

EDITORIAL

E. G. EBERLE, EDITOR

2215 Constitution Ave., WASHINGTON, D. C.

PURE FOOD AND DRUG LEGISLATION.

RESOLUTIONS, under Pure Food and Drug Legislation on page 830 of the September JOURNAL, prompt enactment of legislation is urged in the matter of foods, drugs and cosmetics, substantially the same as Senate Bill No. 5, as it was passed by the Senate in 1935. The ASSOCIATION opposed proposed legislation which will lessen enforcement efficiency and looked upon delay in the passage of legislation as disregard of public welfare. This comment quotes the report of the Committee on Commerce, "to whom was referred the bill (S. 5) to prevent the adulteration, misbranding and false advertisement of foods, drugs, devices and cosmetics, in interstate, foreign and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public and for other purposes, having considered the same, report thereon with certain amendments, and as so amended, recommend that the bill do pass." The amendments are incorporated in the bill as reported.

The report states "that this bill has been prepared with three basic principles in mind: *First*, it must not weaken the existing laws; *second*, it must strengthen and extend that law's protection of the consumer; and, *third*, it must impose on honest industrial enterprise no hardship which is unnecessary or unjustified in the public interest. It has been prepared after many and extensive conferences with the enforcement agencies of the Government and with representatives of various consumer groups or associations, professional groups and the industries to be regulated."

"Separately called meetings were held with representatives of the food, drug and cosmetic industries. Letters inviting suggestions were sent to many persons known to be interested in the subject. Several volumes of suggestions have been received from persons in the groups just mentioned. These suggestions have been carefully studied; many of them rejected; some accepted; some accepted in part or in effect. The hearings which have been held by committees of the Senate and House of Representatives on previous bills in former sessions of the Congress have been reviewed and studied to take advantage of the information and discussions contained in them."

The Committee holds, "considering the variety and diversity of interest, the unavoidable controversies that honestly arise among these interests, a so-called 'perfect' bill hardly can be formulated. This bill is not a thing of perfection. It simply represents an earnest effort to serve its declared purposes. It is introduced in the hope that all who desire to see its purposes accomplished and all who are friends of the movement for a better law, will give it unbiased, impartial and careful consideration, and, after so doing, will see their way clear to support and advocate its enactment."

"The sequence in the bill has been changed from that of previous bills, with a view to making it simpler to read, both while it is a bill and later as a law, when it will be constantly examined by enforcement officials, courts and lawyers. It was thought that it would be an advantage to have the prohibited acts and the enforcement machinery put in the forepart of the bill so that one may quickly learn those requirements, and then move deeper into the bill for details on the particular problem in which he is interested."

"The requirement that claims for drug products should be supported by medical opinion was deleted; great difficulty always has been found in defining 'medical opinion.' As shown, in the previous discussions, it would often be impossible to determine what the state of medical opinion is on controverted subjects. The only other change of consequence in the seizure provision is that when seizures have been made the trial may be held in a district of reasonable proximity to the claimant's place of business. Nothing is claimed for this provision except that it is fair. Goods must be seized wherever found. But, there is no reason why a claimant for the goods, who perhaps may reside across the continent, should be compelled to cross the country to try the case."

The Committee includes a summary of the principal respects in which this bill increases the scope of the old law and affords the public greater protection, part of this is quoted: "The bill prohibits false advertising of foods, drugs, therapeutic devices and cosmetics. For the first time cosmetics are placed under Federal supervision, requiring cosmetics to be truthfully sold and outlaws those injurious to health. It prohibits traffic in drugs and devices which are dangerous to health under the conditions of use prescribed in the labeling or advertising; habit-forming drugs must bear warning labels. The bill requires adequate directions for use of drugs and devices and appropriate warnings against their probable misuse through overdosage, or by children, or in disease conditions where they may be dangerous, and sets up special protection to consumers against drugs liable to deterioration. It requires that claims of effect of drugs and devices must not be false or misleading in any material particular. (The present law makes fraud, that is, wilful intent to deceive, an element of the offense; unwarranted therapeutic claims resulting from sheer ignorance of the manufacturer are not actionable.) This bill defines 'non-official' drugs as illegal if the standard of strength varies from the standard claimed. (The present law prescribes only those which fall below the standard claimed. Drugs which are too strong may be quite dangerous.) Under the proposed definition antiseptics must possess germicidal power."

As stated, this comment is prepared from the report of the Committee; in part, condensed. It is hoped that agreement on early enactment of Pure Food and Drug legislation will be completed.

FALSE ADVERTISING.

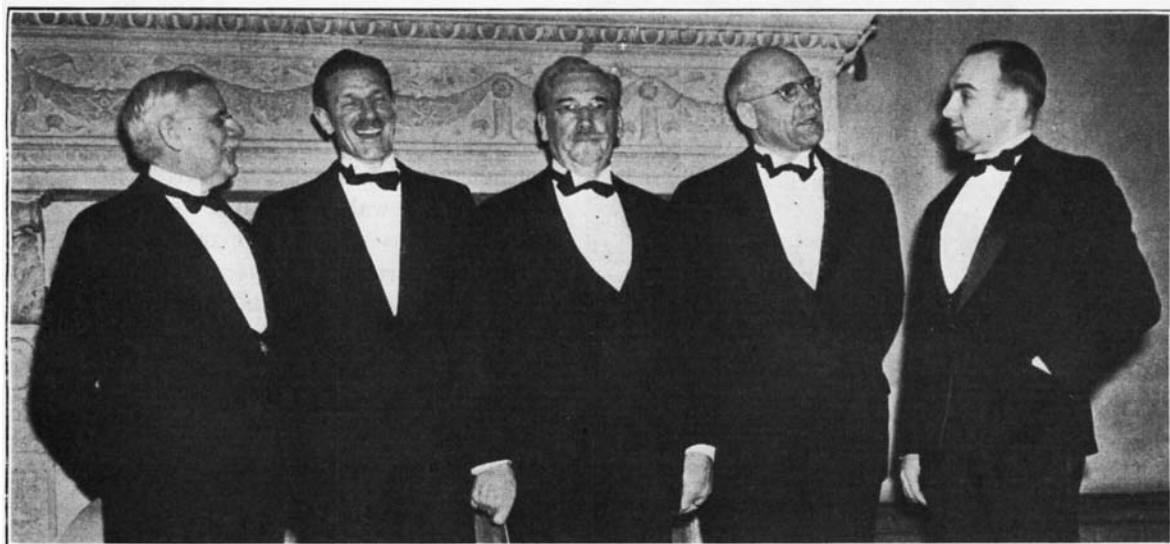
THE U. S. Department of Agriculture Press Service of January 26th, reports a number of cases in court, exposing the misstatements of certain manufacturers relative to preparations for which they had created demand. The purpose of this comment is not to take up these cases, but to show the danger and point out that the practice of false advertising destroys confidence, may destroy health and life, and injures the industry. Federal Judge Chestnut at Baltimore analyzed the statements made by a manufacturer of preparations that were represented falsely as a treatment for pleurisy congestion and pneumonia. The Judge stressed that the manufacturer "who is in a gainful pursuit with regard to selling drugs certainly ought to know whether the thing he is selling to the public is sold under fair representations or false representations." He advised that "something more is required of a man who undertakes to make a profit in selling drugs to the public than merely a willingness to change when he is caught or found out." Cases in other sections of

the country are reported by the *Press Service*, but only in the foregoing case is the reprimand of the Court reported. A purpose of this comment is to direct attention to the dangers of false advertising and promoting the use of preparations that endanger health and life.

There are malpractices in other divisions of industry; the Pennsylvania Pharmaceutical Association directs to a practice which is reported in this issue of the *JOURNAL* (page 101). Unfortunately, no business, practice, or activity is free from selfish promotions and while we deplore violations which are reprehensible, we may be encouraged by the fact that efforts are constantly being made to improve conditions. Dangers are not only in merchandising but in unethical practices.

We quote from the *Standard Remedies*—the business magazine for the proprietary drug specialty industry:

"In the final analysis, public opinion rules. Let the proprietary manufacturer bear this in mind. A better understanding of the public conception of the aims of the legitimate proprietary manufacturer will certainly aid the cause of our industry. The temper of advertising claims will go a long way toward correcting existing consumer misconception of the basis of the modern proprietary. The public judges the manufacturer by his advertising, and the reputation of the entire industry is considered in the light of public utterances of the members of that industry."



PHARMACY COLLEGE DEANS AT FORDHAM'S SILVER JUBILEE DINNER.

Deans of five colleges of pharmacy in and around New York attended the Silver Jubilee Dinner of the Fordham University College of Pharmacy at the Hotel Pennsylvania, Tuesday evening, February 9th.

Left to right: Dr. H. V. Arny, Dean of the Columbia University College of Pharmacy; Dr. John L. Dandreaux, Dean of St. John's University College of Pharmacy; Dr. William C. Anderson of the Brooklyn College of Pharmacy; Dr. Ernest Little, of Rutgers University College of Pharmacy and Dr. James H. Kidder, Dean of Fordham University College of Pharmacy.
