunately, however, this case was not pressed for trial, the charge being dismissed. The matter has been the subject of discussion by the Post Office authorities ever since your committee was appointed and various drafts of regulations have been submitted to the authorities both by members of your committee, by the members of the Drug Trade Conference, by the Drug Trade Section of the New York Board of Trade and Transportation, and others.

POSTAL REGULATIONS.

Proposed Amendment—Section 472, Par. 4.

4. Poisonous substances used for sanitary or medicinal purposes or in the arts and sciences which are not outwardly or of their own force dangerous or injurious to life, health, or property, and not in themselves unmailable (see Sections 454 and 480), may be admitted to the mails for transmission in the domestic mails when inclosed in containers made of metal, wood, papier-mache, or similar material, in such manner as to render impossible the escape of any of the contents: Provided, That the article mailed bears the label or superscription of the manufacturer thereof, or dealer therein, or of the licensed physician, dentist or veterinarian preparing or prescribing the same, and that there be written or

printed on such label and on the outside wrapper of the package the word "Poison" in plain letters in red ink, and also that the name and address of the sender shall appear on the outside wrapper of the package: Provided further, That no preparation of cocaine, its salts or derivatives, or any preparation containing any of them, or any preparation of coca leaves, shall be admitted to the mails: Provided further, That no preparation containing more than one of the following substances in the amount stated, viz.: two grains of opium or its equivalent of an opium preparation, one-fourth of a grain of morphine, one-fourth of a grain of heroin, one grain of codeine, or any salt or derivative of any of them in one fluidounce, or, if a solid or semi-solid preparation, in one avoirdupois ounce, shall be admitted to the mails.

While the proposed regulation is more liberal than the one now in force, it is still open to some objection, both on the ground of inconsistency and of unnecessary hardship. In discussing the matter the Drug Trade Section of the New York Board of Trade and Transportation suggested the use of the following wording:

Medicinal preparations which contain poison in sufficient quantity and form, in combination with other ingredients, to be used exclusively as a curative or remedial substance, and which are not dangerous or injurious to life, safety, health or property, may be admitted to the mails for transmission in the domestic mails when inclosed in packages, in conformity with the conditions prescribed in Section 474; provided, that the article mailed bears the label or superscription of the manufacturer thereof, or dealer therein, or of the licensed physician, pharmacist, dentist or veterinarian preparing or prescribing the same.

The proposed regulation by the authorities is open to the objection that it would restrict the mailing of solid and semi-solid preparations to one ounce, practically regardless of the proportion of poison contained. A small tablet of Brown mixture, containing $\frac{3}{100}$ of a grain of opium to the tablet, 274 of which are required to make an avoirdupois ounce, could not be mailed because an ounce contains over eight grains of opium. There are many other preparations which could be barred on the same ground. One suggested substitute for the last clause seems to cover this phase of the dose unit in dry form, at least from the manufacturer's standpoint. This reads as follows:

Provided further, That no preparation containing any one of the following substances in more than the amount stated, viz.: two grains of opium, or its equivalent of an opium preparation, one-fourth of a grain of morphine, one-fourth of a grain of heroin, one grain of codeine or any salt or derivative of any of them in one fluid ounce; or, if in the form of a medicinal tablet, pill or other dosage unit, in twelve such units; or if a solid or semi-solid preparation not in dosage units, in one avoirdupois ounce, shall be admitted to the mails.

It is a matter of gratification to note the attitude which has been taken by the postal authorities in this matter, whose willingness to confer with the drug trade gives us reason to hope that through such conference regulations may be devised which will fill all the varied requirements in the case.

Your committee holds that in construing this law it is highly important to take into consideration the object of the measure as a guide to the probable intent of Congress in passing the law. A consideration of the law of 1909 as a whole conveys the impression that the primary object of Section 472 is to protect the mails and those handling them from possible damage. It is true that the clause relating to intoxicating liquors does not square with this theory as to the object of the law, but the presence of such a regulation is easily understood when we take into consideration the effect which the use of the post office might exert in a nullification of local option laws. If we are right in the assumption that the primary

object of the law is to prevent possible injury to the mails or to those handling the mails it will be seen that the term "poison" should be construed as including only those articles or preparations which are liable to poison persons who handle them. Such a restriction of the term would exclude the large majority of medicaments which consist of or contain substances which are poisonous if taken internally in considerable quantities. The latest information which your committee is able to present is contained in the following letter addressed to the Chairman by the Second Assistant Postmaster General:—

"The receipt is acknowledged of your communication of the 5th instant, concerning the sending of poisons and articles and compositions containing poisons through the mails.

"The Department now has under consideration the question of the advisability of promulgating a regulation admitting these articles to domestic mails. If such a regulation shall be issued I will be pleased to forward a copy to you. Until a final conclusion in the matter is reached this office is not in a position to state the attitude of the Department in the matter."

It will be seen from this letter that the post office authorities themselves are not wholly pleased with the regulations as they now stand, and it will only be a matter of time when new regulations will be issued.

There has apparently been a disposition shown in some quarters to use the postal regulations as a means of suppressing the traffic in habit-forming drugs, though there seems to be no warrant for such a construction of the law. The passage of the Harrison antinarcotic bill, which will probably occur soon, will, fortunately, take care of this traffic in a satisfactory manner and do away with the need for burdening the postal authorities with a duty which is apparently not contemplated in the postal law.

We believe that the work of this committee and of other representatives of the drug trade has been of some use in enabling the Postmaster General to arrive at a clearer understanding of the subject. In view of the fact that matter has been taken up by the Drug Trade Conference and that the members of your committee have already laid their views before the department, we respectfully suggest that the committee be discharged.

REPORT OF THE COMMITTEE ON PHARMACEUTICAL NOMENCLATURE.

In view of the disruption of communication incident to the European war the International Pharmaceutical Conference which was to have been held in Berne, on August 8, has been indefinitely postponed. Under existing circumstances we cannot hope for any international coöperation in our efforts to minimize the danger arising from the duplication of names. We can, however, urge all manufacturers of pharmaceutical preparations to exercise the utmost caution in naming new products so as to reduce as much as possible the danger from that cause. The use of certain prefixes has grown to such an extent that even the most tenacious memory can hardly keep track of the preparations bearing them. Among these prefixes are: bio-, eu-, fer-, farm-, glyco-, hæma-, hæmo-, leci-, radio-, thio-, thymo-, uro-, uri-, val-, etc.