

cist, assume the risk of the improper administration of drugs? Is it not true that the physicians in charge of these institutions too often rely upon nurses, who are mere probationists, not graduates and registered pharmacists, to concoct and compound remedies? And do they not often use medicines that have been bought by bale or barrel or packing box at very special prices, with large discounts on these, from the manufacturers, thus sold in the hope of advertising their "brands" before internes and hospital "walkers." How many of these doses ought to be modified or altered to suit particular cases by the skilled prescriptionist, might well become a question.

When we consider the great number of our sanitariums and private hospitals with their increasing thousands of patients and a vast army of their physicians and internes, who do not send their prescriptions to the pharmacist's desk, can it be wondered at that the graduate pharmacists, after years of expensive college training and fulfilling the costly and strict requirements of the law, employ their spare time in adding to depleted income by dealing in department store ware?

It may be that by this system of ignoring the prescriptionist these hospitals are enabled to declare larger dividends on their investments, but it may well be questioned whether the safety and welfare or the economy of the patient may not be jeopardized and, if in the future, we raise up a generation of inefficient and impecunious pharmacists, the fault may largely lie at the doors of the hospital doctors. They seem to be abandoning the "Letheran herb of the good Apothecary." Is it not pertinent therefore to say: "*Omnia contra spoliatorum praesumuntur.*"

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### TEACHING PHARMACEUTICAL LAW.\*

BY HOWARD KIRK.<sup>1</sup>

In teaching pharmaceutical law to my class of some three hundred students, I soon realized that they had little time for abstract theory, and most of my carefully prepared notes went into the discard. I made every effort to hold the lectures down to plain advice on the things the class needed to know, and the students showed their appreciation of the endeavor to give them this real help.

I held before the class the picture of the young druggist, starting in on his life work, and tried to make them see the legal problems that that young man would have to face. Naturally, I started him off with his entrance into the study of his profession; this led to a short description of the State Pharmaceutical Board, and a statement of the requirements for admission of students. I then had the young man graduate and register as a full-fledged pharmacist, and having done so he was ready for the following steps in business which required a certain knowledge of the law:

(a) *Securing capital.* Various methods of securing loans were discussed. The advantages and disadvantages of a partnership were gone over. Examination papers showed that practically every student remembered my warning that—"You choose a partner as you choose a wife." The joint stock and corporate form of business organization were briefly described.

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(b) *The place of business.* The various steps taken in buying real estate were enumerated, with the legal consequences of each. Various real estate terms were explained, such as deed, mortgage, ground rent, lease, etc. The legal effect of recording was mentioned. The precautions necessary in buying out a going business were most carefully gone into—the effect of liens prior to lease, the necessity of clear title, etc. The bulk sales act was explained—the act requiring notice of a contemplated sale of a business to be given to all creditors. Then in a general way the rights and obligations of landlord and tenant were discussed, and stress laid on the salient points which each should insist that his lease should cover.

(c) *Opening the business.* The technical matters relating to registration of the name of the business, opening of specific records, payment of certain taxes, etc., were carefully gone into. The necessity for opening proper books of account, in order to comply with the income tax laws, was explained.

(d) *Employees.* The relation of master and servant was explained briefly, and illustrated fully. The obligations of the employer toward the employee were noted—not only the common law obligations, but those under Federal and State statutes. The operation of the workmen's compensation law was explained, with its attendant necessity of compensation insurance. Students were warned that careless acts of their employees, even though done against orders of their employers, might make the latter civilly liable, while criminal responsibility might follow failure to properly instruct employees, or in the event of gross negligence.

(e) *The contract.* This important business relationship was carefully explained, with special emphasis on the elements necessary to form a contract. Parties incompetent to make certain contracts were listed—minors, married women, etc. The law as to written contracts was stated with enumeration of the contracts required to be in writing. The negotiable contract was described, and the check, note, judgment note, and bill of exchange defined. The law as to measure of damages, and the right of specific performance was also outlined.

(f) *Obligations toward the public.* Under this head came up a discussion of the pure food and drug laws, with careful attention to the subject of misbranding and adulteration as therein defined. State laws relating to the safety, good order and cleanliness of the place of business were noted. Special reference was made to regulations concerning the keeping and sale of ice cream, milk, confectionery, etc.

(g) *Special precautions.* An exhaustive study was made of the laws and regulations affecting the handling of poisons, opiates and alcoholic liquors, and the filling and custody of prescriptions. I considered this the most important feature of the course.

(h) *Patent and proprietary medicines.* This most interesting subject was discussed in a more general way, but enough hints were thrown out to enable the young druggist, if he ever contemplated putting out any productions of his own, to know how far he could go without encroaching on the rights of other products already on the market. The law of trademarks and trade names was also generally stated.

(i) *Business pitfalls.* Strong warning was sounded against endorsing accommodation paper, going bail or surety, signing contracts without reading, etc. The distinction between speculation and investment was carefully drawn. Stu-

dents were told of tests to apply when considering investments, and of means for obtaining information as to the value of the same. "Legal securities" were defined and the relative merits of the bank, trust company, building and loan association, and other depositaries discussed. Precautions against dishonesty of employees, and ways and means of collecting debts, were carefully detailed.

(j) *Emergency measures.* Under this caption came a statement of the steps to be taken in case of fire, burglary, accident to employee or customer, public disorder, etc. The students were told when a private citizen could make an arrest and when a warrant was required. They were also carefully instructed as to how far they could go in defending person or property when attacked. The rights of government agents and police officers, as to search and seizure with and without warrant, were discussed at length.

(k) *Reports required and taxes to be paid.* These items were listed and dictated.

(l) *General.* In the final lecture I spread myself generally over the whole field of law, and discussed a number of subjects that had been brought out in the questions asked by students. The advisability of making a will and taking out adequate insurance, the legal effect of bankruptcy and of a composition with creditors, laws affecting advertising, etc., were discussed, and the hour allotted was far too short. This closed the course.

I might say that considerable value was added to the course by the informal question period which followed each lecture. As the class rose, quite a mob would come piling down to the platform, and there for sometimes a half-hour I would bat out answers as best I could, and make note of those which required looking up. At the beginning of the next lecture I would read to the whole class the answers to these questions which were of general interest. The questions asked ranged from problems in high finance to methods of getting along with a wife. But the boys honestly wanted to know, for they realized their work would soon call them to positions of responsibility where decisions would have to be made.

Finally, I can say frankly that in all these lectures I consistently stood by my brethren at the bar, and never failed to impress upon the class that whenever any of them contemplated a serious business move, or got in a tight place, he should "consult a lawyer."

#### ABSTRACT OF DISCUSSION.

Bruce Philip stated that at present the details of general law are not part of the course of the Pharmacy Department of the University of California; however, considerable time and study are given to the antinarcotic and prohibition laws so that the pharmacy students receive the necessary information relative to their duties and obligations in complying with these enactments.

Henry B. Smith stated that many pharmacy schools had quite complete courses in law relating to pharmacy and questions thereon enter into the final examinations.

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#### MASSACHUSETTS COLLEGE OF PHARMACY CENTENARY.

Plans are maturing for the celebration of the centenary of the organization of Massachusetts College of Pharmacy. The organization meeting was held in December of 1923.

#### DEDICATION OF JESSE METCALF CHEMICAL LABORATORY.

The Jesse Metcalf Chemical Laboratory of Brown University was dedicated October 10. A program, including addresses, was provided for the exercises incident to the dedication.