THE PATENT MEDICINE PROBLEM.*

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The patent medicine problem, as it presents itself to American pharmacists today, is neither novel or popular and its continued growth has long since been recognized as a menace to the development of pharmacy as a desirable occupation. The business itself has developed as the joint off-spring of cupidity and credulity and from a very early period has been the one object regarding which members of the various branches of the drug trade have differed on more frequently and more widely than on any other.

While it is generally recognized that the manufacture, sale and use of so-called patent medicines should be considered primarily as a public health problem, the business from the drug trade point of view also involves economic questions which cannot well be ignored and which have at times at least, quite overshadowed all public health considerations. That the economic feature of the problem is on the increase rather than decrease is evidenced by an editorial in the National Druggist, (1912, v. 42, p. 414), which asserts that the number of establishments engaged in the manufacture of patent and proprietary medicines in 1899 was 2,154 and in 1909 was 3,642. The value of the products at the factories in 1899 was $88,791,000 and in 1909 was $141,942,000, an increase of approximately 70 per cent in ten years.

Whether the public health or the economic side of the problem is to be given the preference in the near future is a question that is well worth considering, and one which by the recent action of the American Pharmaceutical Association is once more set squarely before the American pharmacists for reply or action.

The patent medicine problem as it is now before the members of the American Pharmaceutical Association for discussion, was outlined in an editorial by the general secretary of the Association, in the Journal for April, 1913, (p. 425-428). This editorial points out that the duty of the pharmacist to himself and to the public, in connection with patent medicines, is to define, if possible, the legitimate status for remedies of this kind and to differentiate between acceptable and non-acceptable preparations.

This proposition was presented to the Council of the American Pharmaceutical Association at the Nashville meeting and after considerable discussion it was agreed to appoint a Commission on Proprietary Remedies to consider the following general propositions:

"1. To inquire into and report to the Council from time to time upon the general subject of proprietary medicines, in their relations to pharmacy, medicine and the public health.

2. To inquire whether any of the proprietary medicines, commonly known as patent medicines, contain alcohol or narcotic drugs in sufficient amount to

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render them liable to create a drug habit, or to satisfy such habits where otherwise created.

3. To inquire whether, or to what extent, the commonly advertised patent medicines contain potent drugs in sufficient amount to render them dangerous in the hands of the laity.

4. To inquire into the extent to which patent medicines are fraudulently advertised, or differ in properties or origin from the claims made for them, and the extent to which they are advertised for the cure of diseases generally recognized by the medical science as at present being incurable." (J. Am. Pharm. Assoc., 1913, v. 2, p. 1195.)

As the Commission has so far as known, made no report to the Council of the American Pharmaceutical Association, there is as yet, no indication as to what will or will not be the attitude of this Commission toward the preparations now on the market or to be marketed in the future. Some idea of the stand that must be taken by the members of the Commission, if they desire to make for progress rather than retrogression is evidenced by what has already been accomplished, not alone by the American Pharmaceutical Association, but also by other related organizations, particularly the American Medical Association.

Not to go too extensively into the history of the agitation relating to the manufacture and sale of patent medicines, more popularly designated as nostrums, we may well confine ourselves to the published records of the two national associations directly interested; the American Pharmaceutical Association and the American Medical Association, both organized over sixty years ago.

The American Medical Association almost annually, from the time of its preliminary meeting in the city of New York in 1846, to its reorganization at Saratoga Springs in 1902, adopted resolutions condemning nostrums and secret remedies of all kinds and pointed out objectionable features connected with them. Previous to the reorganization of the Association on the present basis, however, little or nothing of practical value was accomplished.

The American Pharmaceutical Association has also devoted considerable time and space to the discussion of problems connected with the manufacture and sale of patent and proprietary remedies. A cursory review of the proceedings of the Association suggests the rather interesting fact that this agitation appears to have developed in cycles and to have been markedly acute in decennial waves; the maximum height of the agitation being evidenced in the early years of the decennium. Thus, beginning with the Proceedings for 1853, the second meeting of the Association, we find the following resolution, which was on a motion of Joseph Laidley, substituted for one previously offered by C. B. Guthrie, and adopted by a majority of the members present:

"Resolved, That the American Pharmaceutical Association believes that the use and sale of secret or quack medicines is wrong in principle and is in practice attended with injurious effects to both the profession and the public at large, and believes it to be the duty of every conscientious druggist to discourage their use."

"Resolved, That this Association earnestly recommend to our pharmaceutical brethren to discourage by every honorable means the use of these nostrums; to

refrain from recommending them to their customers; not to use any means of bringing them into public notice; not to manufacture or to have manufactured any medicine, the composition of which is not made public; and to use every opportunity of exposing the evils attending their use, and the false means which are employed to induce their consumption." (Proc. Am. Pharm. Assoc., 1853, p. 17.)

The agitation in the next decennium was largely centered about the manufacture of fluidextracts and the development of proprietary rights in preparations of this type, and ten years later we find a similar line of activity developing in connection with elixirs, which at that time were so popular. At the end of another decennium, however, the attention of members of the Association was again directed to patent medicines of the nostrum type by a resolution offered by Prof. A. B. Prescott, of Ann Arbor, to the effect that a committee of three members be appointed to agree upon the most feasible and suitable legislation to secure a sufficient statement of the composition of proprietary medicines on the package of the same, and that more feasible and efficient action be taken by the Association in regard to the matter. The committee appointed consisted of Albert B. Prescott, Frederick Hoffmann and Charles Rice. This committee at the succeeding meeting of the Association presented a lengthy report on the nature of desirable legislation regarding the manufacture and sale of proprietary remedies, and also a draft of an act regulating the sale of proprietary medicines. The committee in its report offered a resolution which was subsequently adopted by the members of the Association present, to the effect "that it is the deliberate opinion of this Association that labels of proprietary medicines ought to carry a statement of their constituents." (Proc. Am. Pharm. Assoc., 1885, v. 33., pp. 394-398.) As evidence of the need for action along these lines the committee said in part:

"All medicines, and articles used as such, concern the health of those who use them and put dependence upon them. By action or failure of action, a medicine is liable to prove hurtful when misapplied. Therefore it is the right of a purchaser of a medicine to receive information of its constituents, their names and proportional quantities. And it is a legitimate act of the State—so far as it deems expedient—to see to it that such information, in printed form, is placed upon each package of articles of medicines, as a condition of their legal sale.

"Moreover, legislation requiring the composition of medicines to be given to the consumer is entirely in accord with the spirit of the institutions of the United States, because it is legislation to secure to him the means of self-preservation. If the purchaser of a medicine is provided with a record of its constituents, given in terms defined by published standards: now he may guide himself, in his own discretion or with professional aid, by the information given in the record of constituents, or he may neglect to so guide himself, and depend upon advice given on the wrapper of the medicine, in the exercise of his personal responsibility. The State has done its duty, and given the individual the opportunity for the exercise of discretion. The opportunity has an educational value to the individual."

The following year the Committee on Legislation, in its report of progress,

(Proc. Am. Pharm. Assoc., 1886, v. 34, pp. 10, 154-155) included a resolution to the effect that:

"Whereas, All medicines concern the health of those who use them; and

"Whereas, The purchaser of a medicine selected by himself has the right to receive information of its constituents and their quantities; and

"Whereas, The report and the draft of a law regulating the sale of proprietary medicines, which was accepted by the American Pharmaceutical Association at its meeting held in September, 1855, embraces a method whereby the above mentioned object may be secured; therefore be it

"Resolved, That the President and other officers of the Association be authorized and instructed to present printed copies of the reports and of the action had in this Association upon said reports, to the Governors, to the Speakers of the Senates and Houses of Representatives, and to the State Boards of Health, of the different States of the United States; also to offer any services wherein these authorities may consider the co-operation of this Association desirable or useful."

This preamble and resolution were vigorously discussed and a motion that they be stricken from the minutes of the Association was defeated. The report of the Committee was then on motion accepted, and finally on motion of C. Lewis Diehl, seconded by C. S. N. Hallberg, the preamble and resolution were adopted.

Despite the endorsement given the report of the Committee of Legislation, little or nothing of a practical nature appears to have been done. During the early years of the succeeding decade a few isolated papers on patent medicine abuses, from a public health point of view, were presented but their readers found no following and the resolutions they offered appear to have been overlooked or ignored while much of the time of the Association was devoted to the discussion of a plan or plans to remedy the "cutting of prices." The seriousness with which time was wasted on the discussion of the several plans that were suggested at that time serves well to illustrate the comparative importance that has been accorded the purely economic side of this problem by various branches of the drug trade.

At the semi-centennial meeting of the American Pharmaceutical Association, in 1902, several papers were again presented, bearing on existing abuses in connection with patent and proprietary remedies. These papers dealt principally with the abuse of so-called proprietary medicines and their use by physicians and, perhaps, contributed somewhat at least to the renewed interest on the part of the American Medical Association in matters relating to the use of secret or semi-secret remedies by medical practitioners.

At the meeting of the American Medical Association in New Orleans in 1903 a number of papers were presented criticizing medical journals for the nature and kind of advertising carried by them, and a resolution adopted by the then Section on Materia Medica and Pharmacy condemned much of the advertising then carried in the Journal of the Association itself. At this meeting of the Association provision was also made for pharmaceutical membership in the American Medical Association and at the meeting in Atlantic City the following

June a number of pharmacists were elected and the discussion on materia medica subjects, with the resolutions adopted at Atlantic City in 1904, no doubt were directly responsible for the inauguration of a Council on Pharmacy and Chemistry, the object of which was to endeavor to differentiate between good and bad proprietary remedies used by or offered to physicians.

A preliminary meeting of persons interested was held in Philadelphia on December 29, 1904, and the Council itself was organized in Pittsburg on February 11, 1905. This Council was immediately set to work and by June of the same year the comprehensive and at that time startling report on the acetanilide mixtures was published in the Journal of the American Medical Association and, as was expected, precipitated the wrath, not alone of pharmaceutical manufacturers, but also of medical journals that depend so largely on their advertising pages for existence. The so-called acetanilide report served, however, to arouse the better class of medical men to an appreciation of their duty as professional men and the endorsement thus secured has contributed much to maintain the Council despite the attacks of moneyed interests within and without the membership of the Association.

The work of the Council was later in the year efficiently augmented by the series of articles originally published in Collier's Weekly by Samuel Hopkins Adams, on the "Great American Fraud," and subsequently reprinted in pamphlet form by the American Medical Association. The Food and Drugs Act of June 30, 1906, also contributed its share in support of the work of the Council. These several agencies have been further augmented by the stand taken by the Commissioner of Internal Revenue in regard to alcohol-containing nostrums and by the assistance given by various state officials entrusted with the enforcement of local food and drug laws, so that at the present time there is considerable evidence to show that the efforts of the Council on Pharmacy and Chemistry have made a distinct impression on thinking laymen as well as on the more progressive members of the American Medical Association.

Following the inauguration of the Council on Pharmacy and Chemistry, the American Medical Association organized a chemical laboratory in the Association building and this laboratory in addition to the work on "Proprietary Remedies," has devoted considerable time to the examination of so-called "patent medicines" or "nostrums." The resulting analyses are usually published in the Journal and have been in part at least, compiled in book form in a volume entitled, "Nostrums and Quackery."

This book has recently been reprinted in enlarged form and its increasing circulation among well informed laymen will contribute much to a better understanding of the patent medicine problem from a public health point of view and should serve to prevent any possible retrogressive action on the part of the American Pharmaceutical Association as an Association.

In summing up this brief and admittedly incomplete survey of recent accomplishments to solve the "patent medicine" problem, it would appear that the questions involved are not to be considered as being answered until they are answered correctly and that from the point of view of the public the influence of "patent medicines" on the health and welfare of the individual is the only factor deserving of consideration. Bearing this latter fact in mind, it would appear de-

sirable that all branches of the drug trade give the patent medicine problem renewed and serious consideration and make an honest effort to adjust their interests in accord with the interests of the public and thus effectually counteract the frequently made assertion that the economic questions involved must outweigh all others so far as the drug trade may be concerned.

PETROLATUM LIQUIDUM, U. S. P. VIII.*

(Paraffinum Liquidum. White Mineral Oil.)

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The U. S. P. VIII provides that this substance shall conform to the following description:

"A mixture of hydrocarbons, chiefly of the methane series, obtained by distilling off most of the higher and more volatile portions from petroleum and purifying the liquid residue.

"A colorless, or very slightly yellowish, oily transparent liquid without odor or taste but giving off, when heated, a faint odor of petroleum."

Sp. G., .870 to .950 at 25° C. Tests are given for solubility, acid impurities, fixed oils or fats, either animal or vegetable and readily carbonizable impurities.

It is proposed for the U. S. P. IX, to change the official title to Paraffinum Liquidum, which seems to be wise and in conformity to modern standards. The description, allowing a very slight yellow color, is a mistake as there is no difficulty in obtaining a colorless oil, except the oils of this kind that are produced in this country. The new requirement that it shall be free from fluorescence is proper and not necessarily exacting.

From a careful study of a number of samples of White Mineral Oil, obtained from various sources, the appended table shows that the official requirements can be met without much difficulty, it is further demonstrated that an oil that is usually above the Sp. G. .870 will show more or less solid paraffin when subjected to a temperature of —4° C., yet in the table two samples, each of the Sp. G. of 875 remained perfectly clear after being subjected to this temperature for eight hours. It is therefore evident that in the process of purification chilling was not thorough or carried on for a sufficient length of time and the final filtration was not performed at the same temperature. The desire to have as heavy oil as possible for internal administration as recommended by Dr. Lane, of London, is no doubt accountable for such a large number of samples with a specific gravity lower than .875, becoming opaque or milky at this temperature.

With proper manipulation and care an oil of the Sp. G. .8755 should show no separation of paraffin on chilling; some standard covering this point should be provided, that is, a minimum specific gravity that will show no separation of paraffin when the oil is subjected to a temperature of at least 0° C.

None of the samples showed an admixture of fixed oils or fats, either animal

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