

EDITORIAL NOTES

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PUBLICATION OF INFORMATION ON DETAINED IMPORTS OF FOOD AND DRUGS AT PORTS OF ENTRY.

The Bureau of Chemistry, Department of Agriculture, gave a public hearing in the building of the Bureau of Chemistry at Washington, D. C., on Tuesday, March 20, 1917, at 10 A.M., to consider the question of publishing data on the detention of food and drugs offered for import at ports of entry. Dr. Carl L. Alsberg presided.

What the Department wished particularly to ascertain was the opinion of the trade upon the desirability of publishing such information, and the form of such publication, and also, as to whether or not such publication would injure a consignee importing goods from abroad who has had no opportunity of inspecting the same prior to their arrival and detention at ports of entry.

Representatives were present from the National Wholesale Druggists' Association, the Philadelphia Drug Exchange, the Drug Trade Section of the New York Board of Trade and Transportation, the National Association of Retail Druggists, and a number of national food organizations. Briefs from various trade bodies were filed, also.

After an extended discussion of the subject from many angles, the consensus of opinion expressed seemed to be:

(1) That it was undesirable to publish information relative to detained shipments unless the shipments gave evidence of intentional and wilful violations of the law, when the facts should be made public. (2) That the Bureau of Chemistry should cooperate with a Committee on Standards to be named by the various national food and drug interests with the view of framing tentative standards and tests for imported food and drugs. It was shown that there was precedent for such cooperation in Government work, *e. g.*, Seed Department of Bureau of Plant Industry. (3) That all the methods and tests used by the Bureau of Chemistry should be made

public so that importers could know in advance of ordering goods what standards to specify.

(4) That the sampling and methods of examination of drugs should be made uniform at all the ports of entry. (5) That the Bureau of Chemistry cooperate with the food and drug trade in securing an amendment of the Federal Food and Drugs Act giving the importers the right of appeal to a court, preferably the Board of General Appraisers.

If practicable standards are framed and proper publicity is given them so that the foreign exporter and the domestic importer shall have full knowledge of the same, it was felt that better conditions would surely result and that there would be little or no necessity for publishing information relative to detained shipments.

Dr. Carl Alsberg, Chief of the Bureau of Chemistry, would not, of course, commit himself as to the attitude of his department on these suggestions, but stated that he would give them careful consideration, and that he wanted the assistance and cooperation of the trade represented by the food and drug industries. He will decide later what can be done.

J. W. E.

THE JONES-REED AMENDMENT.

The Jones-Reed Amendment was passed as a "rider" on the annual post-office appropriation bill and reads:

"That no letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, or containing a solicitation of an order or orders for said liquors, or any of them, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier, when addressed or directed to any person, firm, corporation, or association, or other addressee, at any place or point in any State or Territory of the United States at which it is by the law in force in the State or Territory at that time

unlawful to advertise or solicit orders for such liquors, or any of them, respectively.

"If the publisher of any newspaper or other publication or the agent of such publisher, or if any dealer in such liquors or his agent, shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than \$1,000 or imprisoned not more than six months, or both; and for any subsequent offense shall be imprisoned not more than one year. Any person violating any provision of this section may be tried and punished, either in the district in which the unlawful matter or publication was mailed or to which it was carried by mail for delivery, according to direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed. Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes, into any State or Territory, the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes, shall be punished as aforesaid: Provided, That nothing herein shall authorize the shipment of liquor into any State contrary to the laws of such State: Provided, further, That the Postmaster General is hereby authorized and directed to make public from time to time in suitable bulletins or public notices the names of States in which it is unlawful to advertise or solicit orders for such liquors."

This is to become effective July 1. An effort was made before adjournment of Congress by officials of the N. A. R. D. and N. W.

D. A. to enact the Moon-Pomerene bill which reads:

"That the provisions of section five of the bill (H. R. 19410) prohibiting the mailing of a letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, or containing a solicitation of an order or orders for such liquors, or any of them, shall not apply to letters, circulars, catalogues, or price-lists when addressed to a manufacturer or dealer in medicinal or toilet preparations, flavoring extracts, or chemicals relating to such business."

A circular letter of the N. W. D. A. states that at the extra session of Congress vigorous efforts will be made, with every prospect of success, to perfect the Jones-Reed provision before it becomes effective. Even in the event of the failure of the movement, however, it is believed the federal authorities will so construe the Jones-Reed provision as to exempt the operations of the trade, including the use of the mails and the shipment of alcohol, wines, etc. In its present form the amendment is ambiguous and inconsistent in that it specifically permits interstate shipments of alcohol and wines to be made for trade purposes, while at the same time it prohibits the transmission in the mails of catalogues, price-lists and correspondence relating thereto. It is a settled rule of statutory construction that all parts of ambiguous statutes must be considered together and must receive a reasonable interpretation; hence, while it is manifestly preferable that the law should be clarified by supplemental enactment, there is no reason to believe that, in default of modification, its provisions will be construed to the embarrassment of drug manufacturer, jobber or retailer.

WE BOAST OF A GREAT CIVILIZATION, BUT THIS IS JUSTIFIED ONLY WITHIN LIMITS.

"Science more nearly dominates the world than at any time in the past. Learning permeates the masses more deeply, but credulity and ignorance are widely prevalent. In this country of 100 millions, there are thousands whose greed impedes the progress of the whole, tens of thousands whose ignorance retards their own growth, and other thousands who live by crime and procreate their kind to feed on generations to come. We have our schools, colleges, and universities, while our almshouses, insane asylums and penal institutions are full. In our cities we see the palatial homes of the very rich, the splendid temples of trade and commerce, the slums of want and poverty, and the homes, both rich and squalid, of vice and crime. No nation in this condition can be given a clean bill of health. Our hilltops are illuminated, by the light of knowledge, but our valleys are covered by the clouds of ignorance. We have not emerged from the shadows of the dark ages."—(Victor C. Vaughan, *International Journal of Surgery*, March, 1917.)