

A PLAN FOR COLLECTING EVIDENCE CONCERNING THE NEWER MATERIA MEDICA.

A paper under the above title by F. E. Stewart, Ph. G., M. D., Chairman of the Committee on Patents and Trademarks of the A. Ph. A., and of the Pa. Pharm. Assoc., was published in *The Medical Herald* for January, 1912. The author asserts that during the past thirty years, tens of thousands of alleged new remedies have been introduced by advertising and not more than one-tenth of one per cent. of them have proved of any therapeutic value. The author goes on to say:

"This introduction represents hundreds of thousands of useless experiments upon the sick by physicians in private and hospital practice, and many times that number by the self-medicating public. No one has profited by this so-called 'new remedy' business, except the manufacturers and the press—medical, pharmaceutical, secular and religious. The public, disgusted by this state of affairs, has lost faith in doctors and drugs and is turning to drugless systems of therapy for relief.

"The medical and pharmaceutical professions have been impoverished by it and their prestige seriously injured in public esteem. The public has suffered by it in health and finance. There is no use of trying to put the blame on anybody for all parties to the transaction are at fault. The medical profession is at fault because this condition of affairs could never have occurred if the profession as custodians of the materia medica had been true to its obligations toward the public. The pharmaceutical profession is at fault because instead of making a vigorous protest against the invasion of the pharmaceutic field by persons who desired to exploit it dishonestly for financial gain the profession virtually went into the same business. The public is at fault because it did not pass and enforce proper laws to make such exploitation of the sick impossible.

"The remedy is not to be found in throwing the materia medica overboard and resorting to drugless cults. It is to be found in standardizing the materia medica and rendering drugs instruments of precision.

"How shall this be accomplished? The answer is, by a co-operative investigation in which the medical and pharmaceutical press take part."

The author defines his meaning of drug standardization in the following terms:

"Drug standardization consists of fixing a nomenclature for drugs and preparations; it consists of determining methods for insuring uniformity in composition and physiological action and therapeutic effect; it consists in adjusting finished products to fixed standards and in devising means for keeping them there for a sufficient length of time to permit their proper application as therapeutic agents; it consists in reducing this knowledge to law and embodying it in system and then teaching it in medical and pharmaceutical colleges, universities and journals.

"But this knowledge cannot be taught until it is acquired. How then, is it to be acquired?"

"The knowledge of medicine is to be acquired by the practice of the medical arts and by the publication of the results of experience by those engaged in that practice.

"Progress in the knowledge of materia medica is dependent upon the practice of those engaged in the practice of pharmacognosy, pharmacy, pharmacodynamics, therapydynamics and pharmacotherapy."

The history of the "Working Bulletin System" was then given. The system was devised by the author in 1881 as part of a plan for an investigation of the

materia medica of the world under the auspices of the Smithsonian Institute—a government institution at Washington for the free diffusion of knowledge.

Included in the plan was “the founding of ‘Scientific Departments’ by the great manufacturing houses, the same to be manned by pharmacognocists, pharmacists, biologists, and chemists, thus bringing the manufacturers into coöperation with the professions of medicine and pharmacy, and bringing both professions into close and harmonious relations.”

Dr. Stewart relates how this plan of drug standardization was opposed by the so-called “patent” or “proprietary” medicine business, against which he has been waging continuous warfare ever since in consequence. In referring to this business and its protection under patent and trademark laws he says:

“Conditions existing in the materia medica supply business in relation to patents and trademarks would not be tolerated in any other business for a moment. Suppose Bessemer had attempted to monopolize the name ‘Bessemer steel’ as a trademark after the patent for his process had expired. How long would the steel manufacturers have tolerated such a monopoly? Yet, some of the great chemical and pharmaceutical houses are advocating just such a monopoly. Suppose the inventors of pens, paint, paper, needles and pins, linen, woolen and cotton goods, and all other inventions, had claimed that they owned the exclusive right to make these products, that such rights belonged to them naturally, that they were protected in these rights by the common law, that others entering the field were invading their natural rights, that all products of the same kind were fraudulent substitutions, that they, the inventors not only owned the inventions themselves, but also owned the names of the inventions. Would not their claims have been considered absurd? And yet these are the arguments used by the so-called proprietary medicine interests in supporting their claims to monopoly. Under such a system of monopoly applied to all inventions, progress in civilization would have been impossible. The whole world would have been owned by an aristocracy of inventors and the people in the world would have been their slaves, or, the latter being in the majority, would have arisen in their might and put an end to the monopolists as well as to the monopolies. The object of the patent law is to promote progress in science and the useful arts, that of the trade-mark law to protect honest manufacturers and the public from the fraudulent substitution of one brand of goods for another. The patent law grants a seventeen-year monopoly to inventors of new and useful inventions. The trade-mark law is not intended to create or foster monopoly, but to promote legitimate competition. The two laws really have nothing in common, but the so-called proprietary people are attempting under the guise of trade-mark legislation to create a new patent system by which inventors of nothing but names may obtain commercial control over their products far more restrictive than obtainable by the patent law.”

The author believes that the proper interpretation and application of the patent law to materia medica inventions and the use of trademarks to distinguish brands of open formula materia medica products, would aid, rather than hinder the scientific classification and standardization of the newer materia medica. He believes that wide and unprejudiced discussion of every alleged new invention is necessary for its proper classification, and that such discussion should be carried on in medical and pharmaceutical societies and in the reading columns of the medical and pharmaceutical press. He points out the difficulties of securing such discussion in journals which accept advertisements concerning the products referred to. In his opinion the organization of a strong central board of control,

in which the medical and pharmaceutical professions and manufacturing houses and press are represented would solve the problems affecting the new *materia medica*. He proposes that the "personnel of this board be the same as the present committee for the revision of the U. S. Pharmacopœia. The duties of this board to be:

"1. The censorship of the advertisements of the medical and pharmaceutical journals.

"2. To censor all literature from manufacturing houses, including labels.

"3. To determine what *materia medica* products shall be placed on the market.

"4. To determine the therapeutic value of products by collective investigation as represented by the working bulletin system.

"5. To co-operate with the Patent Office in the interpretation, application and enforcement of the patent and trademark laws relating to *materia medica*.

"The revision committee now decides what products shall go into the Pharmacopœia, and will have to decide sooner or later which of the new products shall be admitted. Why wait ten years until the meeting of the next Pharmacopœial Convention before investigating these new products? Why not co-operate with their introducers in determining the therapeutic value of new products at the time of their introduction? The recommendations of such a board would be exceedingly influential, as capital, always conservative, would hesitate to invest in a proscribed product. The Committee on Scope of the Pharmacopœia would thus be saved much needless labor, and humanity much needless experimentation. The refusal of a manufacturer to co-operate with the committee would be taken by the medical and pharmaceutical profession as *prima facie* evidence that the products will not bear the light of disinterested investigation."

Dr. Stewart's object in publishing his paper at this time is to bring the subject of *materia monopoly* and the introduction of alleged new products by advertising before the medical and pharmaceutical professions and the great manufacturing houses engaged in the *materia medica* supply business, hoping to excite general discussion, that the results of the same may be embodied in the report of the Committee on Patents and Trademarks for presentation at the next annual meeting of the American Pharmaceutical Association.

"THE EDUCATED FOOL."

"A man who has a very little sense may by mechanical process acquire a vast deal of information, and yet after all he is nothing more or less than what you have seen and what I have seen, the educated fool. There are men who are perfectly at home with the poets, versed with all the lore of the classics, men who can call the myriad stars by name and trace them in their unmarked paths through the Heavens, and yet, after it all, are fools, and after all, the accomplishments of a fool are as utterly wasted and worthless as a sweet toned instrument in the hands of a man who has no music in his soul. So that as I have said, as it was in the beginning, is now and ever will be, that which was born a fool must live and die one."—*Charles F. Moore*, Editor of "Paper."