

Maryland pharmacists have decided that the Department of Pharmacy, University of Maryland shall not be slighted in the matter of distribution of funds by the State.

Hon. Lawrence Timmerman has introduced a bill in Wisconsin Legislature asking for an appropriation of \$250,000 for the construction and equipment of a pharmacy building and a garden house for the pharmacy department of the University of Wisconsin.

A six-story annex to the New York College of Pharmacy building is in process of construction.

Brooklyn College of Pharmacy is promoting a fund for a new site and building.

New buildings are being considered for Albany College of Pharmacy.

An Honor Society is contemplated in the School of Pharmacy of the Medical College of Virginia—membership is limited to those having averaged 90 or more for one and a half sessions—Miss Myrtis Jennings and H. B. Haag are reported as eligible.

Kappa Epsilon, a national pharmaceutical sorority, requires that chapters be only established in colleges and schools of pharmacy holding membership in the American Conference of Pharmaceutical Faculties.

## THE PHARMACIST AND THE LAW.

### FORMER PROHIBITION DIRECTOR OF PENNSYLVANIA AND MANY OTHERS ACCUSED IN LIQUOR CONSPIRACY.

One of the defendants in a liquor conspiracy trial in progress at this writing, in Philadelphia, is William C. McConnell, former prohibition director of Pennsylvania; there are many other defendants, among them: Albert F. Slater, who was McConnell's secretary; Hiram W. Benner, head of the permit division in McConnell's office; Samuel B. Wolf, in charge of the Pittsburgh office under McConnell.

### NARCOTIC SEIZURE IN WASHINGTON.

Narcotic drugs were found in possession of Edwards Trading Company, who had no government license. Representatives of the Edwards concern declared that every dollar's worth of the narcotics seized, said to include 320,000 tablets containing 10 per cent. of opium, was bought from the government out of army stocks and delivered to the company by government carriers. They state further that, while the company might be charged with technical violation of the law in not having a permit to possess or sell narcotics, it received no warning from the War Department when the latter sold it the narcotics, which the firm attributed to the department's alleged anxiety to sell.

According to a newspaper item, Surgeon-General M. W. Ireland stated that "there has not been an ounce of narcotics sold at the Washington medical supply depot since 1921, and then only a small order under government regulations—this order included about ten bottles of cocaine and 260 bottles of morphine." He states further that "records of the New

York army supply depot, on file in Washington indicate that no narcotics have been sold from there."

### T. D. 3449 PROTESTED BY THE DRUG INDUSTRIES.

Strong verbal protest against T. D. 3449 requiring permits for even very small quantities of alcohol to be confirmed was made March 19 by representatives of the drug trades at a hearing before Judge Britt, chief counsel of the prohibition unit. W. L. Crouse, in Washington, representative of the N. W. D. A., made the principal statement. A. Homer Smith, secretary of the American Drug Manufacturers' Association, and E. C. Brokmeyer, counsel of the N. A. R. D., pointed out the hardships to the retail trade that would follow from the decision.

### SUPPLIES OF INDUSTRIAL ALCOHOL.

Commissioner Blair has approved the selection of a committee of technical men to cooperate with the Prohibition Unit in supervising the production and distribution of supplies of industrial alcohol.

### LABELING FLAVORING PRODUCTS.

The term "extract" implies an alcoholic product. Flavoring products prepared with vehicles other than alcohol should therefore not be labeled with the term "extract." The Federal food and drugs act does not require a statement of the proportion of alcohol on the labels of flavoring extracts used exclusively for food purposes, although certain State laws make this requirement. Extracts sold or used for any medicinal purposes should have the proportion of alcohol plainly stated on the label.

Non-alcoholic flavoring products may be labeled with the term "flavor," provided they contain the same kinds and proportions of flavoring ingredients as are required by the department's definitions and standards for extracts, and provided further they are labeled with some term in direct connection with their names to show that the vehicle is not alcohol.

#### RETAIL PRICE-FIXING.

Hon. Clyde Kelly is convinced that "before the next session of Congress has proceeded very far the principle of price standardization will be written into the law."

#### MENNEN SALES POLICY UPHOLD BY U. S. CIRCUIT COURT OF APPEALS.

A unanimous decision has been rendered by the U. S. Circuit Court of Appeals, Second Circuit, reversing an order recently issued against Mennen Company by the Federal Trade Commission.

The Court's decision defines a wholesaler in the following languages:

"Whether a buyer is a wholesaler or not does not depend upon the quantity he buys. It is not the character of his buying but the character of his selling which marks him as a wholesaler as this Court pointed out in *The Great Atlantic & Pacific Tea Company vs. Cream of Wheat Company, supra*. A wholesaler does not sell to the ultimate consumer but to a "jobber" or to a "retailer." The persons who constitute these mutual or co-operative concerns are buying for themselves to sell to the ultimate consumers, and not to other "jobbers" or to "retailers." The nature of the transaction herein involved is not altered by the fact that they make their purchases through the agency of their corporation. For some purposes the corporation is distinct from the members who compose it but that distinction is a fiction of the law and the Courts disregard the fiction whenever the fiction is urged to an intent and purpose which is not within its reason and policy. And in such a case as this the fiction cannot be invoked. The important fact is that the members of the corporation are all retailers who buy for themselves to sell to the ultimate consumer. The Mennen Company is within its rights in classifying them as retailers.

"The facts established by the testimony are not sufficient to constitute a violation either of the Federal Trade Commission Act or of the Clayton Act and they do not support the Commission's conclusions of law. The Mennen Company is not shown to have practiced unfair methods of competition in commerce."

A news item states that the Federal Trade Commission will carry the case to the United States Supreme Court.

#### STATE LEGISLATION.

In a bulletin recently issued by the American Manufacturers of Toilet Articles, through the business manager, Frank K. Woodworth, attention is called to State bills which are menacing the industry, particularly with reference to Kansas, and Pennsylvania. Kansas and Pennsylvania propose a tax on all perfumes, cosmetics, and proprietary medicines, and a definition of the term "cosmetics" in the Kansas act, has a wide range which covers practically any toilet article. The proposed tax in Kansas would be, should the act pass, ten per cent. of the retail price, whether the manufacturer was in the State or without, and would provide for the registering by the State of dealers and the collection of the taxes.

The Pennsylvania bill, while not nearly so drastic as the Kansas act, would tax toilet articles at the rate of one cent for each twenty-five cents sale or fraction thereof. The passage of this bill, Mr. Woodworth holds, would put more onerous duties upon the industry, as all dealers would be obliged to report quarterly to the auditor-general the amount of tax on each article handled by him, which includes cigars, cigarettes, candies, cameras, films, pipes, jewelry, sporting goods, and chewing gum, all taxed at different rates. He is also subject to have his books examined pertaining to the business made taxable by the act.

The West Virginia act, according to Mr. Woodworth, is more drastic than the National Pure Food and Drug Law, and provides for defining adulteration and mis-branding, and defining the term "drug" and "food" more broadly than even the National Act does. "It would mean," says Mr. Woodworth, "that we should not only have to comply nationally but again in the State of West Virginia."