

continuous closed vessels and pipes until the manufacture thereof is complete \* \* \* shall be regarded as a rectifier, and as being engaged in the business of rectifying."

Also the exempting provision that no tax shall be imposed "upon apothecaries as to wines and spirituous liquors which they use exclusively in the preparation or making up of medicines."

The learned judge says: "The exemption does not embrace one who recovers alcohol from a substance with which it has been previously mixed. Such a person is not one of the apothecaries referred to in the exempting clause." And again: "The recovery of spirits from the dregs of vanilla bean or ginger root is not the business of an apothecary; the compounding of medicines is:"

In the light of the learned judge's dictum, the Professors of Pharmacy have been making a mess of it; for ever since colleges of pharmacy have existed they have been teaching their students that the recovery of alcohol from marcs and percolates was an essential and important part of the apothecary's business. Even the esteemed U. S. P., which, by act of Congress, is presumably a part of the law of the land, makes the same great blunder, since it frequently directs the humble apothecary to "recover" or "distill off" the alcohol from percolates, etc., and if he should fail to do so, he should be liable for the sale of adulterated drugs. Evidently he is to be fined if he does not, and fined if he does.

Of course, what the Court says is law, but it is somewhat disconcerting to discover that a judge who has never studied pharmacy, after listening to the arguments of a couple of lawyers whose knowledge of the subject was coextensive with his own, should know more about what constitutes the proper business of an apothecary than those who have devoted their lives to the teaching of the subject.



#### HONORS TO PROF. CHARLES CASPARI.

The resolutions of appreciation, ordered by the Council to be presented to the retiring General Secretary, Prof. Charles Caspari, were presented to him by the chairman of the committee, Professor Remington, at the Hotel Stafford, Baltimore, on the evening of December 26, 1911. The occasion was informal, John F. Hancock, our veteran ex-President, in the chair. The resolutions,

beautifully engrossed, bound in blue leather with white superscription, represented the colors of his college. The recipient was then thoroughly surprised by the presentation of a gold watch and jeweled fob, the gift of twenty appreciative friends, whose names were obscured by the presenter under the seasonable title of "Kris-Kringle," and his son, Charles E. Caspari, was present and responded appropriately. To say that Professor Caspari was overwhelmed by these marks of appreciation of his seventeen years devoted service as General Secretary does not fully describe the situation. The happy event was thoroughly enjoyed by all the participants.

J. P. R.

### Communications and Correspondence

All communications must be signed by their  
Authors

#### CHEER FROM PHILADELPHIA.

In January, 1912, the JOURNAL OF THE AMERICAN PHARMACEUTICAL ASSOCIATION was published for the first time: in some such prosaic fashion, History will in the dim future record the events which we are celebrating today. There will be no expression in this brief record of the long debates at the annual meetings, the "ifs" and "ands," the "buts" and "hows," the "pros" and "cons," and even J. W. England's thorough and illuminating reports to the Council, which have proved so convincing to the Association, might probably escape the future historian's eye and pen. There is, therefore, a reason while the facts are fresh in our minds to remind the future great recorder of "events pharmaceutical" that the founding of the JOURNAL was not accomplished without much labor and travail on the part of those who have now brought the venture to the point, of the issue of the first number.

The writer does not include himself among those who have borne the burden and heat of the day, for a word of counsel or advice now and then was all that he could give. What is needed now is the enthusiastic and persistent financial support of our members and non-members. Our editor is able and more than willing to give his best services. Congratu-

lations are in order and the editorial office will soon be flooded with telegrams and letters.

May the new JOURNAL enter upon its career with hope and confidence. May its success grow from year to year as it will prove more and more worthy to represent American Pharmacy and the Association which we love to honor.

JOSEPH P. REMINGTON.



AN APPRECIATION OF DR. CHARLES E. DOHME.

DALLAS, TEX., December 13, 1911.

DEAR DR. BEAL—The news of the death of Mr. Charles E. Dohme did not come to me until today.

Mr. Dohme was a grand character, a lovable man who in every walk of his life was a worthy example for those who desire to win the respect of their neighbors and co-workers. He had self-reliance and linked it with concentration to achieve success, not in the narrow meaning which some would give the term, but that broader and better significance which includes service to fellow man. He appreciated the good and beautiful, he was always kind, courteous and generous; in his judgment of others he was just and considerate. He loved truth in all things and exemplified his attachment to that greatest above all attributes in business as well as social activities.

One of the "grand" men in pharmacy has gone to his reward and we have profited because we have known him and shared in his work and its results. We are saddened because of his demise, but are glad to remember that flowers of friendship were given him while he lived, for pharmacists and friends were glad to evidence their appreciation of his worth, a consideration which always found response with him, for he was deeply appreciative.

Others are better qualified and more capable to speak of Mr. Dohme's abilities and accomplishments, but the benefits the writer has shared through his good cheer and advice, his friendship and example, prompt these few words, however feebly and poorly they may be expressed, in the hope that they may be indicative of the esteem for the departed, which so many share.

E. G. EBERLE.

PROPOSED RULING OF THE BOARD OF FOOD AND DRUGS INSPECTION

*Regulating the Importation and Sale of Opium, Morphin, Cocain, Coca, Their Derivatives and Preparations.*

The indiscriminate and promiscuous use of opium, cocain, their derivatives and preparations is recognized as a great menace to the public health. The administration of these agents, however, by skillful hands contributes much to the relief of pain and suffering. Section 11 of the Food and Drugs Act, June 30, 1906, regulates the importation of any drug which is adulterated or misbranded "or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported." Many foreign countries restrict the sale and use of these agents rigidly. Most of the states have laws regulating the sale and use of these drugs more or less within their borders, but interstate transactions cannot be reached with the result that the states' efforts to stamp out drug addictions are ineffective. This regulation simply extends the system in vogue in most states. For the purpose of cooperation with the states, and in order that these drugs may be available for legitimate purposes and that their illegitimate use be curtailed as much as possible, it is directed that for every importation of cocain, whether purified or otherwise, its salts or derivatives or preparations thereof, or coca, or any preparation or derivative thereof, shall be filed with the chief or acting chief of the appropriate food and drug inspection laboratory of the Bureau of Chemistry, U. S. Department of Agriculture, at the time of entry, a declaration of the owner or ultimate consignee of the merchandise, in the following form:

IMPORTERS' DECLARATION.

(a)

I..... (name of representative), of the ..... (name of firm or corporation), manufacturing chemist or dealer in drugs, do solemnly and truthfully declare that the....  
 .... (number of pounds or ounces) in.....  
 (number) packages or cases or containers of cocain, its derivatives or preparations; or coca, or derivatives or preparations thereof, more particularly described in the invoice and entry herewith submitted, and imported at ..... (port), per..... (steamship), on

the..... day of....., are expressly imported and are intended to be used by..... (name or firm or corporation), in the preparation of medicines, or are to be sold by.....(name of firm or corporation), for medicinal purposes or for manufacturing medicinal agents, and such cocain, or coca, or their derivatives or preparations are not intended to be used in such manner as to render them in any way "dangerous to the health of the people of the United State."

(b) The importation of opium or its preparations and derivatives is prohibited, except for medicinal purposes, by Act of Congress entitled "An Act to Prohibit the Importation and Use of Opium for other than Medicinal Purposes. Approved February 9, 1909." Under this act the Secretary of the Treasury prescribed a regulation governing the filing of declarations by importers of opium, its derivatives and preparations, to the effect that such products will not be imported for other than medicinal purposes. This regulation shall govern the importation of these products.

(c) For the purpose of complying with the provisions of the Food and Drugs Act, each and every subsequent purchaser or receiver of such imported opium, morphin, cocain, coca, their derivatives or preparations thereof, shall be required, except as provided below, to file the following form of declaration:

DOMESTIC DECLARATION.

I.....(name of individual or representative) of the.....(name of individual firm or corporation), manufacturing chemist, or wholesaler or retailer or practitioner of medicine, or dentist, or veterinarian, hospital, sanitarium, or any other dealer in or purchaser of drugs, do solemnly and truthfully declare that the.....(number of pounds or ounces) in.....(number) cases or packages, of opium, morphin, cocain, coca, their derivatives or preparations thereof, more fully described by the invoice or bill of lading or bill of sale, purchased from.....(name of individual, firm or corporation), by.....(name of individual, firm or corporation), the.....day of.....are expressly purchased and intended to be used by.....(name of individual, firm or corporation), for treating disease, or in the preparation of medicines or the manufacture of alkaloids or salts of alkaloids, and such preparations or alkaloids, or salts of alkaloids, if sold or given away, are to be sold or dis-

posed of or given away by said firm for medicinal purposes only, and such opium, morphin, cocain, coca, their derivatives or preparations thereof, are not intended for any other but medicinal purposes.

(d) Provided, however, that this declaration is waived in case the purchase is made upon the original written order or prescription of a legally authorized practitioner of medicine, dentistry, or veterinary medicine, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, or if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered or prescribed, and shall be signed by the person giving the order or prescription. Such order or prescription shall be retained on file for a period of five years by the person, firm or corporation who compounds or dispenses the article ordered or prescribed, and it shall not be compounded or dispensed after the first time, except upon the written order of the original prescriber. Should any evidence appear that such prescriber or practitioner is promoting or fostering in any way a drug habit, the privilege of filling his prescriptions shall be withdrawn. Provided further that this declaration shall be waived in the case of purchase made by properly accredited federal or state officials, or purchases made purely for scientific work.

(e) All declarations, prescriptions, orders, and transactions of each and every dealer in these commodities shall be retained on file for a period of five years in the office of the consignee or vendor or compounder or dispenser in separate books or files which shall at all times be open to inspection by properly accredited government and state officials.

(f) The terms "for medicinal purposes only" and "for treating disease" shall mean the use of opium, or morphin, or coca, or cocain, or preparations or derivatives thereof for the treatment, mitigation, or prevention of disease of man or other animals. The simple use of any of these products for inducing sleep in infants or similar purposes is not properly called "for medicinal purposes" or "for treating disease."

(g) In order that the public may be advised of the poisonous nature of any and all of the above drugs, each and every package containing same shall bear in conspicuous manner on the label or labels of the package, including any wrapper or cover, the word "poison" in uncondensed gothic type, and the skull and

crossbones, all printed in red on a white background or white on a red background.

(h) Cocain, manufactured, crude or otherwise, its salts, derivatives, or preparations thereof, coca, or any derivative or preparation thereof, imported for medicinal purposes, may be entered for immediate transportation in bond, or consumption, or for warehousing at the following named ports and no others: Baltimore, Boston, Buffalo, Chicago, Detroit, Honolulu, New Orleans, New York, Philadelphia, San Francisco, San Juan, Seattle, and St. Louis. Delivery will be made only when the chief or acting chief of the port laboratory is satisfied that the importations are for medicinal purposes only.

(i) The manner of entering opium, its derivatives or preparations and the minimum size packages containing same is provided for by Treasury Decision No. 29,657. The entire number of packages of cocain, purified or otherwise, coca, or any derivative or preparation of such substances offered for importation shall be ordered into the appraiser's warehouse for examination, and no delivery shall be made of cocain or salts of cocain, either singly or assorted in quantities or packages containing less than twenty-five ounces; nor of coca or any preparation made from same in quantities or packages containing less than one hundred pounds, nor of crude cocain or any other antecedent used in the manufacture of cocain or salts of cocain in quantities or packages containing less than ten pounds, and then only upon the report of the Bureau of Chemistry as to the quality, purity, and fitness for medicinal or manufacturing purposes, and upon the compliance with all laws and regulations governing importations of drugs and medicines.

(j) The following are the principal products affected by this regulation: Opium, codein, morphin, heroin, dionin, peronin, diacetyl morphin, coca, cocain, their salts and derivatives and any preparation derived from or containing any of the before mentioned bodies.

(k) In order that there may be readily available a complete record of all imported drugs, subject to this regulation, and disposition and uses to which they are put, all importers, jobbers, wholesalers, retailers, compounders, dispensers, or other dealers shall report to the Department of Agriculture at Washington, D. C., on the first of January of each year the amounts on hand, the amounts

imported, purchased or received during the year and the disposition and use made thereof.

(1) It is suggested that the report be made in the following form:

	Amt's on hand Jan. 1, 1912.	Jan. 1, 1913.	Amt. imported, purchased or received.	Amt. sold or disposed of during year.
Opium .....				
Morphine and its salts...				
Cocaine and its salts...				
Coca .....				
Heroin and its salts...				
Codein and its salts...				
Diacetyl mor- phine and its salts...				
Other prod- ucts af- fected .....				
			Used for manuf'g dispensing, etc., purposes.	
			Amt. used.	For manuf'g what? How much manuf'd of each.
Opium .....				
Morphine and its salts...				
Cocaine and its salts...				
Coca .....				
Heroin and its salts...				
Codein and its salts...				
Diacetyl mor- phine and its salts...				
Other prod- ucts af- fected .....				



THE REPLY BY GEO. M. BERINGER

December 22, 1911.

*Bureau of Food and Drug Inspection, United States Department of Agriculture, Washington, D. C.:*

GENTLEMEN—Your favor of December 14th with enclosure, copy of "Tentative Food Inspection Decision Regulating the Importation and Sale of Opium, Morphin, Cocain, Coca, their Derivatives and Preparations," was duly received. I have given this draft careful consideration, and in accordance with your request, I will venture to express my opinion and criticism thereon.

The object that you have in view to suppress the indiscriminate and promiscuous use of the narcotic drugs mentioned is one that meets with my hearty approval. Section 11 of the Food and Drugs Act is cited as the authority for such decision and regulation.

From my understanding of this section of the Food and Drugs Act, June 20, 1906, I fail to see wherein it can be broadened to cover state or intra-state commerce. It appears to me to specifically apply to foods and drugs which are *being imported or are offered for import* into the United States and provides a method for the decision of the admission of foods and drugs of proper quality and for forbidding entry to those that are adulterated or misbranded or otherwise dangerous to the health of the people of the United States.

Under this section, in my opinion, a declaration of the importer is fully justified and the form suggested under paragraph (a) may prove satisfactory.

Paragraph (b) relates to the enforcement of the act of February 9, 1909, prohibiting importation and use of opium for other than medicinal purposes and appears to be in harmony with that act.

Paragraph (c), providing for domestic declaration, does not appeal to me as coming under the provisions of either section No. 11 of the Food and Drugs Act or of the special act of February 9, 1909. As much as such regulation may be desired I do not believe that it is now warranted by the existing law. Further, the form proposed covers the purchase of any of the prescribed drugs by an individual, firm or corporation either as manufacturing chemist, wholesaler, retailer, practitioner of medicine, dentistry or veterinarian as a sanatorium or any other dealer in or purchaser of drugs. This aims to control not only inter-state commerce in these drugs, but likewise intra-state commerce in these drugs. I doubt if the latter control comes within the jurisdiction of a national government department.

Section (d) likewise covers such purely local business as well as inter-state dealings in prescription sales of these drugs. Here again I doubt if it is within the province of the National Government to enforce such regulations which appear to be properly a part of the police powers of each state. In many of the states the anti-narcotic laws already passed practically provide for such regulation.

The remarks on paragraph (d) likewise apply to paragraph (e).

In paragraph (f) I understand, of course, that your aim is to prevent the sale of infant cordials and anodynes containing Opium or Morphine. In doing this, however, the word-

ing would conflict with the sales of such household remedies as Paregoric and Brown Mixture which are not infrequently administered to infants. The remarks as to the jurisdiction of your department under paragraphs (d) and (e) likewise apply to this paragraph.

Paragraph (g) relates to the proper labeling of such poisonous drugs. This is provided for in many of the state laws covering the sales of such remedies which provide for the skull and crossbones poison label in red, but, as a rule, exempt from this provision preparations of Opium containing not more than two grains per fluid ounce. This likewise suggests a conflict with the regulations of the state laws and your proposed regulation by inspection decision, and here again the question of jurisdiction comes up.

Paragraph (h) being a regulation relating to the customs should be passed upon by the Treasury Department.

Paragraph (i) relates to importations and their proper entering. This is a matter which must be left to the Treasury Department or the combined Treasury and Agriculture Departments for decision as it is purely a matter of customs regulation.

Paragraph (k), providing for a complete record to be kept by all importers, jobbers, wholesalers, retailers, compounders, dispensers or other dealers and a report from each of these to the Department of Agriculture on the first of January of each year is, in my opinion, impracticable, even if it were within the proper bounds of a decision of the Board of Food and Drug Inspection or properly considered as covered by the Food and Drugs Act of June 30, 1906. It certainly would not be practicable for each physician and each retail druggist of the country to keep a record of all of the small amounts of Opium, Morphine, Coca, etc., dispensed on the prescription work during a year. To require that every time Laudanum, Paregoric and Dover's Powder are made that a record should be kept of the amounts of Opium consumed therein would possibly be no great hardship, but the regulation that every time a prescription calling for a few grains of Opium in pills, suppositories or ointment is dispensed, that a record must be kept and reported is impracticable. Morphine is one of the most commonly prescribed medicaments usually in comparatively small quantities, yet in the aggregate enormous amounts are used

during the year. To keep track of such small dispensings is not practicable.

I appreciate the fact that in paragraph (d) exemption of the declaration is waived in case the purchase is made upon the original written order or prescription of a legally authorized practitioner of medicine, dentistry or veterinarian medicine, and possibly I have erred in construing that a record would have to be kept of such dispensings. However, the wording of paragraph (k) covers retailers, compounders and dispensers, and would seem to imply the correctness of such a construction.

I am compelled to differ from the regulations as outlined not because I am not in sympathy with the object desired to be attained, but because I believe there is no provision or authority contained in the present law extending the jurisdiction of the Bureau of Chemistry in the matter contemplated by this proposed inspection decision. If there is need for a national law that shall take out of the jurisdiction of the states the police regulation relating to the sale and use of narcotic drugs, then it should be made a special enactment of the National Government so that its legality would be above suspicion.

If such legislation is called for, then an act should be carefully prepared so as to not unnecessarily interfere with legitimate sale and proper use of medicines. Those who are acquainted with the conditions existing in the practice of medicine and pharmacy and the conduction of the drug business should be consulted so that no unnecessary interference with business nor hardship will be occasioned in the proper discharge of their vocation.

Yours respectfully,  
GEORGE M. BERINGER.

#### THE NEEDLESSNESS OF WORRY.

"There are two reasons why man should not worry, either one of which must operate in every instance. First, because he *cannot* prevent the results he fears. Second, because he *can* prevent them. If he be powerless to avert the blow, he needs perfect mental concentration to meet it bravely, to lighten its force, to get what salvage he can from the wreck, to sustain his strength at this time when he must plan a new future. If he *can* prevent the evil he fears, then he has no need to worry, for he would by so doing be dissipating energy in his very hour of need."—*William George Jordan.*

## Council Business

### COUNCIL LETTER NO. 7.

PHILADELPHIA, PA., December 11, 1911.

To the Members of the Council:

*Motions No. 16 (Date of Salary of General Secretary and Editor of the JOURNAL), and No. 17 (Election of Members; applicants Nos. 42 to 81 inclusive)* have each received a majority of affirmative votes.

The Denver Branch has elected John A. Martin, of Denver, as representative to the Council to succeed A. W. Clark, whose term expires this year.

*Motion No. 18 (Election of Charles M. Ford Local Secretary for 1912).* Moved by J. W. England, seconded by J. H. Beal, that Charles M. Ford, of Denver, Colo., be elected Local Secretary in place of E. L. Scholtz, resigned.

It is very important that the Local Secretary be elected at an early date, and you are therefore requested to send in your vote at once.

Charles Emile Dohme, of Baltimore, Md., died on December 7, 1911. Mr. Dohme joined the American Pharmaceutical Association in 1863, almost fifty years ago. He has been a most loyal member, was President of the Association in 1898-99, and has rendered important services to American Pharmacy, especially as Chairman of the Board of Trustees of the U. S. Pharmacopœial Convention from October, 1901, to May, 1910.

J. W. ENGLAND,  
Secretary of the Council.

415 N. 33d St.



### COUNCIL LETTER No. 8.

PHILADELPHIA, PA., Dec. 27, 1911.

To the Members of the Council:

*Motion No. 18 (Election of Charles M. Ford Local Secretary for 1912),* has received a majority of affirmative votes.

The following communication has been received from Chairman J. A. Koch of the Finance Committee:

"As the fiscal year of the Association has been changed to cover the period from January 1 to December 31, all the present appropriations will lapse on the 31st. The Finance Committee, therefore, presents to