

EDITORIAL

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“THE LABORER IS WORTHY OF HIS HIRE” AND THE PUBLIC A “SQUARE DEAL.”

THE Stevens Bill of the Sixty-third Congress (H.R. 13,305) was introduced by Representative R. B. Stevens on February 12, 1914, but failed of consideration. It was introduced by Representative W. A. Ayres in the present session of Congress on December 14, 1915, and is now known as the Stevens-Ayres Bill (H.R. 4715). It should not be confused with the Stephens Bill recently introduced by Representative D. V. Stephens, from which it differs; the Stephens Bill is a price-maintenance measure, also, but it permits special discounts for quantities, cash, and freight differentials.

The Stevens-Ayres Bill *aims to give the manufacturer the legal right to make a price contract, or rather a contract for the maintenance of the resale price of “branded” goods, at wholesale, at retail, and to the public.*

Under the law, as it now stands, the manufacturer may “brand” his goods, but he has no legal right to fix their resale price and protect himself against property-loss by predatory price-cutting.

While the primary effect of price-cutting on branded goods may be of benefit temporarily to the public in lower prices, the secondary effect is inexcusable injury to the public through the substitution of other goods and the elimination of branded goods from the market.

The Stevens-Ayres Bill is simply an attempt to standardize the price of branded goods—to expand the established trade policy of “one-price only” into a policy of “one-standard-price only for branded goods.” The bill applies *only* to branded goods—trade-marked, patented, copyrighted, or in any way so branded that the common law will uphold the right to name, style, or other individuality in merchandising. It will protect products of a kind only. It will *not* apply to the sale of general commodities like “flour, sugar, salt, soap,” etc., but it can be made to apply to “brands” of these commodities, sold in packages as such and so marked. It will not eliminate competition between manufacturers, but it will make competition in brands dependent on quality and service and not on price only, as at present. It will protect manufacturers in the sale of individualized goods and the public in the purchase of the same.

The provisions of the Stevens-Ayres Bill are not mandatory. The manufacturer may or may not avail himself of them, but in view of the opportunity they will give him to protect the price of his “branded” goods against “unfair competition,” and the destruction of his property rights, there is little doubt as to his probable attitude.

The Stevens-Ayres Bill has the enthusiastic support of manufacturers, wholesalers, and retailers throughout the country, and, where its general principles are understood, of the public, but the bill will fail of passage unless it be sufficiently backed by public opinion, and the big question is, "Is the Stevens Bill in the interest of the public?" The answer to this question is another query: "Is cut-throat competition in the interest of the public?"

It has been recently said by the Louisville Post that "Cut-throat competition, from its very nature, is self-limited, and we can afford to let it alone. So long as men do not lie and steal and enter into illegal combinations to destroy their competitors, we can afford to let competition alone. That is sound business, and there is no other basis upon which business can be built up."

Now, as a matter of fact, there is legitimate competition and there is illegitimate—the kind that stimulates the growth and development of business, and the kind that strangles it. It is *not* true that cut-throat competition is a self-limited disease and will cure itself; cut-throat competition is a chronic disease that grows by what it feeds upon, and its ultimate result is death to legitimate business.

The practice of the medical world to-day is in the direction of preventive medicine—curing disease before it happens, to use an Irishism—and the tendency of the business world should be to prevent diseased conditions, and not wait until they become chronic.

When business men indulge in predatory price-cutting, selling branded goods of established reputation for practically cost as bait to lure the public and facilitate the sale of other goods on which there are large profits, they cannot be charged under the law with lying and stealing, but the moral effect is the same. They are using the good name of superior products to facilitate the sale of other products, and as the greatest of all bards has written:

Who steals my purse steals trash;
But he that filches from me my good name,
Robs me of that which not enriches him,
And makes me poor indeed.

The predatory price-cutter uses the good name of quality-products to enrich himself at the expense of the public and the manufacturer, because, if standard products are to be retailed at no profit, it is only a question of time until they will *not* be sold by retail dealers generally, or even by the cutters themselves; and both the public and the manufacturer will suffer.

The value of a standard product to the public is not only in the quality of the product and the quantity the consumer receives for his money, but also in the service which accompanies the product—convenience of package, accessibility of market, and the guarantee of the manufacturer who stands behind the product.

Ward Macauley, in an article on "The Maintained Price" (The Forum), says: "Modern business must rest on the secure foundation that every article must be paid for; every item from raw material to consumer must be adequately

compensated. The maintained price is the most effective means as yet suggested to that end. The maintained price means stable business conditions, power to enforce good pay, good hours, and good surroundings for employees. It means the placing of competition on the higher basis of superior service. Customers will no longer seek the advice of the man who knows the most about his business and then purchase from a man who will shave half of one percent off the selling price. The maintained price places brains at a premium. The cut-price fosters trickiness and the lowest ideals of business. The maintained price tends to make the dealer and the manufacturer alike feel a responsibility for the customer. The 'cut-rate' tends to the feeling 'a bargain's a bargain, let the dealer beware.' Even if it were true that cut-rate prices occasionally resulted in actually saving money for consumers, it would not be a genuine benefit, for it would be better for us to do with less than to have things we have not paid for. As a matter of fact, however, cut-prices are always, and must be, in the very nature of things, compensated for by higher prices on other merchandise. The maintained price conserves the equality of the customer and assures the manufacturer of well-advertised goods the power to treat all of his patrons alike, regardless of their place of residence."

There is something more in the business life of to-day than the piling up of dirty dollars—and this is: giving the public a square deal in the quality, quantity, and service of goods bought and sold, giving the world as much as, or more than, is taken. Or, as Marco Morrow, in the "Rotarian," so beautifully expresses it:

The power to give the world more than I take.
 The power to be a man!
 Let me not be
 A mendicant at mankind's busy door
 Beseeching alms, in heaven's name, my lords!

*Oh, I have seen them in the market place,
 Rich merchants clothed in purple, haggling there
 Over some tawdry bauble with such greed
 They made the very beggars sick with scorn.*

Let me not be a gorging bird o' prey
 That gluts upon the carrion of earth—
 The crafty man who waits disaster's blow
 And pounces on the hapless, hopeless one.
 Let me not be the high-born mendicant
 Who idly eats Life's bread and drinks Life's wine—
 All alms bestowed by Chance or Circumstance.
 Let me not be a beggar at Life's board,
 But give to me, oh God, the power to serve
 My fellows and my age—the power to live—
 The power to work—co-laborer with Thee!
 And give to me that honest pride which scorns
 To take more than my honest share—The pride
 To give my fellow man more than his due.

WILLIAM PROCTER, JR., MONUMENT.

THE general regard of posterity for their worthy predecessors and following their examples are among the rewards of those who have deserved recognition in their respective activities.

The present generation of pharmacists has decided to place a bronze statue of William Procter, Jr., in the Smithsonian grounds, Washington, as an evidence of their appreciation and recognition of his distinguished services. This will acquaint the public generally and future pharmacists in particular with the high regard entertained for the "Father of American Pharmacy."

The movement originated with the American Pharmaceutical Association, and the promotion was placed under the direction of Mr. John F. Hancock, of Baltimore. The National Association of Retail Druggists actively and enthusiastically joined in this labor of love and therefore is entitled to share in the honor, as it has in the privilege of participating in this worthy undertaking. This work was truly a privilege; for men without these affiliations would gladly have erected this memorial to the eminent pharmacist whose memory is revered wherever pharmacy has progressed. The guiding thought has been that all American pharmacists should have an opportunity to share in the joy of giving to so worthy a cause. There are still a few pharmaceutical associations that are not represented in the list of donors. This has doubtless been an oversight on their part, for it would become a source of keen regret if they overlooked the first opportunity of this kind accorded to American pharmacists. No large additional sum of money is needed, and, whatever this may be, contributed by any State association, will give recognition to all pharmacists of the State.

Chairman John F. Hancock, in making his final report, will give proper credit for every subscription received. His deepest interest is in this work, and he has gladly welcomed the opportunity of giving his time so that the cherished hope of completing the monument next year, marking the one hundredth anniversary of the birth of William Procter, Jr., may come to fruition.

The full amount necessary for the completion of the monument had been subscribed, but the requirements of the Commission of Fine Arts necessitated changes in the design and consequent additional cost. The assistance of pharmacists is necessary, however, to encourage Senators and Congressmen to give support to the bill presented by Congressman Linthicum, of Maryland. So that the readers may be informed regarding the measure, which provides only for the erection of the pedestal and base for the monument, it is appended:

"A BILL

"To provide for the erection of a pedestal and base for a monument to William Procter, junior, in the Smithsonian grounds, at Washington, District of Columbia.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$2000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the erection in the Smithsonian grounds, in the city of Washington, District of Columbia, under the direction of the Secretary of War, of a pedestal and base for a monument in memory of William Procter, junior.

"In the preparation of the plans and the selection of a site for said monument and the execution of all work in connection therewith the Secretary of War shall form a committee, with whom he may confer, composed of Doctor John F. Hancock, Doctor Charles Caspari, junior, James E. Hancock, and Parker Cook, comprising the William Procter, Junior, Monument Fund Committee of the American Pharmaceutical Association, and two other persons to be designated by the Secretary of War; *Provided, however*, That the decision of the Secretary of War shall be final in all matters connected with this work; *Provided further*, That the said monument, pedestal, and base shall not be erected until the design and site selected therefor shall have been approved by the Commission of Fine Arts; *And provided further*, That the money herein appropriated shall be drawn from the Treasury and disbursed as needed, in the progress of the work, by the Secretary of War or his duly appointed representative." E. G. E.

COÖPERATION IN AND FOR PHARMACY.

SAVE only here and there a striking example to the contrary, less consideration is given to the departments of pharmacy by universities than to other branches of the institution engaged in qualifying students for active professional or business life. A corresponding dereliction obtains in sustaining schools not attached to universities.

There is a zealous legislative activity displayed in fixing requirements for the conduct of the pharmacists' business, regulating their sales, and providing measures intended to protect the public.

The latter statements point out the deep concern for proper protection of the public and the other an apathy relative to duties equally as serious; namely, preparing those into whose charge the sale and dispensing of drugs are assigned.

Coupled with this there prevails a certain degree of indifference on the part of pharmacists, manufacturers, and dealers, who are financially able to provide endowments and who give to other worthy objects, but no more important in so far as their own interests are concerned.

It is probable that the somewhat neutral attitude exhibited by pharmacists in matters that deeply affect their welfare has influenced the mind of the public and the motives of legislators. The statement might be modified by saying that pharmacists are not sufficiently aggressive or persistent in their demands, but we are inclined to believe that greater enthusiasm for their vocation and closer

coöperation between the votaries would bring about a change for the better. It resolves itself into this: that those are helped who help themselves.

We would ridicule the attempt of twelve men, one after another, shifting a weight requiring the combined power of all, but very frequently undertakings are attempted in very much that way.

There are comparatively few pharmacists who really encourage a school of pharmacy; visitations are seldom occurrences. Possibly the teachers of these schools are just as derelict in coöperating with the pharmacists of their respective communities. We are all too deeply absorbed in individual pursuit, although knowing very well that the progress we wish for requires coördinated action.

The potential work consummated by the American Pharmaceutical Association was largely possible because of the generosity of some of the members in giving of their money and time so that many might be benefited. Their spirit of altruism should stimulate men of means to follow their excellent precepts by encouraging, in one way or another, associations and institutions engaged in the promotion of pharmacy.

In this invitation we are not unmindful of the many contributions that have been made in the past, but solicitous for a continued and enlivened interest so that in this progressive age pharmacy may keep a forward pace.

Our energies cannot all be similarly directed in behalf of the Association nor for pharmacy in general, neither would results redound to the greatest advantage. The one who is influential in enlarging the scope or numerical strength of the Association has performed an essential and very valuable service. E. G. E.

INCONSISTENCIES IN LEGISLATION.

PHARMACISTS are more or less acquainted with procedures in legislative bodies and do not wonder that laws affecting their business are imperfect. In addition thereto we have the peculiar views of the public anent drugs which modulate regulative measures of an order entirely different from those provided for other activities.

It is not easy to understand just how an intelligent person can expect safe and satisfactory legislation to be enacted during the continuous uproar of legislative assemblies. In a business office, when problems are discussed, there are order and quiet counsel; every proposition is analyzed before final action is taken.

Unfortunately those best informed, who have given propositions they desire to bring before the legislative bodies careful study, are charged with selfish motives, while others who are influenced by sympathy or impressed by an experience are given a hearing without thoroughly considering the facts underlying their presentations.

Regulations must be provided for the conduct of the drug business, but, after all, the moral obligations of honest men insure greater safety to the public than fixed and fast rules. There are some glaring and unfortunate examples of law-

breaking by druggists, but outside of these there is a general strict obedience. Still, advantages are sought for others in professional lines who are no more entitled to partial consideration. Even with all the opportunities of technical mis-interpretation and the many more transactions that present possibilities for errors, there are comparatively few infractions of the Harrison law. Some of these have been traceable to over-persuasion by those who are likewise transgressors, but the law privileges them with discretionary powers not granted to pharmacists.

A peculiar attitude of the public in drug legislation is disclosed in poison laws, and in these provisions the concurrent assistance of druggists is sometimes very pronounced. In a record by S. W. Lambert and H. S. Patterson of the suicides in New York City by poisoning during five years, and numbering 2216 cases, Paris green and arsenic were taken by 48, phenol by 154, opium and morphine by 29, mercuric chloride by 104, illuminating gas by 1554, other poisons 237. Thus it will be seen that the druggists supplied only a comparatively limited number with the chosen means for ending their lives, and without considering the list of suicides by other routes, such as fire-arms, rope, etc.

Sensational newspaper accounts of suicides nearly always induce others to employ the same method so vividly reported. Should this be a poison procured in a drug store, then the thought for sale regulations is at once advanced, but not so if purchased in a grocery or paint store. The inconsistency is striking, for certainly the druggist knows the character of the poison, while to the paint dealer the same chemical is only a pigment. There may be more protection in selling poisons by the pound than by the ounce, but still it presents a rather unique view or involves a distinction without a difference.

When legislators are discouraged relative to opportunities for bills that will evidence their activity to their constituents they turn to the drug business, the complexity of which offers them every encouragement for the exploitation of their zeal. This resourcefulness has developed to such an extent that few sales in a drug store are possible without reference to laws bearing on proper legal transfer of the article called for.

When the stamp tax was enacted, every other business had the opportunity of shifting the burden on the consumer; not so with the druggist. Fortunately there is an awakening to the injustice of this tax, and some congressmen are openly expressing their disfavor, so that there is a probability of repealing this tax. Speaker Champ Clark is among those opposed to the present act, which, while it burdens the taxpayer, the income therefrom is practically absorbed by the expenses of enforcement. He has expressed a purpose to go on the floor of the House if necessary in opposition to the measure, so relief seems probable, if not assured. The assurance argues for activity on the part of associations and individuals in bringing about a realization, which means the saving of many dollars each year for every druggist, a very large sum in the aggregate.

Again the oft-repeated dictum, let the influence of every member be directed to increase the numerical strength of our Association, whereby its opportunities for continued and better service will be promoted.

E. G. E.

MOBILIZING THE INDUSTRIES.

EDWARD N. HURLEY, vice-chairman of the Federal Trade Commission, in addressing the Rubber Club of America last month urged manufacturers to standardize their methods and processes and mobilize the American industries.

Business men are now advised by the Federal Trade Commission to form trade organizations and work together. This is quite a different attitude from that which has obtained, for until recently American manufacturers were hardly safe from prosecution if they even talked to each other, let alone to be on friendly terms.

If Congress will encourage business or give the industries a rest from legislative interference there is hope for their development. Conditions have really improved; there is evident a greater confidence since the courts have interpreted the laws against the restraint of trade, whereby business men have a more definite understanding of what they may do and cannot do.

The Federal Trade Commission in a ruling has held that all manufacturers engaged in interstate commerce, all jobbers and wholesalers so engaged are subject to the provisions of the Clayton Act, which does not prohibit manufacturers from establishing exclusive sale agencies in certain territory and selling their product therein only through such agencies. However, the Commission has not decided whether a refusal to sell under any circumstances would be in violation of the act.

The decisions rendered by the Commission are expressions of opinion only, but may be regarded as precedents in so far as they are applicable in proceedings before the Commission. They are intended for information of business men engaged in interstate commerce.

E. G. F.

THE VALUE OF LIFE IS RELATIVE.

OUR life is largely what we make it. It is much easier to lay the responsibility on some one else, but, after all, we are responsible in a large measure for what we are and our profession is.

It is a good thing for a man to occasionally have a vision of what he really is, of what his business or profession is from a layman's point of view, so that a realization of possibilities may be impressed, so that he can see what he can become, whither his business or profession is drifting.

The value of life depends upon the relation of that life to other lives, and this applies to the individual or his vocation and avocation. We are wonderfully related, and the largeness of our relationship determines the value of our lives.

To make life worth while we must love and serve; our vocation and avocation must be of service to other lives; we cannot get away from the relation of one life to that of another.
