

LEGAL AND LEGISLATIVE.

THE CODE OF FAIR COMPETITION AMENDED.

A public hearing was held on June 7, 1934, on the Amendment (Loss Limitation Provision) as signed April 8, 1934—see April JOURNAL, A. PH. A., page 382. The National Retail Drug Code Authority requested a continuation of the Amendment with the elimination of the proviso referring to discounts, free deals and allowance. This proviso has been omitted in the Amendment signed on September 21, 1934, which follows. In its stead the Administrator is given certain powers to be exercised in any particular case where unfair advantage is being taken of the Amendment.

AMENDMENT TO THE CODE OF FAIR COMPETITION FOR THE RETAIL TRADE—APPROVED SEPTEMBER 21, 1934, EFFECTIVE IMMEDIATELY.

Section 6 of Schedule "A" of the Code of Fair Competition for the Retail Trade, as amended, is hereby amended as follows:

Section 6. It is hereby declared an unfair trade practice for any drug retailer to sell any drugs, medicines, cosmetics, toilet preparations or drug sundries at a price below the manufacturers' wholesale list price per dozen; provided, however, that in the case of biologicals or other of the above-mentioned products, which are not customarily sold in dozen or greater lots, the Code Authority may fix a comparable unit quantity.

The Administrator, at the recommendation of the National Retail Drug Code Authority or otherwise, after such notice and hearing as he may deem necessary, may suspend or modify the operation of this clause at any time when it appears that such operation does not tend to effectuate the purposes of Title I of the Act. The Administrator shall suspend or modify the operation of this clause in any particular case where a manufacturer is found to be manipulating his prices because of this provision in such a manner as to maintain an unwarrantedly higher price to the ultimate consumer or to oppress small enterprises, or otherwise to defeat the purposes of the Act.

RELIEVES SMALL BUSINESS FROM PAYING MULTIPLE ASSESSMENTS.

The National Recovery Administration has taken a further step toward relieving wholesalers and particularly, small retailers, from

paying multiple assessments. An Administrative Order issued by the National Recovery Administrator puts a stop, until an improved formula can be worked out, to collections by Code Authorities governing one of wholesale or retail distribution from wholesalers or retailers who deal principally in some other line.

The variety of merchandise handled by the small local store, or the general store which sells "anything the farmer needs"—types which are important factors in the total retail business—bring their operations under a number of Codes. The local store owner has been harassed by demands to pay assessments to all of those Code Authorities. Department stores and wholesale distributors also are importantly affected. Under the order issued to-day, they will pay assessments only to the Code Authority for the Code governing their principal line of business, with few exceptions.

PLAN TO MAKE ORDER PERMANENT.

While the present order is temporary, the National Recovery Administration now is working out a plan to make permanent both its general principle and its main features. The permanent plan will provide, at the same time, for the adequate support of Code Authorities governing the distribution of merchandise sold through stores handling other products as their principal line.

It was pointed out that where a wholesaler or retailer is also engaged in some other line of business, such as manufacturing, this order will not prevent collection of assessment on the other business by the Code Authority for that business.—From *Blue Eagle*.

NEW JERSEY CODE.

Article 9 of the New Jersey act would create an Industrial Advisory Council composed of five members to be appointed by the governor to represent labor, industry and the public. One of the three representatives of the consuming public would be chairman of the group. The council would act as a price-fixing commission. Upon petition from the administrator, it would investigate complaints of unfair competition. This council would have the power to establish price fixing in industries in which investigation showed this method was necessary in order to protect the business of the industries' members.

Another section of the act would authorize the administrator to appoint a planning and research division to analyze wage and labor conditions, investigate and analyze costs of operation of trades and industries where minimum prices are requested: cooperate with the Industrial Recovery Council and furnish statistical and other data to the Administrator.

LIABILITY OF A DRUGGIST IN COMPOUNDING PRESCRIPTIONS.

A physician prescribed for the plaintiff a 1 per cent solution of gentian violet, the written prescription directing the use of the solution as a mouth wash. The physician, however, orally directed the plaintiff to use the solution in her eyes also. The drug company to which the plaintiff took the prescription gave her, not a 1 per cent solution of gentian violet, but a 3 per cent solution, and this, when used as an eyewash, caused the plaintiff to lose her eyesight. She sued the drug company. The trial court sustained the demurrer interposed by the drug company. The plaintiff then appealed to the Court of Appeals, and the judgment of the trial court was reversed.

JAPAN PHARMACISTS UNION WANTS BETTER CONTROL OF NARCOTIC SALES.

As a result of the action of the Japan Pharmacists Union, a recommendation was addressed to Baron Tatsuo Yamamoto signed by President Kametaro Kawai of the Union. There seems to be an increasing tendency to the use of narcotics and while there have been more violations by pharmacists it has been largely due to the fact that those who seek to secure narcotics intimidate the pharmacists and not because the pharmacists desire to sell narcotics.

In the petition sent to the government it is suggested that sanatoriums be established, that drug addicts be registered; that local limitations be placed on the use and quantities of prescribed narcotics and that uniform narcotic prescriptions be established, also that there be better control of handling narcotics by unqualified persons.

PROPOSED REVISION OF THE REGULATION OF DANGEROUS DRUGS IN JAPAN.

The basic aim of the proposed revision of the narcotic regulations is to prevent the abu-

sive use of narcotics and the following measures have been advanced:

1. To expand the definition of narcotics.
2. To replace the existing system of registration by a permit system.
3. To require physicians to report narcotic addicts they have treated and to place stricter control on their issuance of prescriptions and to inflict severer punishment on violators of regulations.

The following are the principal items of the proposed revision:

Article 1. Narcotics in these regulations include the following:

1. Morphine, diacetylmorphine and other morphine esters and salts.
2. Crude morphine, coca leaves and crude cocaine.
3. Ecugonine, cocaine and other ecugonine esters and salts.
4. Dihydro-oxycodion, dihydro-codeine, in dihydro-morphinon, acetyl-dihydro-codeine, dihydromorphine and other esters and salts.
5. Codeine, ethyl morphine, benzyl-morphine and other morphine esters and salts.
6. 5-nitro-morphine and its derivatives.
7. Dihydro-codeine and tebine and their salts.
8. Diacetyl-morphine and those containing 20 per cent or more of morphine and ester (excepting diacetyl-morphine, codeine, ethyl-morphine).
9. Those containing 0.2 or more per cent of the following: dihydro-oxycodion, dihydro-codeion, dihydromorphinon, acetyldihydro-codeion, dihydro-morphine or their esters, 5-nitro-morphine and derivatives.
10. Those containing ecugonine or cocaine and their ecugonine esters, their amount being 0.1 or more per cent.
11. Indian hemp or those containing its resin.

THE LABORATORY.

O. U. Sisson, Chicago, who was the Pharmacy Week prize-winner last year, has donated the picture of "The Laboratory" which was used as the background of his Window. It is about 5 feet high and 7 feet wide, a Hollywood production by Pathé. The ASSOCIATION thanks Mr. Sisson for his donation which has been placed in the Museum of the American Institute of Pharmacy.