

Section on Education and Legislation

Papers Presented at the Sixty-First Annual Convention

REPORT OF THE SECRETARY FOR 1912-1913.

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Your Secretary understands the duties of his office to be largely those of a Reporter of current Legislative and Educational events in Pharmacy. At least the duties of the office seem to have been so understood since the time of the precedent established by Dr. Beal. It will be my endeavor to keep within the limitations defined, but nevertheless if the Reporter should in some instance assume editorial authority, he trusts that this will be pardoned, and he certainly will not permit it to be of frequent occurrence.

During the last association year the United States Congress has been in almost continuous general or special session, commencing, of course, with the convening of the regular general session in December of 1912. There have been regular legislative sessions in forty of the several sovereign states. Congress continues in session at this writing, as do also the General Assemblies of Georgia, Oklahoma, Pennsylvania, Wisconsin and that of the State of Texas, which is now meeting in special session. It is consequently not possible to report finally on the action taken by them respectively with reference to legislation of interest to pharmacists. The General Assemblies of the States of Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia and Wyoming have been in session, and finally adjourned. The volume of legislation introduced in the several law making bodies of direct interest to Pharmacy has possibly been without precedent. The scope of intended legislation covers so wide a field, as to safely permit the statement, that somewhere every possible action and activity on the part of pharmacist was sought to be legislated about. Undoubtedly the banner for such intended legislation must be given the State of Massachusetts, where it is reported, that some one hundred and twenty-five (125) bills directly affecting pharmacy and some fifty (50) bills indirectly affecting it, were introduced at the last legislative session. It would be altogether impossible to report on all of the intended legislative changes, and in some instances where legislation enacted is not of direct application to Pharmacy we find ourselves compelled to either omit or to give but passing notice. The more important legislative enactments will be made a part of this report, in full, and in a few isolated instances we will add copies of defeated legislation, which seems to have been of special importance,

so as to afford an opportunity for studying the possible cause for defeat. Neither time nor your patience will permit of a detailed analysis and reference to all of the legislation enacted, and wherever possible, classification will be attempted with brief special reference, supplemented by complete copy of the respective laws. The classification referred to will, of course, need to be confined to the more important subjects, embracing pharmacy laws; Anti-narcotic laws; anti-trust laws; weights and measure laws; laws pertaining to the sale of drugs by unqualified vendors, and finally such miscellaneous legislation which cannot well be classified and which yet either because of its aims or novelty requires some special reference.

Before endeavoring to make a classification of the various legislative measures, with particular reference to their special points of interest we will show the reported legislation as enacted in the several states.

There was no legislation pertaining to Pharmacy in the States of Arkansas, Delaware, Florida, Michigan, Missouri, Montana, New Hampshire, North Dakota, Oklahoma, South Carolina, South Dakota, Texas and Vermont. Nevada not reported.

The states in which legislation has been enacted, including those where legislation of vital importance was defeated, which will be specially mentioned, are the following:

California.—Amendments to the Poison and Narcotic law. Action on Food and Drug law. Amendment incorporating Sherley Act provision, using the word “for” instead of “and,” not reported.

Colorado.—No report secured.

Connecticut.—Amendments to the Pharmacy laws. Enactment of a Narcotic law.

District of Columbia.—A bill granting Dental Supply Houses special privilege was held in conference committee.

Idaho.—Change in the Pharmacy law affecting the sale of Poisons and particularly Narcotics.

Illinois.—A proposed new Pharmacy law was defeated.

Indiana.—Change in the Pharmacy law. Enactment of a Narcotic law. Enactment of a Trading Stamp law. There were defeated special registration bills, a bill allowing registration to all who had been employed in drug store for ten (10) years without examination, bills pertaining to the Sale of Liquor in drug stores, and a bill allowing physicians to register as pharmacists without examination.

Iowa.—A change in Itinerant Vendor’s law. A bill to limit compounding or manufacture of preparations containing narcotics to pharmacists, was defeated.

Kansas.—A new Pharmacy law.

Maine.—A Narcotic law.

Massachusetts.—Change in the Pharmacy law, defining drug business, requiring the annual registration of stores where a drug business may be conducted. Laws relating to Wages paid to Women and Minors, and providing that employees shall not work one day out of seven, from these features drug stores are exempted. Law regarding the sale of Insecticides. There was defeated the following legislation: Amendment of the Food and Drug act. A bill requiring the

State Board of Health to have analytic work done for the Watch and Wards Society. A bill to consolidate the Boards of Pharmacy, Medicine and Dentistry. A bill regarding the adulterations of Confectionery. A bill making it a crime for a minor under seventeen (17) to have Cigarettes in his possession. Bills changing the Weight and Measure law. A bill relating to the sale of Medicinal Tablets and the refilling of prescriptions containing Narcotics. A bill regarding the manufacture and sale of Fruit Syrups. Bills regarding the sale of Liquor, and Liquor Licenses to Druggists. Bill regarding sale of Matches. A bill to prevent merchants from entering into agreements regarding the sale of merchandise. A bill establishing the hours of Labor for Registered Pharmacists and Assistants. A bill exempting Pharmacists from Jury Duty. A bill preventing pharmacists from forming corporations to carry on the drug business. A bill requiring physicians to keep records of Narcotic drugs dispensed by them, was favorably reported, and finally referred to the next session of the legislature. Many other bills of indirect interest to the Pharmacists were defeated.

Minnesota.—Amendments to the Pharmacy law, defining the authority of the board, and the manner of its appointment and governing the sale of certain poisons, etc.

Nebraska and Nevada.—Changes, if any, not obtainable.

New Jersey.—Anti-Trust laws affecting all business interests, and a so-called Unfair Competition and Unfair Trade Practice law.

New York.—A law regarding the sale and possession of Cocaine and Eucaine. A number of amendments to the Pharmacy law were defeated. Weight and Measure law becomes effective.

New Mexico.—Several bills introduced but defeated.

North Carolina.—Changes in the Cocaine law.

North Dakota.—A limited prerequisite law taking effect January 1, 1913.

Ohio.—A law taking the enforcement of all Pharmacy, Poison and Narcotic laws from the Board of Pharmacy, and placing it with an agricultural commission. A new Narcotic law. A law requiring truthful advertising. A law extending the power of the State Board of Pharmacy in the matter of suspending and revoking Certificates. An amendment to the law relating to the misbranding of drugs, making false statements as to purity or therapeutic effect a punishable offense. A bill to regulate the itinerant vending of drugs was defeated.

Oklahoma.—A number of bills were introduced of interest to Pharmacists, but it is reported that none of them became laws.

Oregon.—A new Pharmacy law becomes effective with June 3, 1913, greatly extending the powers of the Board of Pharmacy, requiring annual registration; concerning the sale of Narcotics and Poisons; providing an annual \$200 License for Itinerant Vendors of Drugs, etc. Under regulations adopted by the Board of Pharmacy a limited pre-requisite law goes into effect with January, 1916, which is extended to a complete prerequisite with January, 1917.

Pennsylvania.—A Weight and Measure law. A law prohibiting the sale of Cigarettes and Cigarette Paper to Minors, and making possession of them by minors a misdemeanor. In this state an advanced Pharmacy bill was defeated, and an Anti-Narcotic bill having passed both houses of the legislature, was vetoed by the governor, both of said bills having the active support of the Pennsylvania

Pharmaceutical Association. A number of other pharmacy and narcotic bills were introduced and either defeated or not acted upon, as were also a number of other bills of lesser importance. A bill to specially regulate the sale of Bichloride of Mercury, introduced because of the late bichloride notoriety, was vetoed by the governor, as was also a bill requiring that prescriptions be compounded and dispensed under the supervision of a registered pharmacist or qualified assistant, holding a certificate of registration from the Pharmaceutical Examining Board. A bill supplementing a law requiring preliminary general education, and enlarging the authority and powers of the Examining Board with reference thereto, was also defeated.

Tennessee.—A bill was passed to permit any person with ten (10) years of drug store experience to register without examination, but this bill was vetoed by the governor. An effort was made by the Tennessee Association to secure the repeal of a so-called Doctor's bill, but this was not successful.

Utah.—A new Narcotic law was enacted.

Washington.—Unimportant changes in the pharmacy law.

West Virginia.—A law exempting pharmacists from the general prohibition law with reference to the use and sale of Official Preparations and Grain Alcohol under certain conditions, and providing under what conditions prescriptions for alcohol may be filled.

Wisconsin.—An amended Anti-Narcotic law under which the sale of Cocaine is limited exclusively on prescription. Wisconsin also made an appropriation for a Pharmaceutical Experiment Station to be operated in connection with the School of Pharmacy of Wisconsin of the State University. It is intended that this station shall co-operate with the United States Department of Agriculture in the cultivation of Medicinal Plants, and that it shall maintain a laboratory for the examination and standardization of medicinal substances.

Wyoming.—An Anti-Narcotic law was enacted.

United States.—Congress in August of 1912, enacted the Sherley bill, an amendment to the Pure Food and Drugs act under which false and fraudulent statement of therapeutic value constitutes misbranding. Congress enacted in March, 1913, another amendment to the Food and Drugs act requiring that measure, weight and count be stated on packages containing them, applicable only to foods. A vast number of bills are now pending in Congress, among which should be mentioned specially the Harrison Anti-Narcotic bill, the Sabbath bill, providing for sweeping amendments to the food and drugs act, similar to those of earlier date under the Richardson bill, the Owen Department of Health bill, the Oldfield bill, amending the patent laws, the Clapp-LaFollette, and several other bills to amend or supplement the Sherman Anti-Trust act; the Hughes bill, providing for an improvement in the status of pharmacists in the United States army. It should here be mentioned that the last Congress passed a General Deficiency bill, which was of some benefit to pharmacists, and also that pharmacists in the Public Health Service have secured increases in their salaries, as well as that under the naval appropriation bill the naval pharmacists now rank as other warrant officers, that is, they will be commissioned and have the rank and pay of ensigns.

A CLASSIFICATION OF THE MORE IMPORTANT LEGISLATIVE SUBJECTS.

Coming now to make a classification of the various more important legislative subjects, it must be understood, of course, that this of necessity can be only by comparatively brief reference. The various laws and some of the more important bills which failed to become laws will be added to this report, so that they may be studied in their entirety. First in the order of classification should no doubt be considered the changes in Pharmacy laws.

PHARMACY LAWS.

The states which have either enacted or considered changes in their Pharmacy laws have already been mentioned. Undoubtedly the most important changes, constituting practically new pharmacy laws, were sought for in the States of Illinois, Kansas and Pennsylvania, as advocated by the Pharmaceutical Associations of such respective states. The Illinois and Pennsylvania bills failed to become laws. The Kansas bill was changed in some of its important features as introduced under the direction of the State Association, before it became a law. As introduced these bills would have marked a splendid progress in Pharmaceutical legislation, though some features are open to criticism. It is of interest here, to dwell briefly upon some of their more important features which, no doubt, had much to do with their failure to become laws, or with being materially changed before they became laws.

Illinois.—The Illinois Pharmacy bill, which failed of enactment, provided as features of special importance, that patent or proprietary and all preparations containing cocaine, alpha or beta-eucine, morphine, opium, heroin, chloroform, canabis indica, chloral-hydrate and acetanalide (subsequently amended), should be sold only by Registered Pharmacists. To become registered as a pharmacist it was required to show graduation from a college of pharmacy. Registered pharmacists from other states might become registered only on proof that they are graduates from a college of pharmacy. A distinction was made between Registered Pharmacists and Local Registered Pharmacists with a provision that certificates for Local Registered Pharmacists should not be granted in villages, towns or cities, the population of which exceeds five hundred (500). It was also sought to make unlawful the sale of all so-called narcotics, and chloroform, canabis indica, chloral hydrate or acetanilide, or other poisons, or preparations, to habitual users of the same. To limit the sale of cocaine, alpha or beta eucaine, etc., entirely upon the written prescription of physicians, dentists and veterinarians, under certain prescribed regulations, and that the sale to pharmacists, physicians, etc., by wholesalers must be recorded in a book kept for that purpose. No doubt the prerequisite requirement, and the requirement to limit the sale of certain patent and proprietary medicines entirely to qualified people, had much to do with the defeat of the intended legislation. It is to be noted that the sale of cocaine, etc., was to be limited entirely upon the written prescription of physicians, etc., thus making it necessary for the Dispensing Physician to write prescriptions for such articles, and to retain them as a record, just as is the requirements for pharmacists.

Pennsylvania.—The Pennsylvania Pharmacy bill, which failed of enactment, contained the following features of special interest: A distinction between a

Pharmacy and what is termed a Licensed Store, and a licensed Pharmaceutical Laboratory. Licensed stores to be only at places at least three miles distant from a Pharmacy, to be only for the sale of certain drugs and preparations in original packages, put up under the supervision of a Pharmacist. A licensed Pharmaceutical Laboratory is defined to be a place other than a Pharmacy or Licensed Store, where drugs are compounded, and evidently not sold at retail.

The bill seems also to provide for the sale of proprietary medicines, and ordinary household remedies by other than those who are licensed to conduct a so-called licensed store. It provides an annual registration of the place of business. It prescribes both for a certificate of preliminary education and for college of Pharmacy graduation. It gives authority under certain conditions to refuse, suspend or revoke certificates. It would specifically permit practitioners of medicines, dentistry or veterinary medicine to administer and dispense drugs to patients, providing, however, that the drugs so dispensed conform to the standard of strength, quality and purity. It places the enforcement of the Pure Drug Laws with the Board of Pharmacy. It would require that all drugs other than physicians' prescriptions must be labeled to show the name of the article or preparation therein contained. It is not clear whether this means to show the contents of every preparation, which in such case would include proprietary medicines. It would require to have labeled as a poison any drug of which sixty (60) grains or less is liable to be destructive to adult human life, excepting from such provision physicians' prescriptions.

Kansas.—In Kansas the bill introduced through the Kansas Pharmaceutical Association was amended, and as amended it was enacted into law. The changes, however, were not with the approval of the Kansas Pharmaceutical Association. The most important change was with reference to a requirement under which physicians dispensing their own drugs, were required to write prescriptions therefor, except in cases of emergency, and to file these prescriptions just as pharmacists are required to do. This feature seems to have met with the determined opposition of physicians' supply houses, and dispensing physicians. The propriety of the requirement can hardly be doubted, and the Legislative Committee of the Kansas Pharmaceutical Association certainly deserves credit for advocating this advanced step. Other provisions were evidently intended to limit the sale of drugs to qualified people. Whether this intention would have been carried out under the bill submitted, leaves some room for doubt. The enforcement of the Pure Food and Drug Law is placed with the Board of Pharmacy. The bill as amended and as it finally became a law is made a part of this report.

Oregon.—The new pharmacy law which went into effect in the State of Oregon on June 3 of this year, places with said Board the duty to regulate the practice of pharmacy, the sale of poisons and the enforcement of the Pure Drug Laws. A list of drug stores within each municipality or district must be furnished the Board of Pharmacy annually by the police authorities, upon request. Certain narcotics may be sold only on the written prescriptions of physicians, but physicians who dispense them are exempted from this provision, and they are also exempted from any and every other provision of the act, including that which

governs the adulteration of drugs. The law provides for an annual \$200 license which must be taken out by itinerant drug vendors.

The changes in pharmacy laws as they have taken place in other states have been purely of an amendatory nature, and only those showing new features of general interest will be briefly mentioned, the amendments as enacted hereinafter being made a part of the report, where it has been possible to secure them.

Connecticut.—The enforcement of all laws pertaining to pharmacy and the dispensing and sale of drugs has been placed with the Pharmacy Commission. Preparations containing certain potent drugs may not be sold in country stores, and preparations recognized in the United States Pharmacopœia and National Formulary when sold in country stores must be prepared by a licensed pharmacist.

Indiana.—A provision was omitted which allowed graduated physicians as such to take pharmacy examinations in order to become registered as pharmacists.

Minnesota.—A noteworthy provision in an amendment to the Minnesota Pharmacy Law gives authority to support the State Pharmaceutical Association out of the registration fees which come to the Board of Pharmacy.

Ohio.—Under changes in the Ohio law all duties are taken from the Board of Pharmacy other than those of examination, and placed with an Agricultural Commission, the State Association having evidently sanctioned such a change in the law for the sole purpose of making the pure drugs law applicable to dispensing physicians.

ANTI-NARCOTIC LAWS.

No single legislative matter pertaining to pharmacy seems to have found greater attention than that of enacting anti-narcotic laws or of strengthening such existing laws by amendment. It is of great interest to note that during the past year six states have found it necessary to enact laws under which the sale of the more important narcotics must be made exclusively on the written prescription of physicians, etc., and such prescriptions must be kept as a record. The most noteworthy feature with reference to this being that dispensing physicians as well as pharmacists may so dispense only on such written prescriptions. The states which during the past year have enacted laws require dispensing physicians to write prescriptions for such narcotics and retain them as a record are, Connecticut, possibly Indiana, Maine in practical effect, Ohio, Utah, and possibly Wyoming. That such legislation is necessary for the proper supervision of traffic in narcotics can hardly be doubted, and it is certainly surprising to know that in direct opposition to the late laws of these state, Federal Anti-Narcotic Legislation as approved by the National Drug Trades Conference, would specifically exempt physicians from such requirement.

Indiana.—Indiana has enacted a new narcotic law, which marks a decided advance in such legislation, including as does the New York Cocaine law hereinafter referred to, a requirement for reporting all sales and distributions, once each month to the Board of Pharmacy, in detail. Such reports would seem to be necessary even with reference to prescriptions containing minimum quantities, while patent and proprietary medicines, etc., containing minimum quantities are specifically exempted. Under the Indiana law it is not to apply to the legitimate administration of said drugs, etc., by duly registered practicing physicians, veterinarians and dentists. It should be noted, that this exemption applies only

to the legitimate administration, and it would therefore seem not to apply to the dispensing of such drugs by physicians, etc., so that when such drugs are not administered direct by them, but are dispensed for use in their absence, then a strict construction of the law would seem to compel them to comply with the same requirements that are made of pharmacists when they are dispensed on physicians prescriptions.

New York.—In the State of New York a new narcotic law having reference only to cocaine and eucaine, known as the Walker law has been enacted, which because of some of its special features is certainly of interest. It would require that a certificate be given to each person to whom these drugs or their preparations are dispensed on physicians' prescriptions setting out such fact. It would seem to prevent also the sale of these drugs by pharmacists to dentists or veterinarians. It would require all to keep record of sales made, and make report thereon, exempting only physicians, which seems to be an unwarranted exemption. It would limit also the amount of these drugs that may be in the possession of all who under the law may possess them. Some of the features of this new law are likely to cause dissatisfaction and annoyance, but as a whole it marks an enormous advance in the method of controlling the sale and distribution of cocaine. The law in full will be made a part of this report.

Pennsylvania.—A new narcotic law was sought by the Pennsylvania State Association. It succeeded in passing both houses of the Legislature, only then to be vetoed by the Governor. The bill was to affect the sale of opium, morphine, heroin, codeine, their salts, derivatives or compounds. As it passed both houses, it was equally applicable to pharmacists and physicians, in requiring that the sale be only on written prescription, which was to be kept as a record for a period of five (5) years open to inspection, making exceptions in preparations and prescriptions containing minimum quantities. The Governor's veto seems to have been based on a most curious reasoning, in that he states therein, that no exception is made in the act to permit duly registered physicians to furnish medicines containing these drugs or their derivatives or compounds, and because a prescription may be filled only with written order for its refilling. It seems hardly possible that the Governor could have been allowed to understand that a physician who himself dispenses could not write a prescription and then dispense on said prescription just as a pharmacist would. The Governor's veto of this bill is certainly to be regretted, as it contains a number of other important features which are equally desirable with the requirement for a prescription in every case.

FEDERAL ANTI-NARCOTIC LEGISLATION.

The most important matter with reference to narcotic legislation is undoubtedly embraced in what is now known as the Harrison bill, pending in the United States Senate after having passed the House. This bill has been approved by the National Drug Trades Conference. It would seek to supervise and control the distribution and sale of the more important narcotics throughout the United States. Under it every one who would handle these narcotics for any purpose must be registered, and the distribution and sale throughout the country is to be supervised and traced by a requirement for making and keeping records. Sales by pharmacists to consumers, except in preparations containing minimum quanti-

ties, of opium and its derivatives, must be exclusively on the written prescription of physicians. The aim of this intended law should meet with the highest commendation of every one. It is extremely unfortunate that the bill in its present form would practically exempt dispensing physicians from its operation, excepting only that they must register and make record of their purchases. This feature is likely to undo all benefit which would otherwise be derived from the legislation. The bill also in its present form is of very doubtful constitutionality with reference to its particular application to physicians and pharmacists, and will possibly be without the desired effect on that account. It also requires every physician whether he handles the drugs or not to become registered, as a licensed dealer in them, for otherwise pharmacists may not fill his prescriptions.

ANTI-TRUST LEGISLATION.

The anti-trust laws, both national and state, are of vital importance to the retail drug trade in so far as they concern price regulation. In the State of New Jersey two laws of particular interest in that connection were enacted, which indicate a change in the trend of this kind of legislation. One of these acts seek to made unlawful in the sale of commodities, discrimination not only as to persons, but also as to sections, with reference to different rates or prices for such sections. The other would prevent unfair competition and unfair trade practices, and among other things would make it unlawful to attract trade by depreciating the value of products, or by price inducement, which would discriminate, whenever the goods carry a notice prohibiting such practise. This act, though of very commendable intent, is of doubtful value because of its indefiniteness. The two acts will be made a part of this Report. By far the more important anti-trust legislation is pending in Congress, and the number of bills introduced on the subject are almost without limit. During the session a bill has been introduced by Senator LaFollette, which besides many other radical features, provides for making unlawful so-called exclusive selling agencies. It would also seem to give authority for the judicial establishment of reasonable prices on commodities. Because of its aims in so far as they concern the retail drug trade the Clapp Supplementary bill would seem of greatest importance. Curious as it would seem, the Clapp bill has been frequently referred to as providing for class legislation, and for that reason its constitutionality has been questioned. A careful reading of the bill should make it apparent that class legislation in the objectionable sense is entirely avoided. The bill aims to extend the federal corporation law, which now provides for the incorporation of labor organization, by permitting men engaged in all kinds of activities to incorporate associations not for profit, the only limitation being that those who would organize such corporations must be engaged in a like calling or business, and that the individual members thereof if engaged in business shall not be employing therein in excess of \$10,000. This last feature is entirely within constitutional limitations, but is not even likely to be the feature, which had been pointed out as objectionable in the sense of being class legislation. Aside from this, the bill provides for each separate class that they may be engaged in certain common activities, which as such are specifically designated, not to be in restraint of trade, and consequently not to come within the restrictions of the anti-trust law. To

sum up briefly the features of the Clapp bill in this connection it may be said that instead of providing for class legislation, which means the exclusion of one class as against the other, it aims to provide suitable legislation for every different class, in that it would prescribe definitely the activities in which such classes may be engaged as associations which shall not be regarded as being in restraint of trade.

WEIGHT AND MEASURE LEGISLATION.

As already stated, Congress has enacted an amendment to the Food and Drugs Act, which is to regulate the weight, measure or numerical count of goods in package form. This amendment, however, applies only to foods, and reads as follows:

Third. If in package form, the quantity of the contents be not plainly and conspicuously stated on the outside of the package in terms of weight, measure or numerical count; provided, however, that also exemptions as to small packages shall be established by rules and regulations made in accordance with provisions of Section 3 of this Act."

The Department of Agriculture, together with the other departments in control of the Food and Drugs Act, have commenced hearings and are ready to receive recommendations and suggestions, with reference to adopting proper regulations for the enforcement of this amendment.

In the State of New York a net weight and measure law was enacted in the year 1912, which is to go into force with February 1, 1914, and it is applicable to both food and drugs.

In the State of Pennsylvania such a weight and measure law was enacted during the last session of its legislature, but there are exempted from its application drugs, medicines, chemicals or pharmaceutical or proprietary preparations, used as medicines, and also toilet preparations. The New York law will be made a part of this Report, because of its direct interest to druggists. The only things to which it does not appear to be applicable are commodities for consumption on the premises; physicians' prescriptions; goods put in containers furnished by the purchaser; sealed containers where the numerical count is less than six; or the avoirdupois weight three ounces or less, or the measure two fluid ounces or less. Under a ruling it seems provided that packages of pills or solids which are of less than three ounces avoirdupois, when sold by weight do not come within the provisions of the law, and it seems also provided that the retailer will not be held liable where the goods are purchased from a wholesaler or manufacturer residing in New York, if a guarantee is made.

LAWS PERTAINING TO UNQUALIFIED DRUG VENDORS.

During the year a number of states enacted laws requiring annual license fees of from one hundred to two hundred dollars, for itinerant drug vendors. A number of other states have for some time had similar laws on their statute books. The constitutionality of such laws may be seriously doubted, on the ground that they discriminate between itinerant vendors of drugs as compared with itinerant vendors of other merchandise. Such discrimination being emphasized by the fact that nothing in the laws would justify it because of the

need for special qualification in the sale of drugs, by itinerant vendors. In other words, the laws contain nothing which would seem to base such special legislation on the ground of requiring special qualification. Laws of this kind, in order to be valid, must either apply with equal force to all itinerant vendors, whether of drugs or of other merchandise, or they must be based on the ground that special qualification and supervision is required to safe-guard the public health, and in such case they can most likely be *not made* to single out the itinerant vendor of drugs, but must apply with equal force to the vendor who has a fixed place of business. This is emphasized by a late decision of the Illinois Supreme Court.

In the State of Ohio an itinerant vendor's bill was introduced which possibly represents the most up to date effort to regulate such traffic. It, however, was defeated. The only doubtful feature of that intended law rests in the fact that a distinction is made between the unqualified itinerant vendor as compared with any other unqualified vendor. There may be some reason in the argument that with reference to the sale of drugs, the public good requires special supervision of unqualified itinerant vendors, which need not be had for unqualified vendors who have a fixed place of business, but the chances are that such a distinction would not be upheld by the court. A copy of the defeated bill, because of the advanced ideas therein set out, is made a part of this Report.

MISCELLANEOUS LEGISLATION.

Aside from the legislative activity which we have sought to classify, there are a number of legislative enactments in the different states which deserve some attention but which because of pertaining more or less to only one or a few states, can hardly be separately classified. Among the more important of these we find the following:

Liquor Laws.—There has been considerable legislation to govern the sale of liquor by pharmacists, but most of this is of interest only to the particular states in which it was either enacted or proposed. An exception to this rule is found in the State of West Virginia, which because of its prohibition laws lately enacted, and because of similar laws existing in other states, or being under consideration, makes it worth while to study the features of a prohibition law which provide exemptions for pharmacists, and which evidently are entirely satisfactory to the pharmacists of West Virginia, where such law exists. In the West Virginia prohibition law, Section 4 provides for exemptions which are applicable to pharmacists. Under such exemptions, grain alcohol may be kept by pharmacists for medicinal, pharmaceutical, mechanical and scientific purposes, as well as preparations made in conformity with the United States Pharmacopœia or National Formulary. Grain alcohol may be sold on the prescription of a physician, under certain restrictions. Also for pharmaceutical, scientific and mechanical purposes, and then only on the presentation of an affidavit. The section referred to is made a part of this Report.

Cigarette Laws.—The State of Pennsylvania seems to have enacted a law prohibiting the sale of cigarettes to minors which is evidently the latest word on this subject, and it is, therefore, made a part of this Report.

Honest Advertising Laws.—Primarily through the activity of Mr. John Irving Romer, editor of *Printers' Ink*, a bill was introduced in the legislatures of many states which is to govern and make unlawful deception and misleading statements in advertising. Of the many states in which laws of this kind were introduced it can at this time be reported that they were enacted at least in the states of Michigan, Nebraska, New Jersey, North Dakota, Minnesota, Ohio and Washington. The bill as drawn is made a part of this Report. It has been criticised somewhat because it would make every false or misleading statement a misdemeanor without regard to such statements having been knowingly made.

Laws Governing Employment.—There seems to be of late quite an effort to make labor laws, and laws limiting the hours of employment, applicable to pharmacy. It would seem that laws of that nature were defeated in Massachusetts and Wisconsin. They seem to have had some support on the part of drug clerks. A number of states have enacted legislation with reference to the hours of employment for women and children, and where so enacted, these laws seem to govern their employment in drug stores as well as in other places of business.

Laws Governing the Sale of Bichloride of Mercury.—Owing to an epidemic of accidental deaths and suicides from bichloride of mercury, legislation was agitated in a number of states, and actually introduced in the State of Pennsylvania to strictly govern its sale. In Pennsylvania such special legislation required the veto of the Governor to defeat it. Agitation for this legislation would demonstrate the spasmodic effort of some, to legislate upon a given subject when it has received sufficient newspaper notoriety. To single out bichloride of mercury for special legislation from other equally or even more dangerous drugs and chemicals, seems the height of absurdity. On the other hand there would be some good ground for laws requiring that dangerous poisons, drugs or chemicals in tablet form, be required to have some distinctive color or shape, though it would be difficult possibly to draw the line. The best method of preventing epidemics of suicides from the use of dangerous poisons or drugs seems to be that of avoiding the suggestion through the daily papers.

Tariff Legislation.—Of course the proposed tariff legislation now under consideration in Congress has besides its general interest a special interest for druggists because of contemplated changes in Schedule (A). A general revision downward seems contemplated, and will no doubt be carried through. The only proposed advance in tariff rates is noted with reference to opium, and on this article the contemplated increase in rate is fully one hundred per cent.

Wood Alcohol.—Owing to the generally recognized need for legislation to protect against error and the danger from the use of wood alcohol, it is of interest to know that an ordinance governing its sale, is under consideration in the city of New York, and the intended ordinance is here copied. The use of the words "Wood Poison" has been generally criticised, and the words "Wood Naptha" have been advocated in their place.

Section 1. Any substance known as wood alcohol, in its crude or deodorized form, having the chemical composition known professionally as CH_3OH , is hereby prohibited from being sold under any other name than "wood poison," nor shall it be lawful to use said chemical

composition in any medical or toilet preparation. Said chemical composition, when sold as such, shall be labelled with a regulation poison label, with the following words added: "This fluid taken internally, inhaled or used externally, is likely to produce blindness." Said words shall be printed in type not less than eight point, as known to the trade, in red letters, on a white field.

Section 2. Any person guilty of a violation of this ordinance, or any part thereof, shall, upon conviction thereof before a city magistrate, be punished by a fine of not less than \$20 nor more than \$50, and in default of payment of any fine so imposed, shall be committed to the city prison for a term of ten days, each day of imprisonment to be taken as a liquidation of each dollar of such fine.

JUDICIAL DECISIONS AND ADOPTED REGULATIONS OF GENERAL INTEREST.

There have been a few decisions during the year which are of such vital import to Pharmacy, as to require some special reference. This is also true in the case of some regulations which have been adopted by department officials. Only those of the greatest interest will be referred to.

The Corn-Syrup Case.—Under the Food and Drugs Laws of Wisconsin a case of alleged misbranding was brought, because of the use of the words "Corn Syrup" for "Glucose." This case was carried to the Supreme Court of the United States from the Wisconsin courts. The case concerned a shipment of so-called "Corn Syrup" from another state into the state of Wisconsin. Under the laws of Wisconsin it was admittedly misbranded, and such was found by the Wisconsin courts. However under the regulations adopted, for the enforcement of the Federal Food and Drugs Act, the branding of the article as "Corn Syrup" is permitted. The case involved a conflict of laws as between the state of Wisconsin and the United States. It concerned a shipment of the article, which was still in Inter-State Commerce and had not become property subject to the special jurisdiction of the state of Wisconsin, in keeping with the established principles of the law. The Supreme Court of the United States held that so long as the goods were in Inter-State Commerce the Federal law applied and the law of Wisconsin did not apply. Much has been said of the case, but a correct analysis of it simply shows a re-affirmance of a long-established principle. Nevertheless it emphasizes the need for like legislative measures pertaining to foods and drugs for both the Federal Government and for the several states.

The Sanatogen Case.—This is officially known as the case of the Bauer Chemical Company vs. James O'Donnell. It involved the right of a patentee to control the selling price of his patented product, in the hands of dealers who had bought and become the owner of such product. Until the decision rendered in this case, it had been generally recognized to be the law, that a patent gave such right of price restriction. The Supreme Court of the United States in a majority opinion of said court rendered in this case, for the first time has held that such right does not exist, and that even with reference to articles of merchandise protected by patent, there can be no price restriction by the manufacturer, to control the dealer, when such dealer has become the owner of the goods. With this decision all efforts at price protection, where goods have changed title, are finally declared illegal under the existing laws. While the decision would appear to be the last blow at price protection, it is likely to have great influence in bringing about a change in the laws with reference to the right of price protection.

The Pepsin Labeling Case.—This case officially known as that of the state of Pennsylvania vs. V. W. T. Tobin, is of general interest, in that it announces the

established limitation with reference to the right of making regulations, which in effect would be law-making. In other words, it brings out the point, that Boards and Officials who are charged with the enforcement of a law, must in the making of regulations keep within the terms of the law, and not adopt regulations of a character which would really add further law to the existing law. It is not necessary here to discuss whether the Board in question in this particular case, exceeded its authority in making regulations. There seems to be difference of opinion as to whether the case in question was decided on the real point at issue, but whether gratuitously or otherwise, the fact stands out prominently, that in adoption of regulations for the enforcement of laws, Boards and Officials must not endeavor by means of attempted regulations to extend the true scope of the law which they are empowered to enforce. This is of particular interest to Boards of Pharmacy, for the reason that the latitude given them in the making of regulations is frequently very wide. The point in mind, is, that even though a given law apparently authorizes the making of rules and regulations, which extend the true scope of such law, it can nevertheless not be validly done, because a law making body cannot constitutionally delegate its law making powers.

The National Insecticide Act.—Under this Federal Act of 1910 a ruling has been made by the governing departments, that antiseptics and disinfectants come within the provisions of said Act, and must be labeled in accordance with its requirements.

Parcel-Post Regulations.—Since the last annual convention the Parcel-Post Law has become effective. The early regulations with reference to it are now well understood. The law as enacted after great deliberation and study, was criticised because of an apparent latitude given the Postmaster General acting under the direction and approval of the Inter-State Commerce Commission, to adopt regulations, which substantially would amount to extending the scope of the law. Some who supported the law as enacted, denied this, and claimed also, that no regulations would be adopted to extend the scope of the law, even though such power apparently existed under it. At this time it is evident, that those who took such position, and made such claims, were in error, because under the direction of the Inter-State Commerce Commission, changes proposed by the Postmaster General have now been adopted in the form of regulations which practically extend the scope of the law. Aside from the collection feature on parcel-post packages, and the limited insurance thereon, which went into effect with July 1st, the new regulations increase the limit of weight for parcel-post packages from eleven (11) pounds to twenty (20) pounds, and also make material changes in the rates for the first two zones established. The ruling of course places on their metal, all who have maintained that the law did not provide for such authority, and the matter is now one of general inquiry and investigation. Those who have made the contention, that a parcel-post would be of injury to merchants in smaller towns, and to retail merchants generally, and who accepted the zone law as of least evil, will undoubtedly find much to disturb them in this late action of the Postmaster General and of the Inter-State Commerce Commission.

Enforcement of Postal Laws.—Attention is here called to Section 217 of the Criminal Code of the United States. It forbids the mailing of poisonous agents

excepting under certain conditions to be specified by the Postmaster General. It prohibits entirely the sending of intoxicating liquors of any kind. Under this law the Postmaster General has adopted regulations which govern the mailing of medicines, containing poisons and anæsthetic agents, which permits manufacturers and dealers to send to licensed physicians, surgeons, pharmacists and dentists, when enclosed in packages, conforming with the conditions prescribed in Section 496 of the postal regulations. That is, when such articles are not of their own force dangerous or injurious to life, health or property, and when not in themselves unmailable, they may be admitted to the domestic mails from the manufacturer and the dealer therein, to licensed physicians, surgeons, pharmacists and dentists, when enclosed in packages in conformity with the conditions prescribed in Section 496. Such packages must contain the label of dealer in the article mailed. Section 496 has to do with requiring that the containers properly protect the article, but at the same time allow examination of the packages. It will be noted therefore, that medicines which in whole or in part are made up of poisons cannot be sent through the mails to the consumer. In connection with the use of the mail for the sending of articles of drug merchandise, much concern was caused during the year because of the arrest of many drug manufacturers and dealers for sending alleged prohibited articles through the mail. It is undoubtedly true, that many who were thus charged with a violation of the law, were entirely innocent of any guilty intent, and it is apparent that innocent persons may find themselves in trouble because of this feature of the law. It would seem the part of wisdom to secure a clearer understanding, and more definite rulings, so that persons who have no intent whatever to violate any law, will not innocently be brought into such technical violation.

EDUCATIONAL PROGRESS.

It would appear, that the largest part, if not all of the matter pertaining to educational advancement as originally of interest to this Section, is now more properly within the province of the Conference of Pharmaceutical Faculties, and the National Board of Pharmacy Associations. Your secretary has therefore sought to learn only advances which may have taken place in the various colleges, departments and schools of pharmacy. It is certain, that the information secured, is incomplete, but nevertheless it is a pleasure to report the advancement made in many institutions regarding which information has been secured. It must be understood however, that this information cannot in any way be regarded as complete. Many institutions, are maintaining the high standards which they have heretofore established, and no special reference will be made to them. The following institutions are recorded to have made changes as respectively indicated by them:

The Brooklyn College of Pharmacy.—It is reported that this college has been completely equipped with electricity for all purposes, thus enabling it to add features for advanced work. In addition to the two years course for the Degree of Graduate in Pharmacy, the college has arranged for a three years course for Graduate in Pharmacy leading to the degree of Master of Pharmacy, and a three years course for all applicants having four years of High School to their credit

at the time they commence college work, which leads to the degree of Pharmaceutical Chemist.

Buffalo College of Pharmacy.—There is reported an advancement of the course to 1250 hours. Seventy-five (75) percent passing mark in all subjects. Attendance requirements of ninety (90) percent.

Columbia University.—It has been arranged to meet all the requirements of the New York State Educational Department, and the number of hours of instruction will exceed the requirement by 51. It is also contemplated to work toward a gradual increase in the entrance requirement until it shall be four years of High School work.

School of Pharmacy of the University of Kansas.—It is reported that the entrance requirement will now be for three (3) years of High School training instead of two. In the fall of 1914 a four years training will be required.

Louisville College of Pharmacy.—The number of hours have been increased to 1256, and will be eventually increased to 1500 hours. A course on Legal and a course on Commercial Pharmacy has been instituted, as well as a series of Industrial Lectures.

Maryland College of Pharmacy, University of Maryland.—There have been added a course in Pharmaceutical Arithmetic and one in Pharmaceutical Latin, for the Junior year. An increase to the course in Dispensing and a course of Lectures on Pharmaceutical Jurisprudence for the Senior year. The total hours have been increased from 1347 to 1462.

Massachusetts College of Pharmacy.—A site for a new college building has been secured. There have been added courses on Commercial Pharmacy, Pharmaceutical Latin, and Pharmaceutical Arithmetic.

University of Michigan School of Pharmacy.—The course leading to the degree of Pharmaceutical Chemist has been increased to three years, and a new course instituted for the degree of Ph. G. for two years work.

University of Minnesota College of Pharmacy.—A new four story fire proof college building has just been occupied. A medical plant laboratory has been instituted.

New Orleans College of Pharmacy.—The New Orleans College of Pharmacy is now affiliated with the Loyola University. A course on Commercial Pharmacy has been added. The requirements of the American Conference of Pharmaceutical Faculties have been met.

Medico Chirurgical College of Pharmacy of Philadelphia.—The course leading to the degree of Pharmaceutical Chemist has been changed to a three year course.

Northwestern University School of Pharmacy.—Entrance requirements have been raised to those of a graduate from an accredited High School, which constitutes an increase of three years of High School work.

Philadelphia College of Pharmacy.—There has been a month's increase in the college year.

Vanderbilt University, Department of Pharmacy.—The entrance requirements have been raised to three years of High School training.

Medical College of Virginia, School of Pharmacy.—A consolidation of the Department of Pharmacy, University College of Medicine, Virginia School of Pharmacy, Medical College of Virginia, became effective July 1st of this year. The entrance requirements have been advanced, the requirement for the degree of Ph. C. being graduation from an approved High School.

University of Washington College of Pharmacy.—A fifth year of work has been added to the curriculum, leading to the degree of Master of Science in Pharmacy.

(An addition to the above report, showing the texts of various proposed and enacted measures will appear in the next succeeding issue.)

THE DAY OF THE BIG MOUTH.

Never has there been greater opportunity for men of really great ability—or big men—than there is right now. Business has grown bigger and bigger, and the call for big men has grown sharper and more insistent with it.

This is what has made this the age of the young man—the lack of big bore and large caliber guns in the ranks of the older and seasoned men.

Business has turned in despair to the younger fellows, and is begging them to be big—pleading with them to rise to the occasion—tempting them with enormous salaries, commissions, bonuses and partnerships.

But there is quite naturally a smaller percentage of big men in the younger set than among their older confreres, and the demand, already far in excess of the supply, goes on multiplying and increasing day by day.

But while there is a dearth of big men, there never was a time when there were more little men who think themselves big. Nor has there ever been a time when a little man with a big mouth could raise more of a row or disturbance.

It is the big mouth, not the big brain, that catches and holds the crowd. The big mouth is framing legislation, grabbing at fat offices, challenging established customs, questioning the wisdom of the founders of the republic, and impugning the integrity of all who have the courage to resist the advancing tide of unreason, unrest and destruction.

How long the big mouth will be the vogue, heaven only knows. But it dominates in politics and in legislation. It obtrudes upon every effort for reform, and, worst of all, it deludes a lot of credulous people into the belief that sound is better than sense, and noise superior to wisdom.

Come on, Doctor Sharp—bring on Vasectomy. Vive la eugenics.—*The Billboard, through The National Druggist.*