

THE DEPARTMENT OF THE NATIONAL ASSOCIATION OF BOARDS OF PHARMACY

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COURT DECISIONS.

Milk of Magnesia.—The Minnesota Board of Pharmacy has again scored a victory by obtaining the first court decision limiting the legal sale of milk of magnesia to a registered pharmacist, or under his supervision, as recently rendered by Judge White of the Minneapolis Municipal Court. A few years ago, the Minnesota Board won the first decision similarly restricting the sale of aspirin.

Secretary John W. Dargavel caused the arrest of the managers of three Minneapolis chain stores in April for alleged illegal sale of milk of magnesia. The defendants tried to prove that milk of magnesia is a proprietary and not subject to the pharmacy law provisions; the Board proved that milk of magnesia is a U. S. P. product and should be classified as a drug and a medicine. The defendants have until Dec. 20th to appeal to the state Supreme Court. If appealed and upheld, such a decision would be of tremendous benefit in limiting the sale of so-called "home" remedies which are U. S. P. and N. F. preparations.

Sweet Spirit of Nitre and Essence of Peppermint.—On November 5th, the New Jersey Board of Pharmacy brought suit against the proprietor of a so-called patent medicine store, for the sale of Sweet Spirit of Nitre manufactured by Smith, Kline & French Laboratories, Philadelphia, and Essence of Peppermint manufactured by the Fraser Tablet Co., Inc., Brooklyn. The defendant was not a Registered Pharmacist and the sales were made without the supervision of a Registered Pharmacist. Both preparations were labeled with directions for medicinal use, and expert testimony was presented to show that the items sold were medicines.

Following the presentation of the testimony, the Assistant Attorney General, who represented the Board of Pharmacy, moved for a directed verdict in favor of the Board, but the Court stated that the decision as to whether Sweet Spirit of Nitre and Essence of Peppermint are medicines would have to be made by the

jury on the basis of testimony offered. The jury brought in a verdict for the defendant, indicating that it did not consider Sweet Spirit of Nitre and Essence of Peppermint to be medicines.

The Board of Pharmacy took immediate steps to appeal the case to the Supreme Court. A decision by the Supreme Court is not expected for several months. In view of the expert testimony presented and previous decisions of the Supreme Court to the effect that Camphorated Oil and Essence of Peppermint are medicines, within the meaning of the Act, it is expected that the jury decision will be reversed.—R. P. F.

THE PRACTICAL EXAMINATION.

The Kansas Board announces that a new method of handling the Practical Work was inaugurated at the meeting held in Lawrence on November 5th and 6th, which was found very satisfactory.

The second day was devoted entirely to the practical examination. Three members took charge of supervising the actual compounding, and each member graded each candidate on a basis of 5 for neatness, attitude, etc. This gave the candidate a total count of 15 for perfect in this portion of the examination. The other two members took charge of the oral quiz and prescription reading, each member giving a weight of 10 for perfect answers here, or a total of 20 to each candidate as the maximum on this portion of the examination.

In grading the preparations, etc., turned in by the candidates, each member was given one prescription of the five. Thus one member graded all the ointments, another all the capsules, another powders, etc. Each prescription had a weight of 13, or a total of 65 for the five prescriptions. This plus the count of 15 for appearance, etc., and 20 for the oral gives, of course, a total of 100% for the entire practical examination.

Secretary Mac Childs of the Kansas Board Comments as follows: "In the old method, one member graded the entire practical examination and it was an impossibility, in the time allotted him, to make a thorough comparison of the relative values of the candidates and their preparations. In grading the prescriptions now, each member grades one preparation and can line the entire lot on a table, placing the perfect ones at one end and the poorer ones at the other, graduating the line. It fell to my lot to grade an eye ointment of $\frac{1}{2}$ grain yellow oxide of mercury; you would have been surprised at the range in colors and strengths that were handed in—they varied all the way from a deep orange to an almost colorless ointment, and the analysis revealed that they contained from 30 grains to less than $\frac{1}{20}$ th of a grain of yellow oxide of mercury. The granules of yellow oxide of mercury were plainly visible in many of the ointments."

The advantages claimed for the system are that each candidate is graded by each board member on all of his work and that uniformity in grading is accomplished as each member grades one prescription straight through. After finishing the grading, it was found that the practical grades were lower than usual, but that they corresponded more closely to the candidate's standing in the written work, and the method was considered excellent and fair.

PERSONALS.

Fred L. Vilas, a member of the South Dakota Board of Pharmacy, is this year celebrating the fiftieth anniversary of Vilas Drug Stores in Pierre, an outgrowth of the former Black Hawk Medicine Co. A most interesting anniversary booklet has been published by Mr. Vilas giving the history of the organization and an outline of the service it has rendered the community during the fifty years of its existence.

John W. Dargavel, secretary of the Minnesota Board of Pharmacy, has a hobby. He operated a miniature golf course in Minneapolis last summer. In addition to his many Board duties, he is also *first vice-president* of the National Association of Retail Druggists and *second vice-president* of the AMERICAN PHARMACEUTICAL ASSOCIATION.

STATE BOARD NEWS.

Alabama.—The Legislative Committee is busy working on the revision of the pharmacy law, the object being to strengthen the enforcement powers. Amendments are to be introduced when the legislature convenes in January 1931.

Arizona.—Secretary A. L. Phelps writes that owing to the flood of inquiries as a result of the publicity given to the shortage of pharmacists in Arizona, there is now an oversupply. Quoting him: "While business has been fairly good here, it will not support the number of persons who have already come, and I am advising those who write that they should not come unless they are able to support themselves through a period of idleness of at least two months."

H. Boyd Laird of Globe was recently elected *President* of the Arizona Board to succeed Dr. J. A. Dines, who retired at the age of 86. Fred W. Moore of Flagstaff was elected *Vice-President*.

The Board raised the passing grades for assistant pharmacists to a general average of 75% with not less than 60 in any one subject, effective immediately. This is the same standard as required for licentiates in pharmacy.

Twenty-seven pharmacists from other states were registered by reciprocity at the October meeting of the Board. Fifty-seven applicants took the regular examination, and one applicant took the assistant examination.

Secretary Phelps will gladly furnish copies of the state association bulletin to any who desire it.

Colorado.—An analysis of the results of the September examination shows that 42 out of 81 candidates passed. Of these, 26 were given R.Ph. certificates, and 16 won assistant licenses. Reciprocity was extended to one applicant on the basis of a Missouri license. An examination was held in Denver on December 12 and 13, results of which will be announced later.

Indiana.—Twenty-four Indiana certificates were issued as a result of the October examinations, three being assistant licenses. Two reciprocal licenses were also issued, one to a Pennsylvania applicant and another to an Illinois pharmacist.

Iowa.—The Pharmacy Board held examinations for twelve candidates on November 1 and 14—the smallest class on record. Reciprocal licenses were issued to an Illinois and an Oklahoma applicant.

Kansas.—Frank Milne, president of the Kansas Board, whose term expired recently has been reappointed. He was serving the unexpired term of P. H. Klinkenberg, and was therefore eligible for reappointment.

Maine.—Amendment of the pharmacy law is contemplated at the next session of the legislature, and a committee is working on amendments. An increase in the examination fee is contemplated; also the college prerequisite. Albert H. Wheeler of Massachusetts was recently granted a reciprocal license.

Maryland.—The Maryland Board of Pharmacy presented a photograph of the late J. Fuller Frames, president of the Maryland Board for fifteen years, to the University of Maryland School of Pharmacy at a meeting of the A. Ph. A. Branch held on November 20. Local, state and national associations were represented, A. C. Taylor of Washington, D. C., representing the N. A. B. P. (For Frames' obituary, see page 893, August 1930, JOURNAL.)

Michigan.—G. M. Benedict, Director of Drugs and Drug Stores, reports that an examination was held at Grand Rapids, November 18, 19 and 20. Fifty-four applicants took the Registered Pharmacist examination and twenty-seven the assistant.

Missouri.—An examination meeting is announced for January 12, 1931, at Macon, Mo. There have been no changes in the Board personnel. An Illinois registrant was granted a reciprocal license in November.

Montana.—Eight new pharmacists have been added to the roster as the result of the October examinations.

President John W. Seiden of Lewistown is acting as Chairman of the Legislative Committee, which is drafting amendments to the pharmacy law. Details will be given later.

The personnel of the Board remains unchanged, Alex F. Peterson of Missoula being reappointed by the governor to succeed himself.

The Board of Pharmacy is acting as a special committee on the new pharmacy school building to be erected at the University of Montana at Missoula. A meeting will be held shortly to check over plans and specifications; the estimated cost is \$200,000.

The secretary of the Board, J. A. Riedel, is making a special drive among the pharmacists of the state asking support of the Capper-Kelly bill.

North Dakota.—Secretary Costello reports that Paul W. O'Harra of South Dakota was registered by reciprocity at the November meeting.

Ohio.—The Ohio Board recently announced that 37 out of 64 applicants taking the November examination were successful.

An applicant from West Virginia and another from Indiana were granted reciprocal licenses.

The highest grade made in the examination was 95.1, by Valentine Yost, a graduate of the Cincinnati College of Pharmacy, class of 1930.

The Supreme Court recently denied the application of George A. Gafford for rehearing, thus making the action of the Supreme Court sustaining the Ohio Board in denying a license by reciprocity to one whose previous license had been revoked for violation, final.

A. L. Flandermeyer of Cleveland was elected *President* of the Board; F. H. King, of Delphos, *Vice-President*; and M. N. Ford, of Columbus, was reelected *Secretary*.

The final examination will be held in Columbus January 13 and 14.

Oregon.—The question of the consolidation of professional boards in the cabinet form of government was presented to the voters in Oregon at the recent election and defeated. The N. A. B. P. supplied such data as it had available on the results of consolidation in an effort to block the movement. With few exceptions, consolidations have resulted in a lessening of the professional morale. Oregon is to be congratulated on its successful campaign against consolidation of professional examining boards.

Pennsylvania.—At the October 1930 examinations given by the Board, 139 applicants took the pharmacist examination and 168 applicants took the assistant examination. There were 84 successful pharmacist applicants and 109 successful assistant pharmacist applicants.

The next examinations will be held in Philadelphia and Pittsburgh colleges of pharmacy on January 8, 9, 10, 1931.

South Carolina.—The results of the Board examination held in Myrtle Beach in July at the time of the state association meeting show that 27 of the 40 applicants were successful.

The November examinations were held at Newberry on November 19 and 20. Twenty-one applicants presented themselves, eight being successful.

Utah.—Six applicants were examined at a recent examination but only one passed. Six pharmacists from other states were registered by reciprocity. Enforcement work continues and five arrests were recently made for violation of the pharmacy law.

West Virginia.—Roy B. Cook of Charleston advises that a legislative campaign is being planned. Among the proposed changes are: (1) The members of the Board to be selected from a list submitted by the state association to the governor. (2) All stores to be licensed by Board. (3) No store within two miles of a drug store shall sell patent medicines.

The 79th Annual Meeting of the AMERICAN PHARMACEUTICAL ASSOCIATION will be held in Miami, Fla., during the week of July 28th, 1931.