

Histological description introduced. "*Structure.* Chiefly thin-walled, starch-bearing parenchyma cells; numerous scattered secretion cells and small vascular bundles; the latter very numerous adjacent to the inner face of the narrow endodermis secretion cells, similar in size and shape to the parenchyma cells and with yellowish or orange-colored oil or oleo-resin or reddish-brown resin; vascular bundles collateral, with a few tracheae, small phloem cells and usually accompanied by fibers lying on the inner face or completely surrounding the vascular tissues; cork of several or many rows of cells in African Ginger."

HOUSE OF DELEGATES, AMERICAN PHARMACEUTICAL ASSOCIATION.

ABSTRACT OF THE MINUTES OF THE SESSIONS HELD IN KENILWORTH INN, ASHEVILLE, N. C., SEPTEMBER 4-7.

The first session of the House of Delegates with the first General Session of the American Pharmaceutical Association is reported in the October number of the *JOURNAL A. PH. A.*, p. 893 *et seq.* The report of the Recording Secretary, Wm. B. Day, is printed on pp. 897-899. The address of Chairman Evander F. Kelly will be found on pp. 882-883 and the report of the Committee on Resolutions in brief is printed on pp. 906-909; see also pp. 1009, 1016, etc.

SECOND SESSION.

The second session of the House of Delegates was called to order by Chairman E. F. Kelly at 2:00 P.M., Wednesday, September 4. He announced that the address of the Chairman had been read at the first session and also the report of the Recording Secretary, and that a committee would be appointed later to consider these.

The next order of business was roll-call. The Recording Secretary stated that the names of delegates would be read according to the credentials submitted by the officers of the respective states. If any changes are necessary, these should be promptly reported. The California delegates were announced as Bruce Philip, Laird J. Stabler and A. R. Maas. The Secretary stated that William D. Jones, Townes R. Leigh and D. W. Ramsaur were present from Florida and that Curtis P. Gladding was in attendance from Connecticut.

The Chairman advised that delegates from departments of the U. S. Government had the privileges of the floor and of the meeting.

The reading of the list of delegates was dispensed with.*

Major von Zelinski of the U. S. Army was introduced. He stated that he was a pharmacist and felt honored to have known many who were and are active in the Association, and then spoke, in part, as follows:

"The Surgeon General is very desirous of having the coöperation of the American pharmaceutical profession in the building up of a reserve corps of pharmacists in the Army. It is the first time in the history of the Army that there has been a definite policy as to the members of the American Pharmaceutical Association who give all or part of their time to the National Army, the National Guard or the Organized Reserves. The Organized Reserves are made up of officers with a personnel taken from the various professions, like the dental, pharmaceutical, medical, engineering and many others.

"There are commissions available for graduate pharmacists in the Medical Administrative Corps; it is a part of the Medical Department just the same as the Medical Corps, and the Veterinary Corps, and the Dental Corps. It is proposed that we will secure the services or coöperation of pharmacists through this corps. The Administrative Corps has to do with the handling of medical supplies, the administrative work in hospitals—base and evacuation hospitals and other activities and departments of the Medical Department of the Army. The idea is to have the graduate pharmacists supplied with staff commissions who will get into this Administrative Corps. In order for the graduate pharmacist to get into this Corps and secure one of these commissions, application is usually made to the headquarters of the corps area.

* See list at end of these minutes.

"The country is divided into nine areas; a communication to the Surgeon General's office in Washington will bring you the proper information. All the commissions for applicants for the Medical Administrative Corps come in the grade of second lieutenant and the highest grade for officers in this Corps to which a pharmacist may attain is that of captain. The junior entry grade is that of second lieutenant with few exceptions and those few exceptions are in the case of men who have had considerable experience. We differentiate between what is active experience or active service, and constructive service. In order to get the rating of constructive service a man may be conspicuous in his profession, he may have rendered unusual service in the war, or in the Council of National Defense or other body. That would be counted as constructive service in obtaining for him a higher rank.

"The Surgeon General is desirous of having young men in the service for he has a new method of training them by correspondence and also by calling them into active duty for short periods each year. This period will not exceed 15 days within a calendar year, depending upon the appropriations which are available at that time; it is not considered likely, at least not in the near future, that appropriations will be sufficient to call out every medical reserve officer for fifteen days of active service in a calendar year. The arrangements will be made by the Surgeon General, as far as possible, to meet the convenience of the individuals called out. It does not necessarily mean that when you are called upon for active duty, you must respond right away. There may be good and sufficient reasons why you cannot respond at the time you are called upon or come to the particular place to which you are called. These things are all taken into consideration. Promotion in the reserve corps depends upon constructive and active service; constructive service in this instance being the progress which has been made in the correspondence course, and also the active service, the amount of time that has been put in of actual service.

"It is understood that in the case of any eventuality, of any kind, those who hold those commissions will respond when they are called upon. We ask coöperation of those of you who are connected with schools of pharmacy, in bringing this matter to the attention of your graduating students, and also that you will take active interest in this matter. The Surgeon General's office is at all times prepared to give full and complete information and will appreciate evidence of your interest."

Major von Zelinski said he would gladly answer questions relating to the subject of his address, and thanked the convention for the opportunity given him.

William C. Anderson moved a vote of thanks and that the privileges of the floor be extended the speaker. In seconding the motion William B. Day said that he was pleased that the Major was a fellow-citizen; he had taught in a pharmacy school in Chicago and had the pharmaceutical viewpoint.

Chairman Kelly announced a unanimous favorable vote on the motion, and conveyed greetings to the department represented by Major von Zelinski.

The Chairman appointed the following committees:

Committee on Resolutions: Ambrose Hunsberger, H. M. Faser, H. M. Whelpley, Jeannot Hostmann, A. L. I. Winne.

Committee on Nominations: J. H. Beal, E. V. Zoeller, F. E. Mortenson, H. L. Meredith, T. J. Bradley, Bruce Philip.

Chairman Kelly stated that the program provided for discussions of interest to all delegates and that pharmacists in all states needed the aid and counsel of those present. The subject for discussion at this session was "The Limitations of the Ownership of Pharmacies to Pharmacists," that of a succeeding session would be "The Limitation of the Sale of Medicines to Pharmacies." The Chairman emphasized that the American Pharmaceutical Association always stands ready to help any movement, the purpose of which relates to the betterment of pharmacy and to public health matters.

Dr. Jacob Diner opened the discussion on "The Limitation of the Ownership of Pharmacies to Pharmacists."

LIMITATION OF OWNERSHIP OF PHARMACIES TO PHARMACISTS.

"As Chairman Kelly has pointed out," Dr. Diner said, "my remarks are for the purpose of opening a general discussion on the limitation of the ownership of pharmacies to pharmacists." After introducing his subject he continued, in part, as follows:

"In discussing the subject of limitation of pharmacies to pharmacists—one is necessarily confronted by a number of subdivisions, and a number of questions. First of all what does it mean? While it is reasonably clear, and quite generally true that the pharmacy is to be conducted by a pharmacist, in the majority of States there is a distinct provision in the law that permits the non-pharmacists to own pharmacies. That provision exists in all except two States, and in those two States it is limited by mere inference in its laws, and has been carried out by coöperation with the Boards of Pharmacy. The only way that we have, therefore, of limiting the practice of our profession is by passing limiting laws—as a public health movement. It will readily be admitted by us, no doubt, and generally conceded by the public at large that pharmacy is a profession. That being the case, in the majority of States, professions may not be practiced excepting by individuals duly licensed and qualified to practice their profession. The ownership of the business has been considered something entirely apart from the practicing of the profession only with reference to pharmacy. To illustrate: In the State of New York there were at one time a number of so-called dental parlors which were owned by laymen, and to some extent conducted by licensed and graduate dentists, but all the equipment was owned by these outsiders. Through the instrumentality of the Legislature of the State of New York, and with the aid of the Department of Education, a bill was passed which prohibited the operation or owning of a dental parlor by anyone who was not a licensed dentist, even to the extent of requiring that each dental chair operated in a dental parlor must bear the name of the licensed dentist operating that chair, and no one else could operate that chair. That line of action caused the elimination of dental parlors because they could not be conducted by laymen, nor by any persons not duly qualified to practice dentistry. The professions of medicine and law have always been respected, due to the individual licensing of the practitioner of that profession, even to the extent that an institution which was established in the State of New York was called upon to explain its existence and to modify its mode of operation, so as not to conflict with the practice of medicine. Our laws even go further for they have prescribed a course of education for a veterinary surgeon, and even architecture, nursing, and accountancy cannot be practiced by anyone except a licensed individual who has passed an official licensing examination, and under no condition by any outsider. Pharmacy alone was distinguished by being called a non-professional business. Somebody said recently that pharmacy was not a profession, and indeed you couldn't blame him, seeing the number of drug stores and pharmacies which are being operated by individuals who are unqualified to practice the profession of pharmacy. While that is a great detriment to pharmacy, it is a considerably greater detriment to public welfare.

"A layman doesn't know when he goes along the street and sees a sign 'drug store' or 'pharmacy' that anyone not a registered and licensed pharmacist conducts that pharmacy and dispenses medicinal products in such a store and, in reality, they are doing it under the misleading sign for in many instances there is no one in that store duly licensed by the State to conduct a pharmacy. It was for this reason that the State Pharmaceutical Association of New York instructed its Legislative Committee, at its annual session, to introduce the so-called "Pharmacy Ownership Bill." In our attempts to pass such a bill we studied the whole matter with the assistance of competent legal advisers and we found many things which had to be carefully and conscientiously considered—carefully, from the point of view of the legal aspects of the matter, and conscientiously, from the point of view of not injuring the citizens' rights and privileges, and not interfering with that which is legitimate. We felt sure that we had a fairly good bill, and being desirous to do right we submitted it for criticism to a number of men, and we met with the usual thing that we always meet with in legislative procedure, namely, the matter of fact that every pharmacist considered himself a much better lawyer than he is a pharmacist, and we were told of many objections to it, including the fact that it was unconstitutional. However, we proceeded with that measure and the law we proposed was defeated in 1921.

"In 1922 the meeting of the New York State Association again went definitely on record as in favor of imposing upon us the duty of concentrating upon that one measure and that one measure alone, and I want to emphasize that fact because I hope that many more States will follow suit until the entire United States has safeguarded its public by such professional measures; success depends largely on concentration—concentrate upon just one bill at a time and work on that point until gained before taking up another is the keynote for success. It is needless to say that every effort will be required to get one bill through. I trust I will be pardoned for going

into the details of the conditions existing in New York State during the last few years—we met with obstacles with which I trust those in other States will not be confronted. Our legislature was composed of a Democratic Governor, a State Senate with a Democratic majority of one, a Republican Assembly with a majority of twelve, and a Republican Speaker of the House—it seemed to be an unwritten law that whatever passed the Assembly must be defeated by the Senate, and whatever was urged by the Senate must be defeated by the Assembly and then, even if a bill was passed, the Governor was still to be reckoned with—he had to sign it, and it stood a very fair chance of being vetoed by the Governor. Fortunately, there were certain things brought about by these conditions in the State of New York, brought about by the Democratic attitude of our head of the State Health Department, which were of material assistance to us.

“The Public Health Inspector was trying to get through some legislation which was really the entering wedge and which just about suited us. He called the attention of the Governor to the fact of the existence of rural communities which were deprived of the medical assistance which they required, because the modern physician doesn't want to reside in a rural community, and the urgent need existing for the amelioration of that condition, and the way it was to be ameliorated was by the establishment of private hospitals managed by trained nurses, and under the direction of physicians who could be in the city and be in communication with these hospitals.

“One cannot say that a nurse is trained in the practice of medicine, but in order to cover this illegal practice of medicine it was provided that the nurse was to communicate with the physician when the patient was beyond the so-called medical knowledge of the nurse, and then the physician in the central hospital would send an ambulance and take that patient where he could be under the physician's personal direction, provided he could not deliver the proper instruction over the 'phone. It was taken up before a very representative body of medical men, and they recognized the need of competent pharmacy for the first time in the history of New York State. They recognized pharmacy as a part of the medical profession, and a committee was appointed for a conference representing both professions, and this committee was a sort of advisory board to the Governor. We studied the matter and found out what was necessary to be done and advised the Governor on the matter, and that was the entering wedge for the bill.

“As soon as our bill was introduced, opposition became active. It came from many sides, primarily from the pharmacists because they didn't read the bill or, having read it, failed to understand it. We held a number of meetings of local associations, both in the metropolitan district and in the State, and we organized everybody with whom we came in contact in those districts, forming new chapters, etc. We were after the one element which could be absolutely helpful to us, the Legislature. We went to them with our arguments as to why this bill should be passed, and we told them what the idea was of introducing this measure—that it was in the interest of public health and safety, and we obtained a great deal of publicity on that, through our publicity committee. We succeeded in getting into the newspaper columns—due to the efficient work, I am happy to state, of Mr. Clyde L. Eddy—over 1000 inches of good effective publicity in the daily press, including prominent editorials—to the effect that it was not a measure for our own benefit, nor was it used by the druggists in order to throw a fence around their own activities so that they would get all the business, that it was not a measure for the purpose of cheating the public, but that it was a measure for the benefit of the public and for public safety. We had in our Association a Republican senator, and we tried to get him to introduce the bill for us in view of the situation at the Capitol; he recommended that we get a Democratic senator to introduce it, and we were indeed fortunate enough to have in our society a man who was a pharmacist and a Democratic senator, Mr. Twomey, of Brooklyn. We induced him to introduce it in the Senate and to try and secure the approval of that body, and then we had to take it up with the chairman of the Assembly Health Committee in order to have the bill introduced there. We had agreed to let that bill go to the Assembly to be approved before passing it through the Senate, because if the law passed the Senate it was reasonably certain to fail of passage in the Assembly. However, through some condition which was beyond our control it became necessary to pass the bill in the Senate before it went through the Assembly where it was promptly passed within twenty-four hours. In less than an hour a motion to reconsider was made, and only by extreme effort did we succeed in getting that motion tabled, so as not to vote on the motion to reconsider, because it required 76 votes to pass that measure, and such a vote would have necessarily been fatal for our bill, because in passing that measure we were

aided by some Republican votes and passed it by one vote, and in doing so we had thought of no such motion as to reconsider, and we knew if it came to a re-vote, the Republicans would stand pat with their party and vote the measure down.

"I am speaking of the methods we pursued and the difficulties we had to face so that others will know just how to go about it. After this experience we decided to go after the assemblymen and acquaint the people with the proposed legislation. We sent out literature and letters to everyone concerned in the State of New York, giving them the important points of the matter and closing up with this illustration. If you have any children and your baby is sick and you get a prescription and take that to the drug store to be filled, do you know whether a pharmacist is in charge of that store or owns it? We sent out thousands of pounds of that literature, and conferred with the chairman of the Health Committee of the Republican Senate. We got the people to endorse our movement and we had a committee appointed in each district to send out letters and go around and interview the pharmacists in that district and explain any point that might not be clear to them. Right here, again, I want to say, emphatically, that the hardest man in the world to get coöperation from is the retail pharmacist. We had to send three and four and five form letters to each pharmacist, enclosing stamped addressed envelopes—we wanted their endorsement and yet they were too tired to even sign their names. We wanted the Senate and Assembly to know that the people wanted such a bill, but the only trouble was to get them to take the time to sign that statement which we had prepared for them. The clerk of the Assembly, when it was presented to the legislative body, told us that it had about as much chance as the proverbial snow-ball in Hades.

"We had assistance, however, from one source, which was very valuable. We had the medical men with us and at the beginning of that year the Medical Society of the State of New York passed a resolution urging physicians not to send any prescriptions to any pharmacy not owned and operated by a registered pharmacist; they also passed a resolution endorsing the bill which was being presented by the New York State Pharmaceutical Association and sent men to help us at the hearings before the Joint Senate and Assembly Health Committee on the matter. Then also there was another agency which could well be borne in mind and that was the voting public of New York State that employs pharmacists, physicians and dentists purely on the basis of requiring their immediate services and they do not hesitate to make a fight for what they think is best, and concentrate on their assemblymen until they get it. We had a hard time but when we ultimately succeeded in getting it before the Speaker we pointed out to him the fact that there were 15,000 of us behind this matter, and that each of that 15,000 could reasonably expect to control ten votes, with the result that roughly speaking we could control at least 150,000 votes and they might not feel disposed to elect to membership in the legislature or in the other public offices, such as Governor, at the next annual election, men who would not give them what they wanted, and that if he opposed it he could surely count on the natural consequences.

"We tried unsuccessfully a number of times to call up the bill on the floor, but we found that this was not possible. We finally obtained the consent of the Speaker to recognize our man on the floor and we waited to have the bill called up. For several days nothing was done about it and then on the very last day when we felt that the whole thing was about to fall through—about ten minutes before adjourning a very busy session—the Speaker sent for us and told us that he was going to insist upon an amendment to this bill which he would appreciate very much if we would accept. To accept the amendment to our bill within ten days before the adjournment of the Legislature meant disaster. The minute that we accepted an amendment it would mean that the bill would go back to the order of second reading and then an objection would necessitate a roll call, and would have meant its defeat. Our bill provided that hereafter there shall be no new pharmacies established except by registered pharmacists or by such corporations employing duly registered pharmacists who were then actively engaged in pharmacy. The Speaker of the Assembly wanted to put in a provision so that this could be gotten around in some way and such an amendment as that would have emasculated the bill even if we could have passed it with that amendment. We told him plainly that we would not accept the amendment, that we would insist upon the measure as it stood and so we had the bill called, and the opposition could not muster the 76 votes necessary to defeat it. The bill, therefore, was passed and went to Governor Smith for his signature. I had expected that he would sign that bill when it came before him without any further trouble on our part.

"One of the most radiant legal experts and a good Democrat was retained by the people on the opposition side to present a brief showing the illegality, the undesirability and the unconstitutionality of this bill. This takes us up to a Thursday afternoon when there was a conference between Senator Twomey, the Governor, the Secretary of the State Board of Pharmacy and myself, and we discussed the bill. We were told by the Governor to prepare a brief of what we were then stating and he expressed himself as being in favor of the measure.

"In the meantime the opposition had gotten very desperate, they had been working very hard against us for six or eight weeks and their final 'shot' was to ask for a hearing before the Governor. The opposition always has the right to ask for a hearing and such a hearing must always be granted by the Governor. The hearing was set for the following Saturday and I want to tell you that Saturday was a busy day. We telephoned to New York and sent telegrams all over the State and pretty soon we had a large number of pharmacists filing in from all over the State.

"The argument which the opposition put up was that we had tried to connive and conspire to increase the value of the Liggett stock—that was the first charge, and, secondly, that we had connived and conspired to put the retail pharmacist out of business, neither of which charges were true in any sense.

"The argument against the opposition was given to me. It was my privilege and pleasure to make that argument before the Governor. I asked Mr. Stuart Brown just on what ground he thought that a lot of men who did not look to be entirely devoid of intelligence would spend their time and money in order to safeguard the stock-holdings of the Liggett Corporation and I also answered with other points of my own. I have not sufficient time to go into that at present but anyway we won the argument and the bill was signed by the Governor and went into operation on April 24. You may ask what benefit that is going to be for the pharmacists, what it is going to do for the pharmacists. Well, in pointing out this advantage I will consider the most important advantage, first.

"First of all, by act of the Legislature pharmacy has been declared to be up to the standard of a profession in the State of New York and if we achieve nothing more than that we have achieved a great deal. The law in New York State always did provide that there must be a licensed pharmacist in charge of the pharmacy. We know, however, and we have all found out, that in some instances an owner of a drug store finds it cheaper to run the risk of paying a fine of \$50 or \$100 maybe three times a year—the inspector cannot be on the job all the time—and employ an unlicensed man than it is to hire a registered man and pay him what he should. He can pay an unregistered man a lower salary and pay his fines for him and still be ahead of the game at the end of the year. What do we do under this law? Some man—we will call him Mr. A.—not licensed as a druggist and his employee is an unregistered pharmacist and, we will say, at the end of the year, Mr. A. has from three to five violations to his credit. His application for annual registration for the store is denied by the Board of Pharmacy. Under the old rules having been convicted of a violation of Pharmacy Law and being unable to obtain store registration, he would have put Mrs. A.'s name on as owner of the store—who did not have any violations of the law charged against her—and she could have the store licensed even though Mr. A. had been refused such a license on that store.

"Then there are a few instances where a corporation wishes to incorporate a store employing duly registered pharmacists. They are provided for all right, their numbers are relatively few, but we managed to get rid of the great menace which was confronting us. There is no law in the world that can prevent anyone from conducting a legitimate business if it is honestly and uprightly done nor is there a law that cannot be gotten around in some way, but we have removed the worst feature of the menace.

"Now the constitutionality of that law might have been attacked on the basis that pharmacy was not a profession but the State of New York has recognized it as a profession and, therefore, we find ourselves safe.

"These are practically all the salient facts pertaining to ownership of pharmacies in our law in New York State. If there are any questions that you wish to ask me I will be very happy to reply."

Chairman Kelly after acknowledging the comprehensive presentation by Dr. Diner introduced Dr. J. H. Beal who had consented to participate in the discussion, dwelling more particularly on legal points.

THE PHARMACY OWNERSHIP LAW AND PUBLIC WELFARE.

Dr. J. H. Beal spoke on "The Pharmacy Ownership Law and Public Welfare." His address follows, in part: It is a considerable advantage to follow Dr. Diner in the discussion of any subject because when he has reviewed a subject with his broad vision there is very little remaining to be said. I was especially interested in his exposition of practical politics as exemplified in the State of New York, and his success in securing the active efforts of the pharmacists of that State in favor of his bill.

"The breadth of his policy and propaganda reminds me of a story told by Abraham Lincoln of a Southern Hard-shell Baptist preacher who was preaching on the expansiveness of the grace of God. 'The grace of God,' said he, 'covers the mountains and the plains and the distant islands of the sea; it takes in the Eskimos and Hottentots; it takes in the wild red Indians and the Cannibals, and some even believe it takes in the Yankees but I don't go that far.' Dr. Diner went even farther, and took in everybody. His is the finest story of actual broad cooperation and what it can accomplish for pharmacy that I have ever listened to.

"Now, I will confine myself to a very small phase of this question, and that is this: What is the connection, if any, between a Pharmacy Ownership Law and the public welfare? Is there any real, substantial and direct connection between such a law and the public health?

"Pharmacists are not entitled to have their business protected by law. No obligation rests on the State to see that we have a profitable business. That isn't the business of the State. The only obligation resting upon the State is to secure to us all the rights, privileges and immunities enjoyed by all other citizens, no more, and no less.

"It has been held generally by the courts of last resort that the public health and the public interest are adequately and fully protected when the man in charge of the drug store is himself a registered pharmacist. This is the gist of a decision by the Supreme Court of Pennsylvania, and this decision is in line with the doctrine laid down by other courts. Now the question I want to ask is this: Is it true, not as a matter of law but as a matter of fact, that the public interest is fully protected by having a licensed and registered pharmacist in charge of the store where a qualified pharmacist is not the owner?

"Unfortunately, there are many degrees within which it is possible to vary the quality of a drug and yet comply with the requirements of the Pure Food and Drugs Act and with the other technical provisions of the law. Therefore the provision of the law which requires a registered pharmacist to be in charge of the store doesn't go far enough. I suppose it would be difficult to find a retail druggist who does not know of cases where the certificate of a registered pharmacist has been used as a cover for very shady interests. The manager must manage the store to suit the wishes of the owner, or seek another job.

"When our pharmacy laws were first enacted it probably did not occur to any one that there would be any extensive desire on the part of non-pharmacists to engage in the drug business, but the facts have proved otherwise. There have always been those who have aimed to get over or around the restrictions without complying with them.

"The point I have in mind is this: We are not asking for additional restrictions upon those who wish to engage in the practice of pharmacy, but only that others shall not be exempt from the requirements imposed upon us. The pharmacy law provides that the pharmacist shall have a college education, have a practical experience of four years in a drug store, and pass a rigid examination, besides other restrictions.

"Now if unqualified men may, through subterfuge, enjoy the privileges of those who have qualified themselves by education and experience, then the latter are subjected to burdens from which unqualified men are exempt.

"It is the practice of such subterfuges that a 'Pharmacy Ownership Law' is intended to prevent."

Chairman Kelly thanked Dr. Beal for his presentation and asked for a discussion of the subject by the members.

ABSTRACT OF DISCUSSION.

Theodore D. Wetterstroem inquired whether this law or any other New York law prohibited unlicensed pharmacies from advertising their places of business as a drug store, or listing their names as such in directories under the heading of "Drug Stores" or on package medicines, etc.

Mr. Diner replied that a "Pharmacy" is defined as "a place where physicians' prescriptions are compounded, and drugs are sold and dispensed." The selling of drugs other than in a pharmacy is prohibited, with the exception of certain drugs provided for under what is known as "Schedule A," in the New York law and "Schedule B," relating to poisons. Articles like sodium bicarbonate, olive oil and the like may be sold by anyone and are not subject to these regulations under the law. No one may display the name "drug store" or "druggist" unless for a place which is entitled to come under the classification of a "pharmacy."

Theodore D. Wetterstroem inquired whether advertising as druggist in a newspaper by one not registered would be prohibited. He referred to an Ohio law which prohibited the display of such name except by a registered person. There is no such control relative to the sale of "patent medicines"—a law, however, provides that a person must be registered to sell drugs, and only a registered druggist may sell "patent medicines."

Mr. Diner replied that the next step in New York would probably be along the lines of the discussion. The New York law has provisions for the sale of toilet articles, etc.—some of these places of sale are known as "drug shops," "patent medicine stores," "package medicine stores," etc. The sale of "patent medicines" is not prohibited nor advertising relating thereto in newspapers.

William B. Day referred to an Illinois decision that—as packages of "patent medicines" did not make known the active constituents, pharmacists had no more right of sale than merchants. This does not apply to other proprietary medicines and non-proprietary drugs which have been and are being sold by grocers and others. The State Board of Pharmacy has issued notice that sale of such articles, tincture of iodine, etc., may only be sold by registered pharmacists. A case will come into court, in which legal counsel will represent both sides of the question, and the State Pharmaceutical Association will be represented. This will likely decide the question in Illinois.

Lyman F. Kebler stated that he came in contact with many legal problems bearing on matters under discussion. He praised the efficient work of New York pharmacists and, in congratulating them on their success, stated that the results proved the value of coöperation. He asked whether, on account of the New York enactment, the sales of so-called prescription remedies would increase.

Mr. Diner replied that the manufacture of such preparations could not be prohibited unless contrary to law. The New York law provides that formulas shall be filed with the Board of Health. Coöperation was given by this Board in the passage of the law and New York pharmacists confer frequently with the Board; the efforts being always directed to protect the people.

C. W. Johnson asked what steps had been taken relative to establishing ownership of pharmacies.

Mr. Diner replied that this was not difficult in New York State where all drug stores must register annually with the Department having this in charge—the names of the owner and the licensed pharmacists must be given. The statement is sworn to and establishes a record. Under the licensing system a license may be revoked and therefore the one licensed is more careful and the provision is helpful in keeping undesirables out, and in securing information relative to those engaged in pharmacy.

C. W. Johnson expressed his interest in the discussions. He asked Dr. J. H. Beal whether he had given consideration to the possible difference between the practice of pharmacy and the owning of a pharmacy; whether it was possible for an individual to practice pharmacy without owning the pharmacy, or whether or not it was possible for an individual to own a drug store without practicing pharmacy? It seemed to him that the rights under the law hinged somewhat on the answer to these questions.

James H. Beal* said this presented a new line of thought and the factors mentioned would influence decisions if Courts were invoked to pass upon the issues of the law. He said that an

* See also discussion on The Pharmacy Ownership Law and Public Welfare by James H. Beal.

individual must be a pharmacist to practice pharmacy. The other question brought up points in law that required study. The owner's policy will determine whether or not the store will be conducted with due consideration for public welfare.

Chairman E. F. Kelly said it seemed to him that the definition for pharmacy would have to be extended somewhat.

Otto J. S. Boberg, of Wisconsin, asked whether items like tincture of iodine, spirit of camphor, etc., could be sold in other than drug stores.

Mr. Diner replied that the New York law listed articles that may be sold by grocers and others—Solution of Magnesium Citrate, for example, could not be sold by them because it is not so listed.

Mr. Boberg stated that in Wisconsin dealers who may sell certain household remedies in rural communities are registered.

W. Bruce Philip said that the public has a right to know whether a man who sells and dispenses medicines is qualified or not. He was highly pleased with the success of New York pharmacists which resulted from work—not by wishing—and that the example set by New York should be followed in other States.

The question was asked whether in New York the package medicinals that may be sold by other than pharmacists must be put up by pharmacists licensed in New York.

To this Dr. Diner answered—Yes. To another question he replied that a pharmacy must be in charge of a licensed pharmacist, and any one misrepresenting is subject to a fine.

E. L. Newcomb referred to the unsuccessful effort in Minnesota to pass an ownership law, largely because the pharmacists were not willing to exempt corporations. Another question brought out was the status of pharmacy—whether a profession or not. The question of what is a profession has been discussed in many ways in courts, covering the laws regulating medicine, dentistry, etc. There are decisions which indicate and clearly show that these professions cannot be practiced as corporations, but the practice must be by individuals. The decisions which the speaker referred to indicate that the compounding of prescriptions cannot be done in the name of a corporation; some States specifically prohibit that.

C. L. Eddy stated that New York pharmacists gladly offer the results of their experience to those of other States. Copies of the law will be furnished on request and the details of methods followed in securing publicity explained. History has been made by results accomplished in New York in the passage of the Ownership law and there are other matters under consideration as the result of the success. New York pharmacists realize the valuable services rendered by Dr. Diner, who didn't know when he was beaten but kept going right on. He spoke of a benefit which was provided for him by New York pharmacists which he converted into a fund for the benefit of students and he, Mr. Eddy, would like to have it a matter of record that Dr. Diner was largely responsible for the passage of the measure and has done a lasting service to pharmacy and to humanity.

Chairman Kelly was confident that the delegates would long remember this discussion and profit by it. The interest displayed confirmed the value of the first-hand information and the wisdom of bringing such live topics before a delegate body, so that in all States the legislative committees may profit by the experience of others. Chairman Kelly announced as the subject for discussion during the succeeding session—"The Limitation of the Sale of Medicines to Pharmacies."

Under the next order of business the Secretary read a communication from A. I. Goldberg conveying greetings and good wishes.

Presentation of resolutions was next announced by the Chairman, who stated that resolutions should be prepared in proper form, in writing. The list of States represented in the meeting was read.

California was the first State to respond; Mr. Philip said that he would present a resolution supporting the Kelly-Stevens bill.

F. E. Mortenson, of Colorado, spoke of successful efforts in Colorado in making a combination membership fee, including that of the State and the two National Associations. With such a combination the membership in Colorado has been largely increased and, in his opinion, many more additions would be made; it is easier to ask with success for an annual contribution for combined dues than to make the same collection in divisional sums, he said. The committee

of which he was a member explained—that by membership the State would be aided in legislative efforts and that the professional standing of pharmacists would be raised. (See Resolution 21 in October number, *JOURNAL A. PH. A.*, pp. 908–909.) E. L. Newcomb, of Minnesota, suggested that additional service should be provided for members, by the issuance of monthly informative bulletins or otherwise. (See Resolution 12.)

Theodore D. Wetterstroem, of Ohio, presented the thought that some action be taken relative to those chosen as delegates and also that messages of coöperation be taken back by the delegates from this body. (See Resolutions 10, 22, etc.)

D. B. R. Johnson asked for acceptance of the classification of schools as considered by the National Association of Boards of Pharmacy and the American Conference of Pharmaceutical Faculties (see pp. 926–928, October *JOURNAL A. PH. A.*); also that two members from the American Pharmaceutical Association be appointed to act with the members of the Committee from the N. A. B. P. and A. C. P. F. He presented the following resolution which was referred to the Committee on Resolutions:

“Resolved, that the American Pharmaceutical Association accept the classification schedule as presented by the National Association of Boards of Pharmacy and the American Conference of Pharmaceutical Faculties and appoint a committee of two on the Joint Committee.”

John Culley, of Utah, stated that the American Pharmaceutical Association should have more effective publicity at State Association meetings. This could be brought about by having delegates or representatives from other State Associations present at the annual meetings. (See Resolution 13.)

Chairman Kelly referred to the agreement of the N. A. R. D. and A. Ph. A., that their executive committees meet annually, alternating their meetings—this year those of the N. A. R. D. are present here, and next year the joint meeting will be held during the convention of the N. A. R. D.

H. L. Meredith favored the suggestion of Mr. Culley and emphasized the importance of having representatives of the A. Ph. A. at State meetings.

Chairman Kelly impressed the necessity of having the delegates present a report of this meeting before their State meetings and enlarge upon the work done by the American Pharmaceutical Association.

E. L. Newcomb, of Minnesota, stated that the Chairman was right, but after all a visitor has an advantage over a delegate from home.

It was contended by several speakers that both the N. A. R. D. and A. Ph. A. should have representation at every State meeting.

Wilber J. Teeters, of Iowa, in supporting the convention said that a delegate from another Association would be recognized as an official delegate of the A. Ph. A., whereas one belonging to the State body in session was simply looked upon as a fellow-member.

Jeannot Hostmann, of New Jersey, said that delegates do not invariably report the A. Ph. A. meeting, or only in a very brief way without impressing the importance of the transactions of the American Pharmaceutical Association.

Jacob Diner supported the former speaker and advocated the appointment of such delegates by the House of Delegates.

A delegate, whose name was not noted by the reporter, moved that the resolution be referred to the Board of Directors. He asked also that delegates be supplied with a report of this meeting.

F. E. Mortenson, of Colorado, said that the idea of the visitor or the stranger was right; he always was accorded a hearing, and members want to hear from delegates on a special mission who had a message for them.

E. L. Newcomb, of Minnesota, said that the proposition confronting the delegates here was one of salesmanship. He was in favor of anything that will accomplish the bringing in of members to the Association.

J. F. Tilford, of Kansas, said that an outsider could more effectively present the claims of A. Ph. A. membership.

Bruce Philip, of California, was of the opinion that not all delegates could as forcefully and effectively report the transactions as some of the leaders in this convention. They felt more or less hesitancy. A readable report of the transactions of the House of Delegates should be

prepared which the delegate could read, if he preferred to do so. He thought the Secretary should prepare such a report for transmission to all delegates.

F. E. Mortenson, of Colorado, desired again to impress the importance of this or these proposed resolutions. The delegates should perform their duties and be aided in every way possible to do so. The main aim now is to have the associations ratify the actions of this convention and start out most energetically to secure more members for the American Pharmaceutical Association.

J. H. Beal of the Committee on Nominations inquired as to the officers that this Committee should nominate. After some informal discussion the Chairman stated that names of nominees were to be presented for President, Secretary, and for members of the Board of Directors. For the latter nine candidates were to be named; also the name of a nominee for Chairman of the House of Delegates and Recording Secretary. He stated that the Committee would have a lot of work to do on the by-laws for the coming year. There will be new points for them to work out, and it will be some time before we have them worked out properly.

D. B. R. Johnson referred to the resolution by which it is provided that the American Pharmaceutical Association appoint two members of the Joint Committee as expressed in the resolution he had presented.

William C. Anderson contended that the resolution had been referred to the Committee on Resolutions and was not a subject for action at this time. He was supported by L. L. Walton, and the Chairman so ruled.

Jeannot Hostmann, of the Committee on Resolutions, requested that the proposed resolutions be turned in to the Committee promptly so that they may be considered carefully.

James H. Beal, of the Committee on Nominations, requested further information relative to the nominees for the Board of Directors.

After some discussion the Chairman stated that there were to be nine nominees as there were three directors to be elected for the vacancies occurring in 1924.

The second session of the House of Delegates was then, on motion duly seconded and carried, adjourned.

THIRD SESSION.

The third session of the House of Delegates was convened by Chairman E. F. Kelly at 2:30 P.M., September 7.

The minutes of the second session of the House of Delegates were read.

Theodore D. Wetterstroem asked relative to the resolution by the Ohio Association; he was advised that this had been taken care of.

On motion of H. M. Whelpley and seconded by Theodore D. Wetterstroem, and vote, the minutes were approved.

A communication was received from Secretary C. H. Waterbury of the National Wholesale Druggists' Association conveying greetings and wishes for a successful meeting, and announcement of delegates to the A. Ph. A. The following delegates were named: F. S. Smith, of Asheville; John M. Scott, of Charlotte, N. C.; H. R. Goodall, of Durham, N. C.

A paper by Joseph Jacobs of Atlanta, Ga., was read; it follows:

A NEW WORLD SURVEY OF PHARMACY.

In 1898, at our Baltimore meeting, I had the honor, as Chairman of the Commercial Section, of presenting to the Association two hundred copies of a Report on Drug Conditions in all civilized nations of the world, made by our Washington Department of State.

It afforded me great pride and gratification at receiving, and I still appreciate, the hearty commendation bestowed upon me by the Association for inspiring the collection of the materials for such publication.

In reading and referring to the Report in the subsequent years, I have derived much educational information; and I have learned of others who received instruction and profit from its use.

By having a complete, authentic assemblage of facts concerning the methods of conducting the drug business in the various trade centers of the world, as to the procuring of druggists supplies; about the various laws prevailing; as to the habits and customs of peoples in regard to medical wants—this, disseminated among our importers, jobbers, retailers and scientists in Pharmacy;

with the added understanding of progress and improvements in the several branches of our profession made everywhere, our own country must derive a benefit in the increased trade that should ensue; in the opportunity to know and adopt new, valuable processes; and in promotion of friendly correspondence between the pharmacists of America and those of the other nations of the world.

But, since the publication of the volume referred to, unprecedented events have taken their place in history. A war that convulsed the civilization of the world has been waged and ended. Governments have changed in fundamental character. The industrial order has been shaken to its center and many changes have come in its composition.

These changes and events have brought about new conditions in our field of endeavor, as in all the various branches of business and commerce based upon other arts and materials besides our own.

It has, therefore, occurred to me to suggest to our Association whether it might not be of great profit to us, as well as promotive of the welfare of our country, if we could induce the present department of State to order and obtain another survey, bringing these inquiries up to date. With a view to ascertaining the sense of our body on this question, I offer a Resolution:

That our President appoint a committee whose duty it shall be to frame and present a request to the present United States Secretary of State (or of Commerce), embodying this idea.

A motion to receive was adopted and the paper referred to the General Session.

The Secretary stated that the report of the Chairman of the Committee on Patents and Trade Marks, F. E. Stewart, had been referred to the House of Delegates. It was accompanied by a letter which was read; it follows, in part:

"It seemed to me important to review, as briefly as possible, the source and activities of the committee for several reasons. First, the American Medical Association is getting practically all the credit for the founding of the Council on Pharmacy and Chemistry, and the A. Ph. A., having taken the initiative and having done most of the work in the beginning, deserves its share. Second, the solution of the proprietary question and that of commercially introducing alleged new remedies by advertising has long been before the A. Ph. A., without solution, and will be taken up by the American Medical Editors' Association in Chicago at its annual meeting in October. I had a long talk with the president, Dr. Henry O. Marcey, of Boston, recently, and he asked me to lay special stress on this phase of the problem of materia medica monopoly. It is only fair that the A. Ph. A. shall have the first say in the matter, and I hope a committee will be appointed that may prove of valuable aid to the A. M. A., and its Council, and also to the A. M. E. A. in solving the advertising question. I am dealing with the subject somewhat differently in my report for the latter association, but purposely on somewhat parallel lines with the report I am sending you. Third, the Campbell plan, and the University of Toronto plan, for solving some of the problems to which I refer, are attracting much attention. I received a very cordial letter from J. K. Lilly expressing his pleasure in my endorsement of what he is doing in the insulin matter. Now is the time, it seems to me, that we ought to call attention to the consistency with which we have advocated coöperation between educational and industrial institutions for research purposes. The plans of Campbell and the U. of T. include the use of the patent and trade-mark laws to curb unfair monopoly and correct the tendency to mislead in advertising. Why not step in and do our share in bringing these plans to full fruition for the benefit of the A. Ph. A., and all concerned?

(Signed) F. E. STEWART."

The Secretary stated that the report closed with a motion that a Special Committee be appointed which, on request, was read; it follows:

"Your Chairman therefore moves that the American Pharmaceutical Association appoint a special committee, to include representatives of the educational and industrial institutions related to materia medica, to confer with the American Medical Association and its Council on Pharmacy and Chemistry, with the object of securing coöperation between the several interests referred to in solving the prob-

lems of materia medica monopoly and the introduction of alleged new remedies by advertising. Some of these problems have already been solved by the Council but there can never be cooperation and coordination between the two associations until the problem of monopoly is no longer a barrier between them."

After some discussion by Messrs. J. H. Beal, L. L. Walton, William C. Anderson, Lyman F. Kebler and others, a motion was made to receive the report, and that the incoming Chairman appoint the special committee. The motion was carried.

The Chairman announced as the next order of business a discussion on "The Limitation of the Sale of Medicines to Pharmacies," the subject to be introduced in a paper by Prof. J. G. Beard. The paper follows:

THE LIMITATION OF THE SALE OF MEDICINES TO PHARMACIES.

For several years there has been developing in North Carolina a feeling among druggists that some sort of legislation should be sought which would restrict to licensed pharmacies the sale of medicines and poisons. This feeling, which finally crystallized into action, grew out of the conviction that in no place else than drug stores could such commodities be handled safely and efficiently.

At the 1922 meeting of the North Carolina Pharmaceutical Association there was finally evolved a program looking to the enactment of a bill which would make it unlawful for merchants other than druggists to sell medicines (except insecticides and materials used in the arts) within five miles of a retail drug store, and further requiring merchants beyond the five mile zone to register their purpose of selling allowed domestic remedies and applying for dealer's license to the State Board of Pharmacy, paying therefor an annual fee of one dollar.

The all-time attorney of the Association was instructed to draw up and have introduced in the Legislature a bill embodying the above-named features; also every county chairman in the State was acquainted with the action and was authorized to organize all the druggists of his district in a campaign looking to the furtherance of the bill.

The justice of such a measure and the argument used in its behalf rested upon the premise that the public health is endangered by the indiscriminate sale of medicines by persons of untested competency. It was expected that opponents of the bill would endeavor to howl it down with cries of "Class Legislation," and such proved to be the case. No one denied that it would have been class legislation, but in no greater degree than are the laws limiting to physicians the practice of medicine, to druggists the compounding of prescriptions, and to attorneys the pleading of law. The real point involved, however, was not whether a class would be benefited by such legislation but whether the public good would be promoted by it.

The purposes underlying the bill and the main motive which actuated the Association in seeking its passage were not the removal of an obviously unfair form of competition, but were rather to guarantee that only persons proficient in the handling of medicines should be entrusted with their sale, so as to eliminate, in so far as humanly possible, a constant menace to public safety that then existed and always will exist in the widespread sale of drugs by clerks in general mercantile establishments and grocery stores who admittedly know nothing of the action or overaction, the purity or impurity, the strength or the quality of medicines. Even should such clerks desire to place quality of product above any consideration of profit, their lack of training in what is, of course, a specialized art would preclude their exercise of judgment.

North Carolina law, like the laws in twenty-odd other States, says that only a person of college training, with practical experience under a licensed pharmacist, with his majority attained, and who has passed a two-day grueling examination by legally appointed authorities, shall be permitted to engage in the compounding of prescriptions and in the sale of poisons from broken containers. No one can dispute the wisdom of such discriminating legislation nor the value to society of such risk-removing restriction. At the same time every thinking, unprejudiced observer must admit that many teeth are taken out of such a law and the public in part robbed of the safety the measure was framed to furnish by the fact that the statute is so limited in scope and application that only when physicians' recipes are being dispensed and poisons sold from broken containers shall it be mandatory for salesmen of proved competency to engineer the transaction. But prescriptions are no more a potentiality of danger to the consumer thereof than are such articles as calomel, aspirin, paregoric, spirit of nitrous ether, and many potent

medicines when sold in the manner that one often sees them sold in grocery stores. A poison delivered in an unbroken package has the same death-dealing qualities as when passed out with the seal removed. And yet present-day law says that only an expert can sell the one while any person with a desire for profit may sell the other. Such restriction on the one hand and liberty on the other violates, of course, every precept of fairness, but it was not on the grounds of fairness to themselves that North Carolina druggists strove for additional legislation to remove such inconsistency. They believed that the public health was constantly threatened when untrained dealers handle such agents of danger as drugs, and so they used their collective influence to confine the legal dispensation of medicines to qualified agencies of sale by having introduced in the Legislature the bill mentioned in the prefatory part of this paper.

Shortly after the introduction of the restrictive measure the legislators were bombarded with letters and telegrams from opponents of the bill, and very quickly the opposition was fortified with the help of the Proprietary Association of America, wholesale grocery houses, and concerns such as McCormick & Co., Sauer and Co., *et cetera*. In the case of the manufacturing interests lined up against the bill there was frank admission that they sought the widest possible distribution of their products and were more or less indifferent as to who constituted their agents of sale. With such disregard of the safety of the consumer and intent only on volume of business, it was to be expected that they would fight desperately to thwart the movement which, had it been successful, would have limited the number of dealers who could handle their wares.

The battle between the Association druggists and the heterogeneous group of opponents was waged somewhat bitterly, the latter fighting rather unfairly at times, and culminated at the hearing of the bill before the Senate Health Committee. It would extend these remarks beyond the limits of your patience to go into even meager details of the half-day hearing of the bill, but there was one point which the proponents of the measure tried to emphasize that should be mentioned here for it seemed to have much weight with the Senate Committee. That point in essence was this: Granting that a groceryman and druggist are in equal manner capable of selling a bottle of patent medicine, the latter is still the logical agent of sale for the reason that the grocer would be running counter to his own interests in recommending a physician to a customer calling for stock medicine but really needing the services of a doctor, and unless he were a man of high principle and somewhat versed in therapeutics he would ignore the fact that serious symptoms were being obscured by patent medicine treatment, and go ahead and push the sale of the patent. To do otherwise would be hurtful to profits. The druggist, on the other hand, might have no higher morals than the grocer, but he could afford to recommend the diagnosis of a physician because filling the resulting prescription would be as profitable, perhaps more profitable, to him than would have been the sale of the patent. In other words, with the grocer it is a sale of the patent or nothing; while with the druggist it is a sale of the patent or the prescription but a sale nevertheless. Other arguments of just about equal cogency were advanced but time prevents their recital here.

As the verbal battle progressed it was recognized that the bill was doomed, and so the leaders in the fight for the measure modified the original statute in two particulars with the thought of eliminating what was proving the stiffest opposition from the standpoint of impression on legislators—the country merchant. The two changes were: (1) the selling of non-poisonous domestic remedies was exempted from the act, and (2) the five-mile limit was reduced to the corporate limits of any city or town in which there was a drug store conducted by a licensed pharmacist. However, the compromise, which should never have been offered since it was wrong strategically and ethically, had no appreciable effect in diminishing the attack on the bill by the patent medicine and grocery interests, and the Public Health Committee finally voted to report the measure unfavorably.

Thus was lost the first concerted effort in North Carolina to secure the passage of a forward-looking statute designed to protect the public from what is in increasing fashion becoming one of the most serious menaces in this section. But the bill will again be introduced, next time with its proponents better prepared to meet a type of opposition that has scant regard for ethics and but little more for veracity in argument. This type of legislation is bound to come in this country, and if State pharmaceutical associations will individually work for such enactment in their own States the collective power unloosed will wear out the opposition sooner or later. There is little need to wait until legislatures are actually in session before starting on the passage of such restric-

tive and health-promoting laws, for a cardinal part of any campaign looking to such enactment should be the education of the public to the necessity of such limitation.

The Chairman thanked the author for the interesting paper on behalf of the House of Delegates.

Charles W. Johnson, of Washington, gave an account of a poisoning case in the State of Washington. A package, open carton, of epsom salts, put up by a wholesale grocer, had been sold by a cross roads store to a mother of four children. All of the children were given doses of the salt by the mother, with fatal results. Investigation proved the presence of a large percentage of strychnine. A coronor's inquest completely exonerated the mother. The epsom salt was put up in unsealed cartons and, as far as the speaker knew, only the one referred to contained strychnine. The source of the error was not proven, but the case is a matter of court records.

Stirred by this unfortunate occurrence the State of Washington Pharmaceutical Association sought to pass a shop-keepers' licensing law. When the bill was up for discussion a rural legislator opposed the measure, contending that it would be an inconvenience, and cross roads stores sold these medicines for less. He moved that the bill be not approved, it was so voted and the presiding officer called for the next order of business. This defeat has contributed in part to practically a 100 per cent. organized State association. Funds have been raised by graduated contributions, ranging in amounts from \$12.00 to \$48.00 per annum from each pharmacy. It is contemplated to employ a full-time secretary.

Secretary Day referred to an incident in Illinois, where the State Department has recently issued a notice to department and grocery stores that these must not sell drugs, as it is forbidden under the State law. An inspector for the State called upon a general store recently and asked for $\frac{1}{10}$ -grain calomel tablets. The clerk took down a bottle of $\frac{1}{2}$ -grain tablets, rubbed out the " $\frac{1}{2}$ " and wrote " $\frac{1}{10}$ " on the label and handed the bottle to the inspector.

Jacob Diner called attention to the necessity of having laws provide for their enforcement; such omissions practically nullify them.

Chairman Kelly spoke of the difficulties in passing laws restricting the sale of medicines to pharmacies. In Maryland the Health Department looks after such matters. In his opinion the chief attraction for customers is the "cut rate" and they are often unmindful of the fact that drugs are being sold by those who are incompetent to judge identity or quality and in many cases indifferent thereto.

P. A. Lee, President of the North Carolina Pharmaceutical Association, being called upon, stated that the North Carolina law permits the sale of patent medicines but this is qualified by saying that they shall not contain any poisonous ingredients, so if these contain arsenic or strychnine, for example, then the sale can be restricted. He said that the selling of medicines is increasing in grocery stores. The North Carolina Association is endeavoring to inform the public relative to the danger of purchasing medicines from those who are not qualified to judge of them. He expressed the hope that the action of the next Legislature would be favorable relative to the restriction of the sale of medicines.

Otto J. S. Boberg, of Wisconsin, said that a Wisconsin law passed in 1907 provides that only registered pharmacists shall dispense medicines. The State Board of Pharmacy cooperates with the authorities in the enforcement of that law. For the rural communities provisions are made whereby the people can purchase their drugs at a general store provided these do not contain a poison. Such products as carbolic acid and tincture of iodine which have to be sold in bottles may be purchased from licensed dealers. Violators of this law are subject to revocation of such license and fine of \$50.

H. M. Whelpley pointed out the value of impressing the public with the difference in the qualities of household remedies.

Theodore D. Wetterstroem, of Ohio, spoke of the antagonism by proprietary interests to regulatory legislation of the kind under discussion. The Ohio Pharmaceutical Association endeavored to pass a law which provided that only registered pharmacists should prepare or put up patent and proprietary medicines. An effort was made to explain to the members of the Legislature why only qualified pharmacists should sell medicines. The Ohio pharmacists are well organized; however, the opposing influences resulted in a defeat of the measure. The Ohio Association is doing publicity work and any message that might be sent back to them from this delegate body of value in that connection would be thankfully received.

REPORT OF COMMITTEE ON NOMINATIONS.

Because of the large attendance at this time the report of the Committee on Nominations was called for. Chairman James H. Beal said that the committee presented the names of three nominees for President: John Culley of Utah, Charles W. Holton of New Jersey, and George Judisch of Iowa. Before presenting the names of the nominees for the Board of Directors, Chairman Beal stated that the requirements of the office were considered in connection with geographical locations. In the discussions of the committee the names of several members were considered for the same nomination. The report of the Committee on the nominees for the Board of Directors is as follows: Henry V. Army of New York, J. G. Beard of North Carolina, Jacob Diner of New York, A. G. DuMez of Washington, D. C., John J. Godding of Massachusetts, Julius A. Koch of Pennsylvania, Harry B. Mason of Michigan, E. L. Newcomb of Minnesota and H. M. Whelpley of Missouri.

William C. Anderson moved that the report of the Committee be received and that the Secretary be instructed to cast a ballot for these nominees. The motion was seconded by L. L. Walton. The report was adopted by a unanimous vote.

Chairman Beal stated that the Committee on Nominations was also charged with the duty of nominating a Chairman and Vice-Chairman of the House of Delegates and he presented the names of L. L. Walton of Pennsylvania for Chairman and W. Bruce Philip of California for Vice-Chairman. On motion duly seconded and carried the Secretary was instructed to cast one affirmative ballot of the House of Delegates for these officers.

Chairman Beal stated further that Article 5, Chapter 1, of the By-Laws provides that the Honorary President of the Association, also the Secretary and Treasurer, shall be elected annually by the House of Delegates on nominations by the Board of Directors. He stated that these officers would be elected at this time.

Secretary Robert P. Fischelis reported the nominees as follows: for Honorary President, William L. DuBois of Catskill, New York; for Secretary, William B. Day of Chicago; and for Treasurer, Evander F. Kelly of Baltimore.

E. L. Newcomb moved that the report of the Board of Directors be received and that the Secretary of the Board of Directors cast an affirmative ballot for the nominees.

William C. Anderson seconded the motion. The motion was carried by a unanimous vote.

REPORT OF COMMITTEE ON RESOLUTIONS.

Chairman E. F. Kelly called for the report of the Committee on Resolutions. He stated that these would be taken up seriatim unless there was an objection and voted on as they were read. Discussions, if any, should follow the reading of each resolution. (The report of the Committee on Resolutions is printed in the October number of JOURNAL, 1923, on pages 906 to 909. These are referred to in this abstract of the proceedings by number.—EDITOR.)

The first nine resolutions are based on the address of President Julius A. Koch.

Resolution No. 1 was read. It refers to participation in the International Pharmaceutical Federation. The resolution was adopted.

Resolution No. 2 referring to the election of delegates to the International Pharmaceutical Federation was read and adopted.

Resolution No. 3 relating to funds for the Headquarters Building and for the Procter Memorial was read and adopted.

Resolution No. 4 on the location of Headquarters Building was read and adopted.

There was considerable discussion on Resolution No. 5. Among those who participated in the discussion were Messrs. Philip, Hastmann, Bradley, Newcomb, Beal and others. The latter portion of the resolution referring to administrative and regulatory powers and the distribution of restricted articles was tabled. The first portion as presented in Recommendation No. 5 was adopted.

Resolution No. 6 endorsing intelligent enforcement of existing laws but protesting against the enactment of unnecessary new laws and regulations was read and adopted.

Resolution No. 7 relating to publicity and the correction of errors of statements relating to pharmacy was read and adopted.

Resolution No. 8 commending the New York State Pharmaceutical Association for securing the passage of a law relating to the ownership of pharmacies was read and adopted.

Resolution No. 9 relating to professional and commercial pharmacy and that it is the duty of pharmacists to strive for the advancement of professional pharmacy was read and adopted.

Secretary Hostmann, of the Committee on Resolutions, stated that this concluded the consideration of the President's address and then read Resolution No. 10 which has reference to the appointment of delegates by State Associations to the House of Delegates. He explained that in making use of various comments and references of the President's address, these were quoted and then resolutions drawn based thereon. This accounted for two resolutions in one as pointed out by Professor Bradley. It was the aim of the Committee to express the purposes of the recommendations in resolutions.

Theodore D. Wetterstroem brought forward the thought that delegates were not always appointed with due consideration for what the State Associations desired and what was of particular interest to retail pharmacists. The proposal of being specific as to the selections was not mandatory. He read the original resolution. The purpose was to take back to the State Associations messages of cordiality and coöperation. Various viewpoints were expressed by Messrs. Johnson, Philip, Hostmann, Fischelis, Anderson, Newcomb, Beal, Walton and others. After free discussion, in order to bring out the purposes of the resolution, a motion to table the resolution as presented was carried with the understanding that one or more resolutions on the subject would be drafted. (This was done later in resolutions presented by E. L. Newcomb and Theodore D. Wetterstroem. See Resolutions 22 and 23.)

Resolution No. 11 was presented which provided that the classification of the schedule as presented by the N. A. B. P. and A. C. P. F. be accepted and a committee of two on the joint committee be appointed.

The Committee on Resolutions not having the necessary data could not intelligently consider the resolution and returned this without recommendation.

There was considerable discussion relative to this resolution participated in by Messrs. Anderson, Swain, Mortenson, C. W. Johnson, L. L. Walton, D. B. R. Johnson, Snow, Army, Bradley and others.

L. L. Walton moved as a substitute the following resolution—see Resolution No. 11, page 907 of the October issue of the *JOURNAL OF THE AMERICAN PHARMACEUTICAL ASSOCIATION*.

William C. Anderson seconded the motion and, after some further discussion, a vote was called for accepting the substitute resolution. It was carried.

Resolutions Nos. 12 and 13 were read and adopted. The former refers to added service and the appointment of delegates to State Association meetings; action thereon was referred to the Board of Directors.

Resolution No. 14 was adopted; it approves the introduction and passage of a satisfactory price standardization bill at next session of Congress.

Resolution No. 15 directs that the Secretary prepare or have prepared an abstract of the proceedings of the House of Delegates for the delegates.

In moving its adoption W. Bruce Philip suggested that this abstract be not published, but sent to the delegates for their use at association meetings. It was adopted.

Resolution No. 16 was freely discussed by Messrs. Philip, Hostmann, Newcomb, Bradley, Kebler, Anderson, and others. It has reference to the appointment of pharmacists in various departments of the federal government. The point was stressed that if pharmacists were represented in the departments wherein pharmacy and pharmacists are concerned, there would not be the numerous and unnecessary bulletins. The resolution as presented provided for endorsement of applicants by associations; it was amended by striking out such requirement, and the resolution as amended was adopted.

Resolution No. 17 was amended urging each State Association to secure the introduction of laws providing for the restriction of ownership of pharmacies. As amended the resolution was carried. (See pp. 908 and 918, October *JOURNAL A. PH. A.*)

Resolutions Nos. 18, 19 and 20 were read and adopted. Resolution No. 18 recommends joint action in legislative matters by the N. A. R. D. and A. Ph. A. No. 19 encourages coöperation in U. S. P. and N. F. propaganda. No. 20 endorses a resolution of the Section on Practical Pharmacy and Dispensing providing for registered pharmacists in hospitals and dispensaries.

Resolution No. 21 was presented by F. E. Mortenson of Colorado; it encourages joint fees for membership in State and National Associations. Mr. Mortenson spoke of his successful

experience, and also suggested that efforts be made to prevent too many restrictive regulations which hamper pharmacists.

L. L. Walton then presented Resolution No. 11 in writing, and moved that the former resolution be reconsidered. Such action was taken and the resolution now reads as printed on p. 907, and also part of these minutes.

E. L. Newcomb presented Resolution No. 22, which displaces Resolution No. 10, which was tabled; see pp. 907 and 909. The motion to adopt was seconded by Theodore D. Wetterstroem. Carried.

Theodore D. Wetterstroem presented Resolution No. 23, relating to limitation of sale and dispensing of all medicines to registered retail pharmacists. It was adopted.

Jeannot Hostmann presented Resolution No. 24, relating to the use of the metric system by the Government. See p. 909. It was adopted.

William C. Anderson moved a rising vote of thanks for the Committee on Resolutions. It was carried unanimously.

W. Bruce Philip again called for information relative to an abstract of the minutes to be prepared for the delegates and mailed to them, so they could use this if desired or prepare from the abstract a report of their own.

The Chairman stated that it was his opinion that such abstract would be prepared and sent to the delegates.

Jeannot Hostmann stated that he had papers from the Scientific Section; his presumption was that some action was necessary relative to them by the House of Delegates. F. W. Nitardy explained that these were recommendations of the Chairman of the Scientific Section and had been endorsed by the Committee on his address. He did not know whether these should be submitted to the House of Delegates. J. H. Beal stated that nothing contained therein required action of the House of Delegates. He moved that the matter of the report relating to the expenditure of money, the Ebert Prize, and election of Honorary Members be referred to the Board of Directors; that relating to research matters be referred to the Committee on Research. It was seconded and carried.

Theodore J. Bradley moved that the Chairman of the House of Delegates appoint a special committee of five on Place of Meeting, to report at the next annual meeting. H. M. Whelpley moved that the same Committee confer with the Committee on Celebration of the 75th Anniversary of the American Pharmaceutical Association.

The motion as amended was carried.

Chairman Kelly stated that the Committee on Nominations had reported and unless there was any unfinished business to be reported, the installation of officers was next in order.

He concluded by saying, in part: "I have been tremendously interested in my work with you as Chairman in the House of Delegates, and I am very happy in the arrangements which have been made to give the House of Delegates a very efficient chairman. The Committee on Nominations has done, it seems to me, all that it could do in the selection of the Chairman and other officers of the House of Delegates, and in their choice we have taken a forward step. It gives me great pleasure to ask Mr. Walton to come forward and take up the arduous, but as I have often found them, interesting duties as chairman of this body. Mr. Walton—I am very glad to turn over the symbol of office to you, and wish you may have the highest success."

Chairman Walton responded as follows: "Gentlemen of the House of Delegates, it is with very great surprise that I find myself in this position. I regard it a very great honor to be assigned to represent the American Pharmaceutical Association, in any official capacity. But in giving me this very great honor as chairman of the House of Delegates I feel somewhat of a fear that under the conditions existing, in this very recently formed body, I may find it difficult to do just exactly as I should. However I hope for your sincere coöperation. It seems to me that you have given me a rather large order, nevertheless, in naming me for this position. In helping to train this new infant I will do the best I can, but I dare say there are many of you who are better nurses than I am, and I doubt not that I shall have to call upon you for your assistance very often."

Vice-Chairman W. Bruce Philip was next introduced. He presented some brief historical facts relating to the organization meeting in Denver and spoke in part as follows: "The original committee on Constitution and By-Laws was composed of John G. Godding, Clyde M. Snow and myself, and I assure you that it has been a pleasure for me to follow the doings of this House of

Delegates to this present day. I believe Dr. W. C. Anderson was our first Chairman. The history of the House of Delegates has been very instructive and very interesting; its work will continue and grow in influence; the idea is to draw the retail pharmacists to the American Pharmaceutical Association. It was my hope that the old officers, Mr. Kelly and Mr. Newcomb, would continue the good work that they had started so ably, but I understood that it was the desire to place retail pharmacists into the two offices of Chairman and Vice-Chairman. I would ask the members of the American Conference of Pharmaceutical Faculties and National Association of Boards of Pharmacy, who so kindly helped the House of Delegates in developing the organization to its present form, to continue their help, and not to think that because it is now in the hands of retail pharmacists they can withdraw their support, for we need them now just as badly as we ever did. I feel that we cannot reach the highest ideals in our work unless these bodies and the retail pharmacists go on hand in hand, along the same lines they have been working on for the last several years. I think that the work of the members and the work of the officers of this organization will continue on the same scale that it always has, and I am sure that we will not stop at this point and, if so, we need have no fear of the final results. I thank you."

Secretary William B. Day said: "Mr. Chairman, friends, and delegates, it is with a very great hesitation I have accepted this second term. When I accepted the office last year, I thought it was to tide over as Secretary until you could get someone else, but I am glad to be of service and shall continue to give you my best efforts toward that end."

William C. Anderson said: "I believe that the members of this House of Delegates would like to express their appreciation of the hard, earnest and constructive work of the man who has been most responsible for bringing up the House of Delegates to its present high standard. The time will not permit me to say much, but I feel that we owe a most sincere and hearty vote of thanks to retiring Chairman E. F. Kelly for his hard work; though we can compensate him in no other way, I move that we extend the retiring chairman a rising vote of thanks." The motion was seconded by all of those present rising.

Chairman Walton said: "Dr. Kelly, we have been so anxious that you should have our sincere thanks that we couldn't proceed about it in a formal manner. I did not have an opportunity to present the motion, as I had hoped to do, which has been made, but we hope that you will understand and accept our sincere and formal appreciation for the splendid work which you have done."

The retiring Chairman thanked the members for this evidence of their appreciation.

The final session of the House of Delegates was then adjourned.

STATE ASSOCIATION DELEGATES.*

<i>Alabama</i> —CARL WHORTON, B. O. SHIPLETT, L. C. LEWIS.	<i>Minnesota</i> —E. L. NEWCOMB, MISS FRANCES GREENWALT.
<i>Arizona</i> —	<i>Mississippi</i> —H. M. FASER, GUS C. KENDALL.
<i>Arkansas</i> —BOOKER LATIMER, FRANK SCHACHLEITER.	<i>Missouri</i> —H. M. WHELPLEY, E. H. RISKE.
<i>California</i> —BRUCE PHILIP, MRS. PHILIP, LAIRD STABLER.	<i>Montana</i> —
<i>Colorado</i> —FRANK E. MORTENSON.	<i>Nebraska</i> —SMITH C. WILSON, HOWARD C. NEWTON, R. A. LYMAN.
<i>Connecticut</i> —B. E. HÖCKERT, CHARLES T. HULL, C. P. GLADDING.	<i>New Hampshire</i> —
<i>Delaware</i> —	<i>New Jersey</i> —JEANNOT HOSTMANN, CHARLES W. HOLTON, R. P. FISCHELIS.
<i>Florida</i> —WM. D. JONES.	<i>New Mexico</i> —D. W. HAYDON, CLAYTON.
<i>Georgia</i> —SINCLAIR JACOBS, EMMETT L. MURRAY, ROBERT C. WILSON.	<i>New York</i> —ROBERT S. LEHMAN, WM. C. ANDERSON, J. DINER.
<i>Idaho</i> —	<i>North Carolina</i> —E. V. ZOELLER, J. G. BEARD, W. W. HORNE.
<i>Illinois</i> —J. H. BEAL, C. H. AVERY, PAUL EICHE.	<i>North Dakota</i> —H. L. HAUSSAMEN, W. P. PORTERFIELD, W. F. SUDRO.
<i>Indiana</i> —FRANK H. CARTER, F. W. MEISSNER, C. B. JORDAN.	<i>Ohio</i> —THEO. D. WETTERSTROEM, HARRY G. SCHMUELLING, OTTO BASSBRAKER.
<i>Iowa</i> —GEO. JUDISCH, W. W. HAIRE.	<i>Oklahoma</i> —THOS. HADLEY, D. B. R. JOHNSON.
<i>Kansas</i> —J. FLOYD TILFORD, D. F. DEEM, JOHN SCHMITTER.	<i>Pennsylvania</i> —ADOLPH SCHMIDT, AMBROSE HUNSBERGER.
<i>Kentucky</i> —LINWOOD A. BROWN, O. C. DILLY, J. GAYLER.	<i>Rhode Island</i> —
<i>Louisiana</i> —C. GODBOLD, J. E. GUESS, E. H. WALSDORF.	<i>South Carolina</i> —W. H. ZEIGLER, W. G. HARPER, S. C. HODGES.
<i>Maine</i> —T. J. BRADLEY, CHAS. H. DAVIS, J. H. DEORSAY.	<i>South Dakota</i> —D. F. JONES, E. C. BENT.
<i>Maryland</i> —E. F. KELLY, H. L. MEREDITH, R. L. SWAIN.	<i>Tennessee</i> —W. J. COX, B. B. KERR, WM. P. WINTER.
<i>Massachusetts</i> —FRED E. JONES, JAS. F. FINNERAN.	<i>Texas</i> —WALTER COUSINS.
<i>Michigan</i> —	

* Please report omissions to Secretary William B. Day, 701 So. Wood St., Chicago, Ill. Relative to errors please notify JOURNAL A. PH. A., 253 Bourse Building, Philadelphia, Pa.

Utah—JOHN CULLEY.
 Vermont—
 Virginia—H. E. ORCHARD, A. L. I. WINNE, G. E. THOMPSON.
 Washington—C. W. JOHNSON.

West Virginia—G. A. BERGY, ALFRED WALKER, S. M. SCOTT.
 Wisconsin—W. O. RICHTMAN, J. J. POSSENER, O. J. S. ROBERG.
 Wyoming—

DELEGATES FROM COLLEGES AND UNIVERSITIES.

California College of Pharmacy, University of California—BRUCE PHILIP.
 California—University of Southern California—LAIRD J. STABLER, A. R. MAAS.
 George Washington University—S. L. HILTON, A. C. TAYLOR, LOUIS F. BRADLEY.
 Howard University College of Pharmacy—CHAS. H. FUHRMAN.
 Valparaiso University—HUGH C. MULDOON, GEO. C. SCHICKS.
 Purdue University—C. B. JORDAN, W. F. GIDLEY.
 State University of Iowa—R. A. KURVBR, ZADA M. COOPER, W. J. TREETERS.
 University of Kansas—L. D. HAVENHILL, D. H. SPENCER.
 Louisville College of Pharmacy—O. C. DILLY, F. D. STOLL, G. L. CURRY.
 Tulane University—GEO. S. BROWN, J. M. DANNEKER.
 University of Maryland—F. F. KELLY, B. OLIVE COLE, JOHN C. KRANTZ, JR.
 University of Michigan—EDWARD H. KRAUS.
 University of Mississippi—H. M. FASER, GEO. L. BURROUGHS.
 University of Minnesota—F. J. WULLING, E. L. NEWCOMB, GUSTAV BACHMAN.

Creighton University—HOWARD C. NEWTON.
 New Jersey College of Pharmacy—ROBERT P. FISCHELIS.
 University of Buffalo—A. B. LEMON, LEON M. MONELL.
 Fordham University—JACOB DINER, OTTO F. A. CANIS.
 College of Pharmacy of City of N. Y.—H. H. RUSBY, GEO. C. DIEKMAN, H. V. ARNY.
 Western Reserve University—E. F. STANFORD, E. D. DAVY.
 North Pacific College—ALBERT SCHNEIDER.
 Philadelphia College of Pharmacy—C. H. LAWALL, J. W. STURMER, IVOR GRIFFITH.
 Massachusetts College of Pharmacy—J. G. GODDING, W. H. GLOVBR, T. J. BRADLEY.
 Meharry Medical College—JOHN J. MULLOWNRY.
 University of Tennessee—R. L. CROWE, T. P. NASH.
 Medical College of Virginia—W. F. RUDD, W. G. CROCKETT, C. C. HASKELL.
 West Virginia University—G. A. BERGY, JOSEPH L. HAYMAN.
 University of Washington—C. W. JOHNSON.
 University of Illinois, School of Pharmacy—W. B. DAY, S. M. SNOW, A. H. CLARK.

A. PH. A. BRANCHES.

University of North Carolina Branch—A. P. WESTBROOK, A. WARD, E. V. KYSER.

New York Branch—GEO. C. DIEKMAN, CHAS. W. HOLTON, JEANNOT HOSTMANN.

ASSOCIATIONS AND SOCIETIES.

Kings County Pharmaceutical Society—WM. C. ANDERSON, H. B. SMITH, T. D. McELHENIE.
 National Wholesale Druggists' Assoc.—F. S. SMITH,

JOHN M. SCOTT.
 New York Apotheker Verein—H. KANTROWITZ.

U. S. DEPARTMENTS.

U. S. Public Health Service—A. G. DuMEZ.

U. S. Army—MAJOR VON ZELINSKI, U. S. A.

ASSOCIATION BUSINESS

AD INTERIM BUSINESS OF THE BOARD OF DIRECTORS.

Office of the Secretary, 192 Roseville Ave., Newark, N. J.

LETTER NO. 1.

October 5, 1923.

To the Members of the Board of Directors:

1. The full membership of the Board of Directors of the American Pharmaceutical Association for the fiscal year 1923-24 is as follows:

Elected Members: Henry M. Whelpley, 2342 Albion Place, St. Louis, Mo. Term expires 1924; George M. Beringer, 501 Federal St., Camden, N. J. Term expires 1924; John G. Godding, 278 Dartmouth St., Boston, Mass. Term expires 1924; Charles F. Caspari, 2108 Locust St., St. Louis, Mo. Term expires 1925; Samuel L. Hilton, 1033 Twenty-second St., N. W., Washington, D. C. Term expires 1925; Wilbur L. Scoville, P. O. Box 488, Detroit, Mich. Term expires 1925; James H. Beal, 801 W. Nevada St., Urbana, Ill. Term expires 1926; Charles H. LaWall, 636 Franklin Square, Philadelphia, Pa. Term expires 1926; Robert P. Fischelis, 192 Roseville Ave., Newark, N. J. Term expires 1926.

Ex-Officio Members with Vote: H. V. Arny, President, 115 W. 68th St., New York, N. Y.; E. F. Kelly, Treasurer, Lombard and Greene Sts., Baltimore, Md.

Ex-Officio Member without Vote: W. B. Day, Secretary, 701 South Wood St., Chicago, Ill.

2. *Minutes of the first meeting of the Board of Directors, American Pharmaceutical Association:* The Board of Directors of the American Pharmaceutical Association held its organizational meeting immediately after the final adjournment of the Council of the Association at the Kenilworth Hotel, Asheville, N. C., on Friday, September 7th, at 2:55 P.M. The following were present: Arny, Beal, Beringer, Caspari, Fischelis, Godding, Hilton, LaWall, Scoville and Whelpley.

S. L. Hilton nominated J. H. Beal for chairman. The nominations were closed and Dr. Beal was unanimously elected. C. H. LaWall declined nomination for vice-chairman and