

## THE PHARMACIST AND THE LAW.

THE EXAMINER OF INTERFERENCES  
OF THE U. S. PATENT OFFICE RECOM-  
MENDS CANCELLATION OF THE  
WORD "ASPIRIN" AS A  
TRADE-MARK.

The decision of the Examiner of Interferences of the U. S. Patent Office, relative to the word "Aspirin," is evidently based on the opinion that the name of this product can no longer be considered a trade-mark. He holds that the respondent, the Farbenfabriken of Elberfeld Company, has not used the word "Aspirin" for the substance in question—"acetyl salicylic acid," as a trade-mark *within the meaning of the law*. An appeal may be taken to the Commissioner of Patents and finally to the Court of Appeals of the District of Columbia. Following the expiration of the patent on Aspirin (No. 644,077) February 27, 1917, the National Drug Trade Conference asked for a legal opinion from its attorneys as to whether or not the patentees, represented by the Bayer Company, Inc., could continue their monopoly through having registered the name "Aspirin" as a trade-mark. In their opinion "Aspirin" was a generic name of a preparation, and so, on the expiration of the patent, passed to the public along with the right to manufacture that preparation. A contrary opinion was given out by the attorneys for the Bayer Company, Inc.

There are a number of viewpoints that have legal bearing on the subject and were expressed in the opinion of the Examiner. The opinion recites that the company failed to maintain prior to 1915 the exact composition of the substance for which the trade-mark was granted. The Examiner's belief is that to the lay purchasing public, or ultimate consumer, the word "Aspirin" prior to 1915 had significance primarily, if not exclusively, as the name of the pharmaceutical substance disclosed in Patent No. 644,077, owned by the respondent. It is stated to be a point in law that when a trade-mark name is so commonly used that it becomes the name of the product it ceases to be a trade-mark.

The big question which seems about to be definitely answered is, "When the patent on a medicinal preparation expires does the right to call that preparation by its well-established name go to the public with the right to manufacture the preparation?"

## THE WAR REVENUE BILL.

The War Revenue Bill will likely not become a law until the latter part of January. The Senate attached a large number of amendments and, at this writing, the bill has not been considered in conference.

The tax on distilled spirits adopted by the Senate was \$2.20 a gallon if used for other than beverage purposes, instead of \$4.40 as proposed by the House, and \$6.40 a gallon instead of \$8 when used for beverage purposes. On perfumes imported into the United States containing distilled spirits, in lieu of the internal revenue tax now levied, a tax of \$1.10 per gallon must be paid under the Senate bill, instead of \$3.30 under the House bill. The Senate fixed the tax on soft drinks at 10 percent of the price for which they are sold, instead of 20 percent in the House bill, and upon near beer, etc., at 15 percent of the price instead of 30 percent. The tax on mineral waters was reduced from 2 cents per gallon where the price is over 10 cents per gallon, to 5 percent of the price for which they are sold.

Other excise taxes in the House bill were considerably reduced, among them the tax on toilet soaps and powders from 10 to 3 percent; chewing gum from 6 to 3 percent.

The tax on perfumes, essences, extracts, toilet waters, etc., is made 1 cent for each 25 cents or fraction thereof of the amount paid for them, and the same tax is to be levied on patent medicines. These taxes become operative May 1, 1919. Provision is made, however, that these taxes shall not apply to the sale of medicinal preparations which are not advertised to the general lay public.

## "ASPIRIN" MAKER SENTENCED.

Jose Kukay, owner of the Verandah Chemical Company which manufactured "aspirin tablets" in Brooklyn, was convicted December 30, before Magistrate Dodd of a violation of the Sanitary Code. He was sentenced to an indeterminate term of not more than three years in the penitentiary and a fine of \$500.

Kukay's home and factory were at 28 Verandah Place. There he manufactured the tablets, which, upon analysis by the Department of Health, were found to consist principally of talcum instead of aspirin.—*Daily Press*.

NEW YORK DRUG REGISTRATION LAW  
FOR HABIT-FORMING DRUGS.

Under the new law enacted by the New York State Legislature, druggists and others

who deal in narcotics must file an application during this month for authority to deal in habit-forming drugs. This registration is for the balance of the New York State fiscal year, and

requires no fee; thereafter, during the month of June in each year, dealers and dispensers are required to register with the Department, the fee being \$1.00.

### CHANGES OF ADDRESS.

All changes of address of members should be sent to the General Secretary promptly

The Association will not be responsible for non-delivery of the Annual Volume or Year Book, or of the JOURNAL unless notice of the change of address is received before shipment or mailing.

Both the old and the new address should be given thus:

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To Residence unknown.

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To Base Hospital, A. E. F., A. P. O. 733, France, via N. Y.

BIANCO, ERNEST O.

From Evac. Hosp. No. 14, Camp Jackson, Columbia, S. C.

To Amer. Exp. Force.

COTANCHE, JAMES G.

From 25 Ambulance Co., Camp Meade Br., Baltimore, Md.

To Residence unknown.

EDMONDS, B. P.

From Bangor, Mich.

To 70 Washington Blvd., Detroit, Mich.

FRIEDMAN, HAROLD.

From Union Ave., New York, N. Y.

To Company E, Columbia Univ., N. Y. C.

GRANT, JOHN H.

From Jellico, Tenn.

To Scottsboro, Ala., cr L. J. Grant.