

CITY OF WASHINGTON BRANCH OF THE AMERICAN PHARMACEUTICAL ASSOCIATION.*

The Meeting of the City of Washington Branch of the AMERICAN PHARMACEUTICAL ASSOCIATION was called to order on Monday evening, April 19, 1937, in the Assembly Room of the AMERICAN INSTITUTE OF PHARMACY.

The minutes of the previous meeting were read and approved.

President Briggs appointed a program committee consisting of: L. E. Warren, *Chairman*, and Messrs. Delgado, Fuller, Kelly, Swann and Maxwell.

President Briggs introduced Alfred L. Tennyson, Chief, Narcotic Section, Office of the General Counsel, Treasury Department, as the first speaker of the evening. He read a paper entitled "Federal Narcotic Law Enforcement, Past and Prospective."

The next speaker was H. C. Fuller, former secretary of the Branch, who gave a comprehensive and interesting lecture on assays of official products. He stated that the general procedure for assaying given in the official books is better than in any previous edition, although some of the assays are impracticable for the use of the average retail druggists.

A general discussion followed.

President Briggs introduced L. E. Warren, Chemist of the Food & Drug Administration, member of the Editorial Committee of the *Journal of the American Official Agricultural Chemists*, and special contributor to the U. S. P. XI Revision Committee. His topic was "The Association of Official Agricultural Chemists and Their Work on Drug Research."

Under new business Dr. McCloskey offered the following resolution:

"Be it resolved by the City of Washington Branch of the AMERICAN PHARMACEUTICAL ASSOCIATION, that the funds of this Branch be deposited in the Riggs National Bank, northwest office, and that the signature of the president, W. Paul Briggs, and the treasurer, William T. McCloskey, be required on each of the checks before withdrawal of funds can be made."—Passed.

Chairman W. E. Warren, of the Program Committee, gave a tentative program for the May meeting. It was suggested that a practical, a scientific and a legal paper be given at each meeting.

Mr. Howes moved that the Legislative Committee take up the matter of violations under the Robinson-Patman Bill. Duly seconded and passed.

V. B. NORELLI, *Secretary*.

* The report came in after section was made up.

FEDERAL NARCOTIC LAW ENFORCEMENT; PAST AND PROSPECTIVE.*

BY ALFRED L. TENNYSON.¹

More than 20 years ago, the first International Opium Convention destined to have a measure of world-wide effectiveness was signed at the Hague by delegates from 12 world powers, including the United States of America. Almost coincidentally with the ratification of this international agreement, Congress passed, and the President approved on December 17, 1914, the law which has for the past 22 years formed the principal basis for the limitation, to medical and scientific purposes, of manufacture and sale of opium and coca leaves and their several alkaloids. This law is the so-called Harrison Narcotic Act and I am sure that all of the members of this audience are familiar with its terms.

The duty of enforcing the new law was imposed upon the Bureau of Internal Revenue, and field officers of that Bureau undertook the investigative work in conjunction with their work of enforcement of the general internal revenue laws. There was some doubt among members of the dispensing professions as to just what was meant by the limiting term "professional practice" as used in the new law and whether, assuming that the limitation sought to prevent the mere gratification of drug addiction, it would be held valid from the constitutional standpoint. It was inevitable that these questions would be presented sooner or later for judicial decision.

* Read before Washington Branch, A. Ph. A., April 19th,

¹ Attorney, Bureau of Narcotics.

Prior to the Harrison Law, unless prohibited by some state statute, it was lawful for a practitioner to prescribe morphine for, or dispense morphine directly to, an addict merely to keep him comfortable by maintaining his customary use, and under the same circumstances, morphine was lawfully purchasable across the counter of the drug store without a physician's prescription.

The first case to test the constitutionality of the new law was that of a doctor, C. T. Doremus, and the Supreme Court held that Section 2 was constitutional by a vote of 5 to 4. In the next case decided, that of Webb and Goldbaum *vs.* United States (Webb being a physician and Goldbaum a druggist) the Supreme Court, also by a vote of 5 to 4, established the principle that a written order for drugs, not for the treatment of any disease or for an attempted cure of the habit but only for the gratification of drug addiction, was not a physician's prescription within the meaning of Section 2, and in the later case of Jin Fuey Moy (a physician) *vs.* United States, the court made it clear that such a written order for drugs protected neither the physician who issued it nor the druggist who knowingly filled it.

These decisions, for a few years at any rate, set at rest any doubts as to the validity of the act as it applied to the dispensing professions. They also served notice that "professional practice," under the act, did not include a practice of catering to drug addiction as such. Probably the great majority of members of these professions had already assumed that "professional practice" meant what the Supreme Court later announced and it is fair to state that the Supreme Court's rulings did not necessitate any great change in the handling of narcotics in so far as the conscientious practitioner or pharmacist was concerned. That there were a few who were willing to make money by perpetuating drug addiction and to assert their alleged right to do so under the cloak of professional practice, is made evident by the number of cases reported in the decisions of the Supreme Court and the various Federal courts subordinate thereto.

The constitutionality of the Harrison Act, particularly as to Sections 1 and 2, was again challenged before the Supreme Court in 1927 and 1928; this time by persons not members of the dispensing professions, but the Supreme Court again upheld the law—in both cases—by a vote of 6 to 3.

The rights and obligations with respect to the handling of narcotic drugs by the dispensing professions being fairly well outlined in a general way by the Jin Fuey Moy decision, enforcement of the act proceeded under the Narcotic Division of the newly established Prohibition Unit of the Bureau of Internal Revenue. There continued to be developed cases of improper prescribing and dispensing of narcotics by the dispensing professions, but there were many more cases of ordinary peddling which indicated that the principal source of supply of drug addicts was drawn from smuggled narcotics. With the establishment of the Bureau of Narcotics in 1930, the Commissioner of Narcotics adopted a policy of directing special effort toward the detection and prevention of smuggled shipments to the United States. This policy bore fruit in the shape of unusually large seizures of narcotics sought to be smuggled in during 1930 and 1931, a notable example being a shipment of 17,500 ounces of morphine billed as furs and shipped from Istanbul *via* the Steamship Alesia. A Convention was concluded at Geneva on July 13, 1931, and later ratified by most of the world powers, which obligated the High Contracting Parties to limit their manufacture of narcotics to those quantities only which were estimated to be necessary to provide for the world's medical and scientific needs, and the operation of this Convention tended to decrease surplus manufacture of narcotic drugs abroad which supplied the smugglers. While the new enforcement policy, supplemented by the operation of the Convention, did not cause smuggling to cease entirely it has unquestionably reduced supplies heretofore available from smuggled sources and the high prices maintained in illicit markets plus greater adulteration of narcotics reaching the ordinary addict give eloquent testimony to this effect.

With the curtailment of supplies from smuggled sources, it was to be expected that greater pressure would be brought to bear upon some members of the dispensing professions to supply the deficit and unfortunately some doctors and druggists succumbed to this pressure to such an extent that diversions of narcotic drugs from legitimate channels began to increase to an alarming degree. For instance, in the City of Richmond during 1934 and 1935, four physicians issued prescriptions which were filled by about eight druggists, for a total of 66 pounds of morphine, whereas the remaining 325 physicians of the city required only four pounds of morphine during the same period to care for the medical needs of all their patients. These four physicians wrote hundreds of prescriptions calling for from 15 to 60 grains of morphine each for drug addicts, many of whom flocked into

Richmond from other states, many of the prescriptions being written under false names and giving fictitious addresses. In the City of Seattle, Washington, one physician had made it a practice to sell hypodermic injections to drug addicts and purchased for this purpose over a period of some four or five years a total of nearly a half million $\frac{1}{2}$ -grain morphine tablets. Enforcement activity has eliminated these diversion sources, at least for a time, but it is a matter of some concern to the Bureau that the offending persons still retain their licenses to practice their respective professions. The Bureau is of the opinion that such utter disregard on the part of a licensee of his duties under the Federal law and to the state which entrusted him with his license, as well as to the honorable profession he represents, should be penalized by a revocation of that license.

During the past few years the abuse of another drug has become so wide-spread as to merit the adoption of vigorous control measures. I refer to marihuana or cannabis, which is usually used for abusive purposes in the form of cigarettes, sold at an average price of three for 25¢. These cigarettes have been made from the flowering tops of the pistillate plant cannabis and there has been evidence of their use even among children in the secondary schools. I believe it is unnecessary to comment upon the demoralizing results of the smoking of marihuana cigarettes, excepting to express the personal opinion that, from reports which reach the Bureau, the constant indulgence in their use seems to be productive of results even more vicious than that following the continued use of morphine. At this time there is in effect in every state some type of law which has for its object the control of the traffic in marihuana, but there is no special legislation of this type in effect in the District of Columbia. The cannabis plant is understood to be of a hardy nature and may be grown probably in every State of the Union. It has been found to be cultivated even in or near urban communities, and it is also found growing as a roadside weed. While the flowering tops of the pistillate plant have heretofore been considered the principal source of the dangerous resin, it has been learned only recently that the resin may also be obtained from the leaves of the male plant as well. It follows that any system of legislative control over the production of and traffic in cannabis should carefully define the term, and not limit the application of control measures to the flowering tops of the plant as has heretofore been the case. There has been submitted to Congress for its approval a proposed bill, drafted in the Treasury Department, which seeks to afford a degree of nation-wide control over cannabis through the medium of a taxing act, and it is hoped that this measure, if approved, will have the whole-hearted support of the dispensing professions.

The future enforcement program of the Narcotic Bureau, as I see it, consists in

1. Continued coöperation with foreign countries, through the State Department, looking toward enforcement of the narcotic conventions.
2. Continuance of activity, in coöperation with the Bureau of Customs, toward prevention of narcotic smuggling.
3. Directing investigations toward the detection and prevention of the so-called street trafficking in narcotics while carefully checking the prescribing and dispensing of narcotics by the dispensing professions.
4. Coöperation with state and municipal authorities in the enforcement of state narcotic laws and municipal narcotic ordinances designed to control the intra-state narcotic traffic, both as to the drugs covered by the Federal laws and marihuana; and
5. The enforcement, if approved, of the Federal marihuana taxing act.

Coincidentally with this program the Bureau hopes to solicit and receive greater co-operation from the state authorities toward the elimination from the dispensing professions of those members who are guilty of serious narcotic irregularities, as well as the provision of scientific care and treatment for the unfortunate narcotic drug addict population. I believe this entire great problem is capable of solution only through the coöperation of both Federal and State agencies which have a joint responsibility in suppressing the abusive use of the dangerous drugs discussed, but this theory presupposes the hearty coöperation of the dispensing professions, of which the great majority, I believe, are in sympathy with the aims of the Bureau of Narcotics.

REPORT OF THE 14TH ANNUAL PLANT SCIENCE SEMINAR.

The 1936 meetings of the Plant Science Seminar were held at a camp in Robbers' Cave Park, nine miles north of Wilburton, Oklahoma. This camp with its nine buildings of native stone, delightfully situated in the pine-oak association of the San Bois Mountains served as a splendid background for the Seminar. At various intervals on August 17th, the members drove into camp. Registration and assignment to quarters having been completed, the day was spent in renewing old, and making new acquaintances. After a delightful dinner at seven, Executive Kelly DeBusk, of Chocta Area Council, Boy Scouts of America, McAlester, Oklahoma, reviewed surrounding territory, rich with the lore of territorial days.

August 18th, Glenn Couch of the botany department of the University of Oklahoma, discussed the botany of the state in relation to its topography, after which the party climbed to Robbers' Cave, an out-cropping of limestone, celebrated for the hide-out it once offered to outlaws. Belle Starr, the notorious woman bandit of territorial days, is reputed to have corralled her horses in this region. After investigating this unique rock formation with its caverns and natural corral the party proceeded on a short hike and botanizing excursion under Mr. Couch's direction. Tuesday afternoon was devoted to the first regular session of the Seminar. Dean D. B. R. Johnson of the School of Pharmacy of the University of Oklahoma welcomed the Seminar in behalf of the College and the University. "Oklahoma," said Dean Johnson, "is a new state, rich not only in mineral deposits, borax and oil but also in plant life." Over six hundred drug plants may be found in the state. Dean Johnson's welcome was followed by the president's address in which President Bacon reviewed the history of the Seminar since its beginning in 1923. Several members paid tribute to the memory of the late Dr. Eggleston, a frequent attendant of past seminars. It was voted that an appreciation of Dr. Eggleston's work be prepared by Dr. H. W. Youngken. (See April JOURNAL, page 364.) The following papers were read: "Ultra Violet at a Cost That Every Pharmacognosy Laboratory Can Afford," by M. S. Dunn; "The Mysterious Wonder Herb," by L. D. Hiner; "Microcrystalline Profiles and Silhouettes," by A. C. Shead (read in Dr. Shead's absence by L. E. Harris); and "Notes on the Effects of Certain Animal Glandular Products on Plant Growth," by M. S. Dunn. Regrets of being unable to attend were read from Day, Dye, Leake, Richtman and Youngken. One of the usual seminar round-table discussions was begun, which terminated in a watermelon feast, the watermelons coming from Dr. Harris' garden at Norman. Many of the seminarians saw for the first time, watermelons with yellow centers. The evening was occupied by open-air movies. L. K. Darbaker, official cinematographer of the Seminar, exhibited movies of the past seminars and other of his excellent reels.

On August 19th the seminar made an all-day auto trip across the border into the Ouichita National Forest of Arkansas, to the top of Rich Mountain. The trip was under the direction of Frank J. Gibbs, Assistant State Forester of Oklahoma. The ruins of the Frisco Lines hotel at Mt. Rich were of interest as was also botanizing under the direction of Messrs. Gibbs, Rich and Gibson. Among the plants of interest were several species of magnolias, the shrub horse-chestnut, passion flower, fields of peanuts, ginseng, pines (principally *P. echinata*), oaks (principally *Q. marilandica* and *Q. stellata*), several species of gum trees, redbud, black gum, red gum, sassafras, catnip, burdock, poke weed, wahoo, witch-hazel, *Smilax rotundifolia*, flowering dogwood, etc. After dinner every one joined in a song-fest, the leaders of which were Mrs. Johnson, Mrs. Elich and Dr. Bacon.

The morning of August 20th was devoted to a short hike and botanizing trip under the direction of Mr. Couch. The trip covered a small region of the San Bois Mountains just east of the camp. Among the points visited was a fire tower from which point of vantage the party obtained an excellent view of the surrounding territory. Thursday afternoon was given over to the second session of the seminar. Two papers: "The Cultivation and Assay of Pyrethrum Grown at Squire Valleevue Farm," and "The Cultivation of Digitalis," were read by F. J. Bacon. These were followed by a round-table discussion in which teaching methods, laboratory methods, drug cultivation and other pharmacognostical subjects were discussed. Plans for next year's seminar were considered. The meeting concluded with a vote of thanks to L. E. and Mrs. Harris, and to the staff of the University and of the camp, whose efforts made the 1936 meeting one of the outstanding seminars. Officers for the 1937 Seminar were elected as follows: *President*,

L. K. Darbaker;¹ *Vice-President*, E. H. Wirth; *Secretary-Treasurer*, L. E. Harris. *Council Members*, F. J. Bacon; F. H. Eby.

After breakfast, Friday morning, the members broke camp and proceeded by auto caravan through the Ada Oil Fields. Stops were made at Sulphur and Turner Falls after which the party proceeded to Dallas.

Attending the 1936 Seminar were: F. J. Bacon, Cleveland, O.; R. D. Bienfang, Norman, Okla.; Miss Carolyn Binder, Oak Park, Ill.; P. D. Carpenter, Chicago, Ill.; Glenn Couch, Norman, Okla.; L. K. and Mrs. Darbaker, Pittsburgh, Pa.; M. S. and Mrs. Dunn, Philadelphia, Pa.; C. T. Eidsmoe, Brookings, S. Dak.; Mrs. Herman Elich, Chicago, Ill.; R. W. Elich, Chicago, Ill.; Wm. Felkner, Norman, Okla.; E. N. and Mrs. Gathercoal, Chicago, Ill.; F. J. Gibbs, Oklahoma City, Okla.; Dr. Katherine Graham, Chicago, Ill.; Miss Ina L. Griffith, Norman, Okla.; L. E. and Mrs. Harris, Norman, Okla.; Miss Lorene A. Harris, Norman, Okla.; L. D. and Mrs. Hiner, Brookings, S. Dak.; E. J. Ireland, Gainesville, Fla.; D. B. R. and Mrs. Johnson, Norman, Okla.; Ray Johnson, Norman, Okla.; L. F. and Mrs. Jones, Indianapolis, Ind.; A. W. Matthews, Edmonton, Alberta; J. E. and Mrs. Seybert, Indianapolis, Ind.; Elbert Voss, Pittsburgh, Pa.; Miss Marilyn Wirth, Oak Park, Ill.; and E. H. Wirth, Chicago, Ill.

See pages 364, 374, 375.

FAIR TRADE LEGISLATION.

PARTS OF AN ADDRESS BY R. L. SWAIN AT THE RECENT MEETING OF GEORGIA PHARMACEUTICAL ASSOCIATION.

First of all, what is the fair-trade movement? The fair-trade movement is an attempt to maintain free and open competition in retail trade by eliminating those business practices which tend to monopoly. It is aimed at loss-leader selling, predatory price cutting and the other nefarious business methods, which have crushed the small business men of this country into economic servitude. It is an attempt to restore some semblance of economic security to the independent, and to preserve for him a decent place in the scheme of distribution. Its greatest merit is that it is devoted to that traditional American notion that the doors of opportunity shall be kept open to one and all and on equal terms. It is forever opposed to economic discrimination and oppression. It is fair to big and small.

What is a fair-trade law? A fair-trade law is an act of a State legislature, aimed at the elimination of the evils of loss-leader selling. Generally speaking, these acts make lawful contracts between the manufacturer and his distributors, whereby minimum resale prices are set up for trade-marked, identified merchandise, which is in free and open competition with other merchandise of the same general class.

Are producers permitted to agree among themselves regarding resale prices? The fair-trade acts, without exception, prohibit all agreements between producers, between wholesalers or between retailers. They authorize vertical price agreements, but prohibit horizontal price agreements. In other words, competition between producers is in no sense lessened.

Are all commodities subject to fair-trade agreements? The fair-trade acts are limited to trade-marked commodities, which are in free and open competition with commodities of the same general class produced by others. Competition is the key-note of the agreement. If competition is not present, then no contract can be entered into.

Are fair-trade acts price-fixing acts? In an unanimous decision by the Supreme Court of the United States, in which the Illinois and California Fair Trade Acts were upheld, the fair-trade laws are declared not to constitute price fixing. The fair-trade laws are aimed at recognized evils in retail distribution, which are undermining free competition and tending to concentrate retail business in the hands of a relatively few large concerns. By eliminating loss-leader selling, the fair-trade acts seek to keep the doors of opportunity open for the small dealer. The minimum retail price in fair-trade contracts is incidental, the main purpose being to keep the channels of competition free and open, and to check those recognized unfair trade practices which tend to monopoly.

¹ Page 374.