

SECTION ON EDUCATION AND LEGISLATION

MINUTES OF THE SECOND SESSION OF THE SECTION ON EDUCATION AND LEGISLATION, A. PH. A., INDIANAPOLIS MEETING.

The second session of the Section on Education and Legislation was called to order at 9.30 A.M., Friday, August 31.

The first order of business was the reading of the report of the Committee on Regulations for the Transportation of Drugs by Mail. It was ordered that the report take the usual course. The report follows:

REPORT OF THE SPECIAL COMMITTEE ON REGULATIONS FOR TRANSPORTATION OF DRUGS BY MAIL.

At the time of this Committee's last previous report the Kern-Doremus bill was under consideration by Congress. It promised to be the most important step yet recorded in the movement to provide for the transmission of poisons through the mails. Toward the close of the same year, 1916, the Postmaster-General, with a somewhat similar object in mind, submitted some recommendations which were made part of the customary Postoffice Appropriation bill. But the two plans of relieving the situation were found to be quite different, and, in fact, to differ so radically that a sharp controversy arose between the drug trade and the Postoffice Department over which form should be enacted.

The Kern-Doremus measure provided for the carrying through the mails of drugs of all kinds whether poisonous or not, with proper safeguards as to packing, etc., written into the law. Such legislation would be important and would give relief not alone to the drug trade but to all interested in the arts and sciences. This movement had the almost unanimous endorsement of the drug trade, one of the most important organizations backing it being the National Drug Trade Conference. The Postmaster-General in his recommendations sought to amend Section 217 of the Penal Code, which relates to the prohibition of all kinds of poisons, explosives, inflammable matter, etc., from transmission through the mails, so that he would have power without restriction to make regulations governing the carrying of drug poisons in the mails.

He would have the law permit the shipment of poisons, etc., between responsible parties, as between manufacturer and jobber, jobber and retailer, and the like. The Drug Trade Section of the New York Board of Trade and Transportation was also reported to be supporting this measure.

Neither bill has been passed. In the case of the Kern-Doremus bill, Congress adjourned by limitation March 4th before it was reached, and the present session is of course only concerned with war measures. As for the Postmaster-General's amendment to Section 217, it was thrown out of the Postoffice Appropriation bill on a point of order to the effect that it was new legislation on a general appropriation bill. There seems, therefore, to be no hope of change in the existing conditions before the next regular Congress.

Respectfully submitted,

B. L. MURRAY, *Chairman.*

The following papers were read, discussed and referred for publication:

"Some Ideas about the Teaching of Practical Pharmacy," by Zada M. Cooper. (See p. 1065, December 1917.)

"The U. S. P. IX and N. F. IV as Text Books for Pharmacognosy," by W. F. Gidley. (See p. 809, September issue.)

"Iowa's Prerequisite Law," by J. M. Lindly. (See p. 928, October issue.)

"What Compulsory Health Insurance Would Mean to the Druggist," by Harry B. Mason. (See p. 881, October issue.)

It was ordered that reprints be made of Mr. Mason's paper and sent to the legislative committee of each state association.¹

On motion of J. H. Beal and second of Wm. C. Anderson, the resolutions presented by Mr. Mason were also approved by vote of the Section. (See p. 890, October issue.)

¹ Reprints have been sent out as instructed.—*Editor.*

F. W. NITARDY: Prohibition confronts us in many states at this time. The Colorado Prohibition Law did not specifically include alcohol, but did by the inclusion of spirituous liquors or preparations that might be used as intoxicants.

We endeavored to have passed an alcohol bill, defining the status of alcohol and legalizing its use for strictly legitimate purposes, but were unsuccessful. Through the influence of the Denver Branch of the A. Ph. A., we succeeded in having the druggists of Colorado restrict the sale of alcohol to a form of bathing alcohol denatured to an extent that it could not be used internally; namely, by making a mixture of alcohol and water and tartar emetic and selling this as bathing alcohol.

We went about the work very carefully and tried the mixture out, and then asked for a joint meeting with the Denver County Medical Association, when we submitted the formula to them, and put up our arguments why we would like to have their approval of this particular formula for an alcohol for external use. After three joint meetings we succeeded in getting the unanimous approval of this association, and then we published the formula very widely. We wrote to all the state officials and the people that were behind the prohibition forces, giving it very wide publicity, and getting all the druggists behind it, and the result was that there was not any beverage alcohol sold in the State of Colorado after the dry law went into effect. The only alcohol sold was the so-called bathing alcohol.

Two years later we went before the legislature, and we had then placed ourselves sufficiently in the confidence of the prohibition forces so that we were able to pass our Alcohol Law. Experience had taught us a lesson or two that made our final alcohol law just a bit different from our original idea of it.

I have with me here the Alcohol Law of the State of Colorado which I want to offer to this Section for other states to follow, if they happen to have prohibition legislation that endangers the legal status of alcohol. We all know how important alcohol is to the drug business, and that we cannot afford to have its use and importation into the state so restricted that it can be only prescribed in four ounce quantities by a physician.

The particular part I want to offer to this Section is the two formulas that we use in our State Law. Section 4 of our law reads as follows:

SECTION 4 OF COLORADO ALCOHOL LAW.

It shall be lawful for licensed wholesale or retail druggists to purchase and sell alcohol denatured under either one of the two following formulae:

(1) Tartar Emetic, U. S. P.....	1.00 Gm. (58 grains)
Solution of Formaldehyde, U. S. P.....	2.60 mils (1/2 fluidounce)
Distilled Water.....	475.00 mils (48 fluidounces)
Alcohol.....	650.00 mils (83 fluidounces)

To make about..... 1,000.00 mils (1 gallon)

Dissolve the tartar emetic in the water, add the formaldehyde solution, then the alcohol and mix well. And to comply with the following test:

If 100 mils of bathing alcohol prepared in accordance with this formula be evaporated to dryness on a water bath and then heated in an air bath at 100° C. for fifteen minutes, or until all of the formaldehyde is dissipated, the residue obtained should respond to the test of identification given under Antimony and Potassium Tartrate in the U. S. P., and should require not less than 5 mils of tenth-normal Iodine V. S., when assayed according to the U. S. P. process, corresponding to not less than .083 Gm. of tartar emetic per 100 mils of bathing alcohol.

(2) Croton Oil, U. S. P.....	1 mil (62 minims)
Ether.....	19 mils (2 1/2 fluidounces)
Solution of Formaldehyde, U. S. P.....	4 mils (1/2 fluidounce)
Alcohol, U. S. P.....	976 mils (125 fluidounces)

To make about..... 1,000 mils (1 gallon)

Dissolve the croton oil in the ether, then add the alcohol and formaldehyde and mix well. And to comply with the following test:

If 100 mils of bathing alcohol prepared in accordance with this formula be evaporated on a water bath until the alcohol and ether have been dissipated, the residue dissolved in about 10 mils of ether, filtered, the filtrate evaporated on a water bath until the odor of ether is no longer perceptible, the oily residue, after heating in an air bath at 100° C. for fifteen minutes, should weigh not less than .085 Gm. nor more than .100 Gm. and correspond to the tests of croton oil as given by the U. S. P.

Provided, that such denatured alcohol shall bear the following form of label when sold or offered for sale:

BATHING ALCOHOL

Formula No.—

FOR EXTERNAL USE ONLY.

POISONOUS IF TAKEN INTERNALLY.

Then our law permits the sale of the regular so-called denatured alcohol. I want to explain that in constructing these formulas we found by experience that the amount of water mentioned in formula No. 1 is necessary to hold in solution the amount of tartar emetic we have in the formula. We found that unless we could put that much tartar emetic in the preparation it was not of much use. We found people could drink it if less amount was present.

This formula for bathing alcohol has been used by every druggist in Colorado for two years or more, and we have had only one complaint that it was unfit, irritating or objectionable in any way for external use. The Federal Government has published about thirteen different formulas that can be used to denature alcohol. This alcohol may be sold without a U. S. Revenue license. The one complainant wanted one of the other formulas used. The druggist poured in a little oil into the same bathing alcohol, thinking that the objection was more imaginary than a real one, and this customer came back later on and commented on how much better this particular bottle of alcohol was, stating that none of the irritating effects she had noticed in the other was present.

One reason for being anxious to bring this before the Association is that in the August JOURNAL OF THE A. PH. A., p. 700, Dr. Otto Raubenheimer wrote an article mentioning this to some extent and stating that we were very much mistaken in the idea that we could sell an alcohol of this kind without a liquor license. It started up a little commotion two days before I left Denver. I took the trouble to go to the Revenue Office in Denver and made careful inquiries in regard to that, and I find that the statements in this article of the JOURNAL differ with their views. An alcohol of this kind can be sold by any one without the Federal liquor license, and some action should be taken at this meeting to correct the wrong impression that has been sent out through the article mentioned.

I want to further explain the presence of formaldehyde in both of these formulas. That is done so that this will comply with the federal regulation which exempts us from the tax. The U. S. Government permits thirteen different mixtures of alcohol and other things to be sold as a denatured form of alcohol without license, and one of those is a mixture of one part of formaldehyde and two hundred and fifty parts of alcohol, known as Formula No. 3; that mixture is considered sufficiently denatured so as to make it unfit for internal use. You probably will realize that one part of formaldehyde in two hundred and fifty parts of alcohol would not keep some persons from drinking it, and we found that to be true in Colorado.

THE CHAIRMAN: I believe that Mr. Nitardy's very able presentation of this topic will more than correct Mr. Raubenheimer's paper, so that I do not believe any action on the part of this body is necessary. Is there any discussion?

DISCUSSION.

C. M. WOODRUFF: Before the members of this Association act upon the expressed opinion of the Collector of Internal Revenue in Denver, or anywhere else, it should be confirmed by the Commissioner of Internal Revenue.

Now, I may be incorrect, but my opinion is that the Commissioner of Internal Revenue at Washington has very recently pointed out that it is unlawful for druggists, who have not paid a special tax applying to the sale of alcohol, to sell these special denatured alcohols that have been recently authorized. I am under that impression, though not certain. You get all kinds of opinions from collectors. I obtained one kind through our New York office from a New York collector and another kind from our Detroit office from a Detroit collector, and when I was not satisfied I got an opinion from the Commissioner of Internal Revenue at Washington.

Another suggestion, has any effort ever been made to have these formulas authorized by the Commissioner of Internal Revenue so as to save the expense of using tax-paying alcohol in making these bathing solutions? Now, in considering that you must bear in mind that in these recent special denaturing formulas the Commissioner has limited the privilege of producing these to several distilling plants having denaturing licenses, I think we had better go slow before we conclude that the tax is not required.

F. W. NITARDY: Mr. Chairman, may I answer Mr. Woodruff's question? I have with me Treasury Decision No. 1843, and Mr. Woodruff's first question will be answered by reading one sentence from this decision. Reading:

"If, however, the alcohol before sale is rendered by the apothecary unfit for beverage uses in accordance with any formula approved for the destruction of the identity of alcohol in scientific institutions and hospital departments (see Treasury Decision 1757) no tax liability will be incurred."

We have been selling in the State of Colorado without federal license for three years, this particular mixture, and have had no trouble with the Internal Revenue Department. The article in the JOURNAL started up a discussion in Denver and I went to the trouble to find out if there was anything later than this Treasury Department Decision on the subject, and was informed by the Internal Revenue Department that there was no later decision, and there had not been any other rulings on the subject.

The other question asked by Mr. Woodruff, whether tax-free alcohol could not be obtained for this purpose, is also something we took up in Colorado. I wrote to the Secretary of the Treasury in an effort to have something done along that line, but we were turned down.

W. C. ANDERSON: A question is raised here on which there is an entire difference of opinion. In fact, if this goes out before the druggists of this country there will be hundreds of them fined for violation of the law. In my opinion, Mr. Nitardy is wrong and Mr. Raubenheimer is right. This is of vital importance and I think we ought to have it settled.

I would like to ask Mr. Nitardy if he submitted any questions with reference to this tax and these formulas to the Internal Revenue Department at Washington.

F. W. NITARDY: We did. We submitted not only our formula, but our state law, to the Internal Revenue Department with the request that we be permitted to have tax-free alcohol used in preparing this, stating that it was being sold without a liquor license as evidence that it was not a liquor. We received some lengthy correspondence on the subject, showing the reason why it could be sold without a license, but that tax-free alcohol could not be used in the manufacture of it without amending the revenue laws of the country.

W. C. ANDERSON: The situation is really this: that a druggist cannot denature alcohol and sell it for bathing purposes by either the formula you have given or any of the formulas printed in that circular, according to the Commissioner's own assertion. This matter was taken up in the King's County Pharmaceutical Association some years ago and I sent that very decision you have there to the Commissioner asking him if retail druggists could denature their alcohol in conformity with that law and sell it without tax, and his answer was positively no, and that those formulas were intended for institutions such as hospitals, and so forth.

I find that inspectors of the Internal Revenue Department, even collectors, make vital mistakes. We had one of the collectors in New York State tell a druggist that unless he took out a license and paid the tax he could not keep alcohol on hand for making tinctures, which was not a fact; so your collector, while he may not prosecute anyone in Colorado for doing as you are doing, he is not substantiated by the statements made, and the regulations at Washington. I cannot give you the number, but there is a pamphlet that gives the regulations so far as denatured alcohol is concerned, and it states that denaturing of alcohol will not be allowed by the Government, and sale of that denatured alcohol by the person denaturing it is prohibited, except it be by a denaturing plant licensed by the Government and under its supervision. You cannot denature alcohol for making tincture of iodine and sell it, but we have manufacturing houses selling tincture of iodine to the druggists to-day. That becomes denatured alcohol, but that tincture of iodine has to be made in a denaturing plant licensed by the Government. If a doctor writes a prescription for the formula you have there the druggist can compound it without being subject to the tax. If a physician writes a prescription containing tartar emetic and those other ingredients, a druggist can compound it without being subject to the tax; but a druggist cannot put those ingredients in the alcohol himself and denature it and sell it over the counter without

being subject to the tax. That comes direct, as I say, from Washington, because we in New York State had considerable trouble over the same question and made a thorough investigation and got all the information from that particular source. I do not want the druggists of the country deceived on this proposition.

F. W. NITARDY: Mr. Chairman, I believe Dr. Anderson has several Treasury Decisions confused. There are two decisions that give this same set of thirteen formulas. One I have in my hand; the other I have not with me, because I thought it of no use for this argument. It designates the same thirteen formulas for the purpose of denaturing tax-free alcohol to be used by hospitals and scientific institutions. That is Treasury Decision No. 1757. That particular Treasury Decision uses tax-free alcohol, this is an entirely different proposition from the alcohol the druggist buys from his jobber.

All the claim that I am making is that the druggist can use tax-paid alcohol and denature it according to Government requirements and sell it without the retail liquor dealer's license. That explanation was given to me in the Internal Revenue Office and it is clear from the reading of this decision.

OREL JONES: I would like to back up Dr. Anderson. I have at home the written decision of the Commissioner saying these formulas can be used on prescriptions only and not by the retail druggists for general sale.

S. L. HILTON: The statement of the gentleman is correct. Further, I want to add that when you do sell that alcohol that is tax-paid and denatured by yourself, without the internal revenue retail liquor dealer's license, you assume also the burden in case that product is used for beverage purposes, you are then guilty and will be so handled by the federal authorities.

F. W. NITARDY: I would like to ask of these gentlemen who have different opinions on this subject, how the druggist is permitted to make tincture of iodine and sell it without a liquor license. It was stated that it was a denatured form of alcohol, so the druggist, according to your statements, has no right to make tincture of iodine and sell it.

W. C. ANDERSON: A druggist can make any tincture. He can manufacture anything in his place with alcohol without paying the tax, but he cannot make tincture of iodine and then claim, from the Government, a return of tax paid on that ethyl alcohol; a denaturing plant licensed by the Government to denature alcohol can make tincture of iodine from grain alcohol and iodine and get a return on the tax.

F. W. NITARDY: We do not ask for any return of revenue on the denatured alcohol we sell. I ask how it is that a druggist can sell tincture of iodine without a retail liquor dealer's license?

W. C. ANDERSON: Because he can sell any preparation.

F. W. NITARDY: In the form of a medical preparation, a liniment, and so forth? In what manner does that medicinal preparation, this formula I have read, differ from some other liniment containing alcohol that is intended for external use and is unfit for internal use?

W. C. ANDERSON: The difference is that the Government examines every preparation on the market to discover their alcoholic and their medicinal content. They examine U. S. P. and N. F. preparations. They are medicinal preparations, compounds, and so recognized. They do not base their decision on the amount of alcohol contained. It may contain three percent of alcohol or ninety-five percent, but they base their decision on the amount of medicinal ingredients in the preparation. If there is enough medicine to make it a medicinal compound and not liquor, they do not list it as liquor. It may only contain five percent of alcohol and be listed as a liquor and the person who sells it has to pay the tax.

F. W. NITARDY: According to that the burden of proof is with the Government. Until these formulas are listed as liquor they will go tax-free.

W. C. ANDERSON: The burden of proof is upon the person selling the preparation. Mr. Nitardy is taking an awful responsibility. I am asking if he will not consider this matter carefully and look into it fully before he allows his present conclusions to get out among the retail drug trade.¹

THE CHAIRMAN: We will now hear a report on the work of the Voluntary Conferences for the Drafting of Modern Laws Pertaining to Pharmacy, by Chairman F. H. Freericks. (To be printed.)

F. H. FREERICKS: Now, Mr. Chairman, if it is in order, I would move that the draft of these provisions be made a special order of business at the afternoon meeting.

THE CHAIRMAN: It is certainly in order.

F. H. FREERICKS: I would so move.

(Mr. Freerick's motion was duly seconded and carried.)

THE CHAIRMAN: Before we adjourn we have one more topic of business, that is, the nomination and election of officers. The Secretary will read the names of those who were nominated at the close of the Wednesday session.

¹ See p. 1007, November issue, also p. 1117, December issue.

THE SECRETARY: Chairman, C. B. Jordan; for Associates, R. A. Kuever, F. W. Nitardy and C. E. Mollet; for Secretary, W. F. Rudd.

W. J. TEETERS: I move that the nominations be closed and that these gentlemen be elected by acclamation.

(The motion was duly seconded and carried.)

THE CHAIRMAN: The meeting stands adjourned until two o'clock this afternoon.

JOINT SESSION OF THE SECTION ON EDUCATION AND LEGISLATION
WITH THE AMERICAN CONFERENCE OF PHARMACEUTICAL
FACULTIES AND THE NATIONAL ASSOCIATION OF
BOARDS OF PHARMACY.

The Joint Session of the American Conference of Pharmaceutical Faculties and the National Association of Boards of Pharmacy and the Section on Education and Legislation of the American Pharmaceutical Association was called to order by President Rufus A. Lyman, of the American Conference of Pharmaceutical Faculties, Friday, August 31, at 2.00 P.M.

The first order of business was the report of the current meeting of the American Conference of Pharmaceutical Faculties, by Secretary W. J. Teeters, of Iowa. The report follows:

ABSTRACT OF THE MINUTES OF AMERICAN CONFERENCE OF PHARMACEUTICAL FACULTIES.

The eighteenth annual meeting of the American Conference of Pharmaceutical Faculties was held in Indianapolis, at the Hotel Claypool, August 27 and 28, 1917.

The presidential address of Professor R. A. Lyman was so inclusive in scope and recommendations that all committee recommendations were, by request, to be considered in connection with it. The committee on the President's address consists of W. C. Anderson, of New York, C. E. Caspari, of Missouri, and C. A. Dye, of Ohio.

The following recommendations were approved by the Conference, or such action taken as indicated in this report.

Recommendation No. 1.—That the Conference appoint Dr. Edward Kremers, of the University of Wisconsin, a committee of one, to prepare a brief account of the lives and services of J. O. Schlotterbeck, W. C. Alpers, C. Lewis Diehl, and any others who may have died during the year, and that these accounts be printed in, and be considered a part of the records of the proceedings of the 18th meeting of the Conference, and that the Secretary of the Conference be instructed to notify the respective families of the action which has been taken. Adopted.

Recommendation No. 2.—That the Conference instruct the Secretary to take the proper steps before the next annual meeting in order that Article 1, of the Constitution, may be changed to read, "This body shall be known as the American Association of Schools of Pharmacy," and that the constitution and by-laws be modified in conformity with this change. Rejected.

Recommendation No. 3.—That the recommendation of the Executive Committee, with reference to committees, as indicated on pages 211 and 212, of the Seventeenth Proceedings, be considered not final, and that the following constitute the permanent standing committees of the Conference:

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| No. 1. Committee on Higher Educational Standards. | No. 6. Committee on Relations of Pharmacy Schools and Other Professional Schools. |
| No. 2. Committee on Faculties (Classification and Teaching Staff). | No. 7. Committee on Relations of the Colleges with the Boards. |
| No. 3. Committee on Curriculum and Teaching Methods. | No. 8. Committee on Joint Examination Questions. |
| No. 4. Committee on Activities of Students and Alumni. | No. 9. Committee on Research. |
| No. 5. Committee on Uniform College Bulletin. | |