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## THE PHARMACIST AND THE PATENT MEDICINE.

LIKE the gallant soldier who said in his letter, "I am writing this with my sword in one hand and my pistol in the other," so the modern pharmacist stands before the medical profession, with one hand full of proprietary cure-alls, and with the other distributing literature advocating a return to rational prescribing and an increased use of official preparations.

Without attempting to excuse him altogether, the writer feels that the charge so frequently made that the druggist is attempting to work both ends from the middle is in large measure unjust. Those who make it do not realize that the druggist's apparent inconsistency is pressed upon him by force of circumstances in which patent medicines represent his business necessities, while the propaganda for rational prescribing represents his aspirations for better things and his strivings for a more professional, as well as for a more profitable business.

*What are Proprietary Medicines?* Under the head of proprietary medicines are to be included all ready-made medicines, secret or non-secret, that are put up in packages, of uniform style and size, and known by a specific title the exclusive right to which is claimed by some particular person. They are usually unofficial mixtures; but if Druggist Jones puts up U. S. P. Antiseptic Solution and claims for it some special virtue not possessed by the same preparation as commonly compounded, then to all intents and purposes his composition is a proprietary preparation. Of course it is open to Smith and Brown to claim that the antiseptic solutions of their manufacture are the same as, or even superior to the article made by Jones, but they could not claim to be selling Jones' preparation when they were in fact selling their own.

It is this right to the exclusive use of the maker's own name, or of an arbitrary or fanciful title to distinguish his product, that constitutes the essence of proprietorship in medical compositions, as in other things.

As thus understood, the term proprietary medicine includes not only the common or garden variety of "patent medicines" made by the man who lives "away off," but also the corn cure and cough mixture put up by the retail druggist and sold to his local constituency, as well as the more pretentious line of preparations put up by the druggist's cooperative companies. Moreover, since there is a distinct tendency in the food and drugs acts to consider toilet articles and cosmetics, and in fact all compositions that are not distinctly foods, as drugs and medicines, it will be seen that the definition will apply to the greater proportion of the stock of an ordinary drug store, and consequently that it is a question the solution of which touches the interests of every druggist, whether large or small.

*The A. M. A. Attitude.* In respect to patent medicines, the medical profession occupies a more fortunate, or at least a different position than that occupied by pharmacy. Through its chief exponent, the Journal of the American Medical Association, it has expressed itself in terms that, if not final are at least far from being obscure. As the writer understands it, this organization's attitude upon the subject is something near the following:

It regards non-secret proprietary preparations as legitimate provided they possess real therapeutic value, and are labeled and advertised in accordance with the requirements prescribed by the Council on Pharmacy and Chemistry, and provided, also, that they are sold only to or through the medical profession.

It does not regard as legitimate any medicinal preparation of secret composition, or which is advertised to or sold directly to the laity.

While the Journal's attacks upon proprietary medicines of the latter class have been addressed mainly to those which are plainly fraudulent, yet this by no means represents the full extent of the A. M. A. policy. From the A. M. A. standpoint the "trail of the serpent is over them all," and there can be no such thing as a legitimate proprietary medicine that assumes the competency of the untrained layman to diagnose his own case and select the appropriate remedy for it.

It does not, however, condemn the sale to the laity of "simple household remedies," which term we understand to apply to simple official mixtures when sold under their official titles, and not exploited with the aid of literature describing the symptoms they are expected to remove or the ailments they are intended to relieve.

It believes that the patent medicine business is wrong in principle; it does not believe that it can be reformed, but that it should be exterminated, and it would regard as ideal a situation that would require remedial agents always to be administered by a legally qualified physician, or in consequence of his diagnosis and advice. As a corollary, it believes that the layman is not able to properly diagnose his own ailments, and that he should not accept medicines that do not come through official channels, the previously named exception as to "simple household remedies" being in the nature of a concession to popular ignorance and prejudice.

The A. M. A. attitude upon the general proposition is thus fairly definite,

and should further definition be required it will no doubt be forthcoming when the necessity becomes apparent.

The makers of patent medicines may be assumed to have a policy equally well defined; pharmacy alone does not seem to have a definite program, nor have the mass of pharmacists apparently decided upon which side of the fence they will finally drop when the lines are strictly drawn and they are called to act upon a legislative proposition to abolish the patent medicine business entirely.

*The Pharmaceutical Program.*—It will probably be admitted without argument that all pharmaceutical associations and the great majority of all pharmacists disapprove, absolutely and at all times, of proprietary medicines that are distinctly fraudulent in character, or that contain habit-forming drugs in such proportions as to either tend to create a drug habit or minister to it if already formed, or which contain potent drugs in such quantities as to render them dangerous in the hands of the general public, but beyond this the position of the pharmacist has not been clearly defined.

It is true that the official organ of the A. Ph. A. does not accept the advertisements of medicines advertised directly to the laity, and that on many occasions the Association has accepted with approval papers and resolutions condemning the proprietary medicine business in general terms. It is also true that during its more than sixty-one years of existence it has been constant in its advocacy of the use of official preparations, and that it entered upon the publication of the National Formulary admittedly for the purpose of providing physicians with a list of open formula preparations that might be prescribed in place of many similar proprietary articles.

It must be admitted, however, that the A. Ph. A. has apparently recognized a distinction between the retail druggist's "own make" of such preparations and the widely advertised secret patents, upon the ground that knowing the composition of the former he can conscientiously recommend them. As such preparations are as much proprietary medicines as any others, this concession at least partially clouds its title to a consistent and thorough-going opposition to such medicines as a class.

Beyond this somewhat qualified position of the A. Ph. A., there has been no consistent attempt, at least so far as is visible to the naked eye, to declare any definite general policy upon the subject, nor any attempt to draw a dividing line between legitimate and illegitimate preparations, or between proper and improper methods of exploiting them. There has been no specific declaration as to whether the business as a whole should be considered as an outlaw, or only that portion of it that deals in distinctly fraudulent and dangerous preparations; no attempt to formulate any authoritative declaration as to what should be the attitude of the craft as a whole upon this question, or as to the attitude which it should assume toward projected legislation affecting the advertising and sale of proprietary medicines.

For want of definite and authoritative leadership, therefore, each member of the craft has hitherto been a law unto himself. Among pharmacists we find all grades and degrees of opinions, some as intolerant of patent medicines of all kinds as the most radical of physicians; others as tolerant in their attitude as the most rampant patent medicine manufacturer could desire; while the

majority have been in the main indifferent, or content to recognize a more or less hazy distinction between legitimate and illegitimate ones; placing in the former class those which contain ingredients of approved therapeutic value and not dangerous in the hand of the average citizen, and in the latter class those possessed of the opposite qualities; or advertised in extravagant or misleading terms, or for the cure of diseases generally recognized as being practically incurable.

Now it would seem that the time has come for a more definite declaration of policy upon this vexed question, and for the associations which represent pharmacy to declare themselves upon the general proposition in terms so clear and definite that all men may know where they stand.

Though some may contend to the contrary, there is little doubt but that the average druggist has a sincere desire to deal justly with both public and the medical profession, and that he would welcome any authoritative guide by which he might regulate his conduct, and that if such a guide were provided he would be inclined to follow it.

*A Tentative Proposition.*—As a tentative proposition the writer suggests that the A. Ph. A. appoint a Council on Proprietary Medicines, to inaugurate the work, and to determine, first of all, whether there is or can be such a thing as a legitimate proprietary medicine which a druggist may conscientiously recommend and sell to the general public, and whether on the whole the public is benefited or injured by the use of such ready-made medicines. If these two questions can be answered in the affirmative, the next step should be to determine whether it is possible to draw a distinct line of demarcation between legitimate and illegitimate remedies, whether compounded by the druggist himself, by druggists' cooperative societies, or by those who are neither.

This council should also be charged with the duty of formulating rules for distinguishing between proper and improper methods of advertising, and to do whatever else may be necessary to the first step toward bringing order into a chaotic and disordered business.

It may be objected that such a tribunal already exists in the A. M. A. Council on Pharmacy and Chemistry, but this objection is not valid, because the prime reason for the new council would be to enable organized pharmacy to place itself on record on this question. Organized medicine has already taken its stand, now let pharmacy take its courage in its hands and do likewise, for until some distinctly representative pharmaceutical body shall have passed on the subject, pharmacy will not have discharged its duty either to itself or to society, and individual pharmacists will be at liberty to claim the lack of authoritative declaration as an excuse for playing fast and loose with the patent medicine business.

The settlement of this question is pharmacy's own business, and pharmacy should take hold with courageous hands and settle it.

J. H. BEAL.