Section on Education and Legislation

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REPORT OF THE COMMITTEE ON DRUG REFORM.

L. E. SAYRE, CHAIRMAN.

This is the second time the Committee on Drug Reform with its present personnel has had the honor of reporting to the American Pharmaceutical Association. The year has been one of activity in political lines. Notwithstanding the immense amount of drug reform legislation proposed and the corresponding efforts put forth to secure its enactment, all attempts have been more or less successfully defeated. In some cases established reforms have been swept away. For example, speaking as a Kansan, our sister State, Missouri, has deprived the Board of Pharmacy of the right to employ special attorneys in the prosecution of the Pharmacy Law. This the Board considers a serious handicap. It constitutes but one of the instances of failure to improve pharmacy laws and to bring about more substantial reform through drug legislation.

Some new laws are worthy of notice:

Tennessee passed two measures creating pharmacists out of unqualified men. In one case, physicians in towns under 2000 population are given registration privileges, and, as to apprentices and assistants in pharmacy, after five years of service, they become registered as pharmacists.

In Indiana a new enactment solves the problem of rural drug supply by prohibiting, under certain penalties, the sale of drugs within two miles of a drug store. In Ohio the anti-sampling bill prohibits the doorstep and yard sampling of alleged remedial agents. In Michigan the poison container must have stoppers with serrated edges.

The Committee on Drug Reform has during the year, just past, published an open letter to pharmacists of the United States in *The Druggists' Circular,* presenting the results of investigation, indicating possible reforms and soliciting coöperation, suggestions in regard to the work, and criticism. About two hundred and fifty reprints were also mailed to druggists and pharmacists. A number of responses were received in which interest and a spirit of helpfulness were manifest.

The Chairman of the Committee has felt that it was his prerogative to act independently in the matter, doing what he could in his own State to influence reform in drug legislation. To this end, he has written and sent broadcast over the State at different times during the winter three separate circulars setting forth especially the need of two reforms: first, that of controlling the practice of itinerant vendors, and secondly, that of preventing the objectionable practice of

dispensing physicians who do not avail themselves of the protection against adulteration. Unfortunately, the efforts which have been put forth in this direction have been apparently of little avail. The two bills which were introduced in the House of Representatives failed to carry. Yet we, in Kansas, by no means, confess defeat. We believe that when the people of the State at large clearly understand the issue they will be only too willing to support the legislation asked for.

Few reforms in the way of actual legislation have been secured anywhere. But the cause of reform has achieved progress in the precedents established by decisions of the National and State Courts. With these it would be impossible for the paper to deal in detail. Those who have followed developments through the journals know that they have come to constitute a very voluminous part of pharmaceutical literature. We are unfortunately able to refer to the far-reaching cases where an adverse decision has been secured by special interests to the effect that medicinal preparations may be labeled cures for any and every ailment although absolutely ineffective, without violating the Food and Drugs Act. The moral sentiment created by such a decision may in the end be productive of good. Already reaction has set in when Congress is asked to strengthen the Federal Act to cover such clear cases of misbranding—and Congress is asked to act promptly.

We need national, interstate, and intrastate drug reform. The necessity of better drug examination at ports of entry should be reiterated. One correspondent states in reply to circular letter: "Not all ports of drug entry are under inspection. While at those that are, their ultimate admission or rejection rests with inspectors who are not scientifically fitted to judge in the matter."

One correspondent, Dr. Schneider of California, and of this Committee, writes as follows:

"The drug situation on the Pacific Coast is not much changed. As reported to you on previous occasions, the percentage of adulteration of vegetable drugs, crude as well as powdered, runs close to 50. The Department of Agriculture seems to be unable thus far to change conditions very materially. The Pacific Coast is simply the dumping ground of the drug refuse of the United States. Of that I am convinced. The Eastern dealers simply give us the worst of the deal, dumping their comparatively worthless material here, feeling that they are less liable to get into trouble than if they should attempt to dispose of such material nearer at home."

He suggests that the difficulty might be met in part at least by

"limiting the importation of drugs into this country to three or four ports of entry, thus doing away with the expense of inspectors at a dozen or twenty different places, and by using the money thus saved to have three or four well equipped laboratories in the ports of entry selected. At all events, appointments for inspectorship should be for efficiency rather than for political consideration. Responsibility for the supervision of drug importation is now borne by different divisions of the Departments of the Treasury and Agriculture. By fixing responsibility on a single Department, the condemnation of undesirable drugs could be made more certain."

The regulation of the admission of substances used wholly for adulteration, such as ground olive pits and cocoanut shells, may, as ex-President Rusby sug-

gested, and we recommended last year indirectly, be made the means of checking drug adulteration within our own boundaries.

The question of uniformity of standards is worth our noting again. We do not favor the permission of the use of pharmacopœial titles when variation from standard is stated on the labels. The Federal regulation on this matter is entirely too loose, loopy and far-reaching. It will work an immense harm to pharmacy if it be allowed full sway.

We feel that most of the officials who have to do with the administration of the Federal law recognize that in this respect it is not good. Dr. Wiley has so expressed himself. We should like to see the Federal law brought into harmony with the idea of greater uniformity of official preparations, no deviations from them being permitted except, perhaps, in a very few especial cases.

Moreover, since we feel that this should be the goal of Federal legislation, State legislation should be looking forward toward the same end. If that end be reached the sooner in the State, it constitutes that much progress. There is nothing gained in modeling State upon National law, in the empty desire for uniformity when the National law itself is not a good one. Let the States prohibit sub-standard goods as completely as possible.

The lack of uniformity in guaranty provisions in the different States leaves the way open for wholesale abuse. In many States there is no arrangement for fixing the responsibility for the sale of adulterated or misbranded goods when the vendor can show the guaranty of a shipper living outside of the State. The section relating to guaranty provisions in the Michigan law might well be enacted verbatim by the other States of the Union:

"Provided, That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty in accordance with the provisions of the national food and drugs act, June 30, 1906, or a guaranty signed by the wholesaler, jobber, manufacturer or other parties residing in this state, from whom he purchased such article, to the effect that the same is not adulterated nor misbranded within the meaning of this act. Said guaranty to afford protection shall contain the name and address of the party or parties making the sale of such article to such dealer, and in such case, if guaranty was given in this state, said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach in due course to the dealer under the provisions of this act."

This would relieve the State of Kansas, for example, of some present embarrassments.

A third reform needed in State legislation has to do with the labeling of physicians' prescriptions. This is required in a number of States. It is obviously an injustice to the physician to make known to his patient what has been prescribed. Cure may by this means be retarded, or a drug habit formed. The clause should be repealed in every State Food and Drugs Law in which it now stands.

A concerted effort on the part of pharmacists should be made to inhibit the exploitation of the drug business in the form of Nostrums—a barnacle still impeding pharmaceutical progress, and lowering its dignity. The organization of a company advertising its stock as a sure money getter and a grand opportunity for financial investment in nostrum manufacture is suggestive on the face of it of

a questionable interest in the quality of the drugs (and of their wonderful merits) for the handling of which the company is organized. The Committee suggests that these companies might be restrained by an amendment of the state pharmacy laws—the same laws which compel physicians and pharmacists to prove their qualification or by some kind of restriction as a matter of public safety against fraudulent claims of the nostrum makers and vendors, even though it require certain kind of restriction in the use of the U. S. mail.

In a large number of the States, particularly in the West, reform should be directed at the practices of dispensing physicians above referred to. Physicians are seldom competent to judge of the quality or purity of the drugs they handle; hence, if they dispense, they become easy marks for supply houses wishing to unload substandard and adulterated materials. The fact that a physician's stock of drugs is not subject to legal inspection serves to make him the more liable to imposition. Legislation should be secured in the various States obliging physicians who wish to dispense drugs to meet the present legal pharmaceutical requirements. We are glad to state that a large number of the best and most progressive physicians are with us in this matter.

An effort should be made to control itinerant venders more effectively. These house to house and door to door pedlars often carry a considerable supply of drugs in connection with toilet articles, notions, and proprietary medicines. Yet their stock is seldom subject to inspection largely because of inadequacy in the administration of the law. This state of affairs very naturally results in two standards—a strict one for the pharmacist who must dispense of a uniform quality, and a much more elastic one for the itinerant vendor who dispenses as he pleases. In order to control this traffic those who engage in it should be required to put themselves on the same plane as the registered pharmacist, and their wares should be submitted to inspection, such inspection being made as practical as that of drug stores.

One of the biggest propositions drug reformers are facing is that of getting rid of old stock on the shelves of drug stores all over the country. A lot of this material finds its way into prescriptions and other trade channels. The State Associations could perform no better service to their members and to the public than to institute private investigations and when such professional derelictions are found to warn the negligent and guilty druggist of their discoveries.

There is great need of reform in inspection of intrastate commerce in drugs. The lack of coördination between Federal and State authorities, and beween the various State authorities constitutes the weakest point in drug reform administration. Variations in legislative requirements tend to make the matter worse. We have already noted the loopholes offered by some of the guaranty clauses. Yet even with our present lack of uniformity of drug laws conditions could be much improved by coöperation between State and Federal laboratories and inspection.

This Committee wishes to reiterate its belief that the Association can further the work of law enforcement by the creation of a separate division of the scientific section to consist of all who are especially interested in analyses of drugs in connection with the administration of the different drug laws. It would meet

on a special day each year to determine and unify certain processes and standards and compare results. In short, it would constitute a clearing house for drug analysts. It seems to this Committee that our own Association is a more natural center for such work than the American Chemical Society in which there is at present a special section for drug analysts.

L. E. SAYRE, *Chairman;*
ALBERT SCHNEIDER,
E. V. HOWELL.

RESPONSIBILITIES OF THE PHARMACEUTICAL CANDIDATE.

PHILIP ASHER, PH. G.

The question of the hour is, who shall have jurisdiction over the coming pharmacist? The pharmaceutical press is teeming with editorials upon the subject; educators and others are expressing their views, hence the writer believes no unpardonable sin will be committed if at this time he add his mite. Some of the opinions expressed are diametrically opposite, and it is the writer's opinion that the desideratum might be reached by striking an average of all.

The theme has both radical and conservative partisans, the former contending that authority should be entirely vested in the Colleges of Pharmacy, while the latter hold that the Boards of Pharmacy alone should wield the supreme power. The radicals naturally are confined principally to those interested in the schools either as teachers or graduates, while the majority of the conservatives belong to the class who either did not have the opportunity of a college education or failed to take advantage of it when it was offered.

It is the intention of the writer to state facts and illustrate them with examples and if in doing so the personal pronoun be used too often the reasons are obvious.

All who have had experience with State Board applicants, too well recall how numerous were the times certain ones would try the examination, always meeting with the same fate-failure, until at last the required mark was made and they stood upon an equality in the eyes of the law with you, while you sat in amazement and wondered until constant repetition of the example no longer caused surprise.

In your own hearts do you consider such men competent to practice a calling where so much is at stake and would you entrust them with the compounding of remedies for your own dear ones?

Legislators claim that laws are not made for the benefit of any class but for the people, and how remiss are they when any measure for the relief of the above conditions come before them.

Would conditions be improved were a college course exacted? That depends upon circumstances. The graduate with only his college training is not much better than he who has failed so often; but this when conjoined with the necessary amount of experience makes the ideal condition.

The writer recalls the case of a medal student, who after graduation was employed in a manufacturing laboratory and while his theoretical knowledge at