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Higher educational requirements for pharmacists were favored by the Association, and the dispensing of alcoholics on physicians' prescriptions disapproved.

THE PHARMACIST AND THE LAW.

HOUSE PASSES BILL FOR PROHIBITION ENFORCEMENT.

By a vote of nearly three to one, the House, on July 22, passed a bill for prohibition enforcement with drastic provisions and penalties. The bill provides, among other things, that an intoxicating liquor is alcohol, brandy, whisky, rum, gin, beer, ale, porter, wine and "any spirituous, vinous, malt or fermented liquor, liquids and compounds, whether medicated, proprietary, patented, or not, and by whatever name called, containing one-half of one per centum or more of alcohol by volume, which are potable or capable of being used as a beverage."

The bill, as it passed the House, provides:

After January 26, 1920, every person permitted under the law to have liquor in his possession shall report the quantity and kind to the commissioner of internal revenue. (This applies to pharmacists, chemists, physicians, etc.)

After February 1, 1920, the possession of any liquor, other than as authorized by the law, shall be prima facie evidence that it is being kept for sale or otherwise in violation of the law.

It will not be required, however, to report, and it will not be illegal to have in one's possession liquor in a private dwelling while the same is occupied and used by the possessor as his private dwelling and the liquor is used for personal consumption by the owner, his family, or his guests.

The possessor of such liquors, however, bears the burden of proof that the liquor was acquired and is possessed lawfully.

Intoxicating liquor is defined as a beverage containing more than one-half of one percent of alcohol.

Any house, boat, vehicle or other place where liquor is manufactured or sold is declared a nuisance.

No person shall manufacture, sell, barter, give away, transport, import, export, deliver, furnish or receive any intoxicating liquors.

Liquor for non-beverage purposes and wine

for sacramental use may be sold under specified regulations.

Denatured alcohol, medicinal preparations (including patent medicines) unfit for beverages, toilet articles, flavoring extracts and vinegar are exempted.

Registered physicians are authorized to issue prescriptions under strict regulations for the use of liquor in cases where it may be considered necessary as a medicine.

Liquor advertisements of all kinds are prohibited.

Sale, manufacture or distribution of compounds, intended for the unlawful manufacture of liquor, are prohibited, together with sale or publication of recipes for home manufacture.

Use of liquor as a beverage on any public conveyance, train, boat or jitney bus is prohibited.

Board powers are given under the search and seizure section to officers charged with enforcement of the law. They may enter a dwelling house in which liquor is sold and seize it, together with implements of manufacture.

Seizure of all craft or vehicles used in the transportation of liquor is authorized.

Enforcement of the wartime act and the constitutional amendment is provided for in the measure and in virtually the same manner.

For first-offense violators the maximum fine is \$1000 or six months' imprisonment and for subsequent offenses fines range from \$200 to \$2,000, or one month to five years in prison.

Enforcement of both the wartime act and the amendment is reposed in the Internal Revenue Department and the Department of Justice.

INSTRUCTIONS OF COMMISSIONER OF INTERNAL REVENUE TO COLLECTORS.

Daniel C. Roper, Commissioner of Internal Revenue, issued instructions June 30 to collectors of internal revenue as to their duties in respect to the dry law, which went into effect at midnight of that day.

PRESCRIPTIONS IN DUPLICATE.

Physicians may prescribe wines and liquors for internal use, or alcohol for external use, but in every such case each prescription shall be in duplicate, and both copies be signed in the physician's handwriting.

The quantity prescribed for a single patient at a given time shall not exceed one quart. In no case shall a physician prescribe alcoholic liquors unless the patient is under his constant personal supervision.

All prescriptions shall indicate clearly the name and address of the patient, including street and apartment number, if any, the date when written, the condition or illness for which prescribed, and the name of the pharmacist to whom the prescription is to be presented for filling.

The physician shall keep a record in which a separate page or pages shall be allotted each patient for whom alcoholic liquors are prescribed, and shall enter therein, under the patient's name and address, the date of each prescription, amount and kind of liquors dispensed by each prescription, and the name of the pharmacist filling the same.

MONTHLY REPORTS. SPECIAL TAX AS RETAIL LIQUOR DEALER REQUIRED.

Any licensed pharmacist or druggist may fill such prescriptions (1) if his name appears on the prescription in the physician's handwriting, and (2) if he has made application and received permit, Form 737, in accordance with the provision of Treasury Department 2788, and (3) if he has qualified as retail liquor dealer, by the payment of special tax.

No such prescription may be refilled. Druggists filling these prescriptions shall preserve in a separate, carefully guarded file, one copy of every prescription filled, and once a month shall transmit to the Collector of Internal Revenue a list showing the names of the physicians, the names of the patients, and the total quantity dispensed to each patient during the month.

These lists shall be subject to immediate examination and frequent review in the Collector's offices, and wherever there is indicated either (1) that a physician is prescribing more than normal quantities, or (2) that any patient, through the services of one or more than one physician, is procuring more than a normal quantity, the Collector shall report the facts to the Commissioner and the United States Attorney.

ORDER FORMS.

Pharmacists should refuse to fill prescriptions if they have any reason to believe that physicians are dispensing for other than strictly legitimate medicinal uses, or that a patient is securing, through one or more physicians, quantities in excess of the amount required for legitimate uses.

Wholesale or retail liquor dealers having stocks of wine or liquors on hand, may sell to pharmacists holding permit, upon receipt of order on Form 739 and in conformity with the provisions of Treasury decision 2788, until their present supplies are exhausted.

Such orders may be filled from spirits tax paid at the \$6.40 rate. Wholesale or retail liquor dealers who are not licensed druggists or pharmacists will not be permitted to qualify, after their present stocks are exhausted, to deal in beverages or non-beverage spirits. Wholesale pharmacists may continue to qualify for the sale of liquors or wines for non-beverage purposes in conformity with the provisions of Treasury decision 2788.

Non-beverage alcohol, tax paid at the rate of \$2.20 per gallon, may be used in filling prescriptions for spirits or alcohol so medicated or denatured in accordance with existing regulations as to be unfit for beverage use. In filling prescriptions for spirits or alcohol not so medicated or denatured as to render it unfit for beverage use liquor tax paid at the rate of \$6.40 per gallon only must be used.

Tax paid wines must be used in all cases. The procedure outlined in Treasury decision 2765 for the production of wines in quantities not exceeding 100 gallons should be followed where wines are produced for sacramental purposes by churches or religious orders, and the production and distribution is entirely under clerical supervision. Such wines may be removed from the premises where produced, in accordance with the provision of Treasury decision 2788.

WHERE TO GET DETAILS.

The details of the procedure outlined in the two Treasury decisions mentioned will be furnished to any interested person by the Collector of Internal Revenue for the district in which the wines are produced.

If objections are made to collectors that the provisions of the Treasury decisions are inapplicable to the established procedure of any recognized religious body and that they impede or interfere with historic rites or cus-

toms, the Collector will carefully investigate the facts and make full report to the Commissioner, in order that it may be determined whether the regulations should be modified to meet the needs of the particular case.

Wine used for sacramental purposes is subject to tax. The department of Justice has exclusive jurisdiction to enforce the prohibition provisions of the act of November 21, 1918 (war prohibition law). Accordingly, it should be suggested to all persons making inquiry as to the prohibition provisions of the act that they address either the Attorney-General or the local United States Attorney.

Similarly, when internal revenue officers become aware of apparent violations of the prohibition provisions of the act, they should report such facts as come to their attention to the local officers of the Department of Justice. They will cooperate with the Department of Justice agent if such cooperation is requested.

The regulations and instructions regarding the use of non-beverage spirits and alcohol for purposes other than those specifically dealt with herein continue in effect.

Where there is evidence that wine or liquor obtained actually or ostensibly for sacramental, medicinal or non-beverage purposes has been used for beverage purposes it shall be reported to the commissioner for assertion of additional tax liability and to the United States Attorney for prosecution under the internal revenue laws.

So long as the taxes on alcoholic liquor and on occupations connected with the production and sale of alcoholic beverages remain in force they must be enforced.

The Attorney-General has advised this department that the fact that an occupation or the production or sale of a beverage is prohibited does not relieve those engaged in such

occupation or producing or selling the beverage from tax liability. It must, however, be clearly understood that payment of tax in no way conveys any right to act contrary to or to be exempt from liabilities imposed by the prohibition legislation. The result of the statutes imposing the taxes and prohibiting the traffic is that the same person may incur liability to tax and at the same time be liable to prosecution under the prohibition laws.

LIMITS NARCOTIC PRESCRIPTIONS.

Internal Commissioner Roper, in compliance with a recent decision of the Supreme Court, has modified the regulations as to the use of narcotics. The ruling contained in T. D. 2200 of May 11, 1915, permitting a practitioner to dispense or prescribe narcotic drugs in a quantity more than is necessary to meet the immediate needs of a patient has been revoked, and the revocation is applicable in all cases, whether a decreasing dosage is indicated or not.

The Commissioner says: "The act of December 17, 1914, as amended by the act of February 24, 1919, permits the furnishing of narcotic drugs by means of prescriptions issued by a practitioner for legitimate medical uses, but the Supreme Court has held that an order for morphine issued to an habitual user thereof for professional treatment of, not in the course in an attempted cure of the habit, but for the purpose of providing the user with morphine sufficient to keep him comfortable by maintaining his customary use, is not a prescription within the meaning and intent of the act—U. S. v. Doremus, No. 367, October Term, 1918, T. D. 2809.

"In view of this decision, the writer of such an order, the druggist who fills it and a person obtaining drugs thereunder, will all be regarded as guilty of violating the law."

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