

THE PHARMACIST AND THE LAW.

MERCHANTS' ASSOCIATION OF NEW
YORK OPPOSES REGULATION
CALLING FOR ADDITIONAL
RECORDS IN THE SALE OF
ALCOHOL-CONTAINING
MEDICINES.

In accordance with the action taken upon the report made by its Committee on Commercial Law, the New York Merchants' Association has written to the public health committees of the Legislature opposing a bill compelling additional records to be kept by manufacturers of medical preparations, druggists and physicians.

The letter which was sent to Albany by the association sets forth the opposition to this bill as follows:

SALE AND DISTRIBUTION OF PATENT MEDICINES.

Sen. Int. No. 372, Pr. 383

(Mr. Dowling)

Assem. Int. No. 552, Pr. 574

(E. A. Smith)

"The purpose of this bill is so to amend the public health law as to make subject to the provisions of the narcotic drugs act of 1918 all proprietary medicines containing alcohol in excess of one-half of one percent.

"The provisions of the narcotic drugs act are intentionally and properly very drastic in order that the unwarranted sale of harmful drugs shall be made very difficult. It cannot reasonably be contended that proprietary medicines containing a small percentage of alcohol are equally harmful to the community with such drugs as opium and its derivatives, cocaine, etc., and it is therefore unreasonable and unnecessary that such proprietary medicines be subjected to conditions which, in many instances, will exclude them from sale and thereby prevent their manufacture.

"While undoubtedly proprietary medicines which contain a large and harmful percentage of alcohol should be subjected to proper restriction, it is absurd to contend that the maximum alcohol content should be made so low as to exclude from use a wide range of very useful household remedies which cannot be compounded without a much greater content of alcohol than that limited by this proposed law.

"Under the terms of this proposed act the shelf sale of such medicines would be made impracticable and they could only be used under a physician's prescription with the attend-

ant complex and drastic restrictions as to registration and reporting.

"A very wide range of proprietary medicines find their chief outlet through drug stores, and being well known household remedies, are obtained without physicians' prescriptions. The sale of remedies of this class would almost entirely cease, as relatively few of their users would resort to them if a prescription were necessary. Very severe and, as we believe, unnecessary injury would be inflicted upon numerous manufacturers of proprietary medicines, in which class are to be found nearly all manufacturers of pharmaceutical products and many wholesale druggists.

"We believe that this bill should not become law and earnestly urge that it be disapproved by your committee."

REVENUE LAW OF 1918.

The authors of the new narcotic law declined cooperation with every branch of the drug trade. As a result, the terms are vague, ambiguous and in some instances contradictory. The Internal Revenue Bureau is actively at work in the promulgation of the provisions. However, the work involved will likely not permit them to issue the regulations until about May 1st. Dealers were instructed to register on or before March 25th and to render a complete inventory of narcotics; this was impossible in many instances, and it is stated that the collectors have been instructed to be lenient.

It may be that under a strict ruling of the law some dealers will be required to pay several registration taxes. The decision will be based on the interpretation of the following provisions of the law:

"Every person who sells or offers for sale any of said drugs in the original stamped packages" shall be deemed a wholesale dealer, and "Every person who sells or dispenses from original stamped packages" shall be deemed a retail dealer.

The same exemptions from the tax as provided in Section 6 of the Harrison Law are included in the new law, but a record of the sales must be kept in a manner prescribed by the Commissioner of Internal Revenue, and until these instructions have been given a record of all sales since February 25th must be made. Wholesalers and retailers will not be required to stamp stocks of goods on hand, but manufacturers must stamp all the goods

they sell hereafter. A confusion is liable to arise as the result of stamped and unstamped goods, but no authority has been found in the law for requiring the stamping of such stocks.

A provision of the law has been freely discussed, but no decision has been reached at this writing, which provides that there shall be levied, assessed, collected and paid a tax at the rate of 1 cent per ounce on narcotics or preparations thereof. One construction would require that a tax of 1 cent be paid on every ounce of preparation,* and another that the tax be collected on the amount of narcotic contained.

It is possible that under a rendition of the law the same goods may be taxed a number of times, first as the original package, then as sold by wholesalers, and again when sold at retail.

Deputy Commissioner B. C. Keith has ruled that when beef, wine and iron is sold that has been made in conformity with the National Formulary it need not bear the label indicating that it is made with non-beverage alcohol, as required for elixirs, etc., that are largely used as vehicles.

WILLARD HUNTINGDON WRIGHT SAYS DRUG ADDICTS NEED MEDICAL ATTENTION NOT MORAL INSTRUCTION.

Our attitude toward the victim of the drug-habit is still strongly modified by what Willard Huntingdon Wright calls "literary superstition." In an article contributed to *The Medical Review of Reviews*, Mr. Wright accuses even the medical profession of being actuated, in their treatment of those addicted to narcotics, by both "puritanism and imaginative literature."

Drug addiction is a disease, he states, and continues further, "that the fact of being self-imposed does not alter its status any more than self-imposed indigestion changes the character of dyspepsia. And until doctors so regard it there will be little success in its treatment. Just so long as the drug habit is approached socially or morally, just so long will it evade being conquered.

"A wholly impersonal and scientific attitude is indeed difficult under the present circumstances, and I do not wish these remarks

to be considered as malignantly critical of those men who are now working along this line. They are confronted by many obstacles and difficulties—by public opinion, by apathy in the very profession to which they should look for assistance, by generations of false conceptions, by a miasma of unreasoning puritanism which tends to obscure the unsentimental truth, by hasty and ex-cathedra legislation, by a colossal mass of literary superstitions, and by the contradicting and deceiving evidence which the subject itself presents."

The author regards the "tapering-off" method as the logical one for the cure of the habit, and he devotes several pages to his reasons for such conviction. He says here, among other things:

"It is essential in the treatment and cure of narcotic drug addicts that there should exist a conscientious and earnest desire to be free of the drug; and this desire can be and often is created in the patient by giving him a clear understanding of the fatal effects upon his body by his continuing to use the drug, and also by impressing upon him the fact that a cure is not painful. The average drug addict shrinks from a cure because of the suffering he imagines to be connected with it, and which actually does accompany it when the physician is ignorant of the proper methods."

INDIANA HAS A PREREQUISITE LAW.

Indiana is now among the states having a prerequisite law. In a letter Prof. C. B. Jordan, who has been active in bringing about this legislation, states that Section 4 was a compromise. The amendment was introduced and for Indiana pharmacists to oppose it might have brought about a defeat of the bill. A reading of the Section referred to does not indicate that many will avail themselves of its provision. The law reads:

Section 1. Be it enacted by the General Assembly of the State of Indiana, that on and after the first day of January, 1920, no person shall be eligible to take the examination to become a registered pharmacist until such person shall have produced and filed such evidence as is satisfactory to the board of pharmacy that he has graduated from a school of pharmacy of good standing, as herein provided.

* Since this writing the decision has been reached to tax the volume of preparation containing the narcotic.

Section 2. A school of pharmacy in good standing as provided for in this act is hereby defined as one that meets the following requirements:

1. No school of pharmacy shall be considered in good standing unless the students on entering such schools are required to present evidence of the satisfactory completion of two (2) full years' work in a commissioned high school, or its equivalent, to be determined to the satisfaction of the Indiana Board of Pharmacy.

2. The instruction in a school of pharmacy of good standing shall cover a period of not less than fifty weeks (50), occupying two (2) school years, and at least two (2) months shall elapse between these school years. Each school year shall cover at least two hundred fifty (250) hours of class room instruction and three hundred fifty (350) hours of laboratory practice, which shall include the work outlined in the latest edition of the Pharmaceutical Syllabus.

Section 3.—This act shall not apply to any person who is a registered assistant pharmacist or a registered apprentice pharmacist at the time that this bill shall become a law.

Section 4. Nothing in this act shall be construed to prevent persons from selling and compounding drugs who have been in con-

tinuous employment as unregistered assistant pharmacists, unregistered prescription clerks, or as owners of drug stores actively and continuously engaged as such, for ten years continuously, prior to July 1, 1919, and whose stores have been continuously located in a city, or town, or village of less than three thousand inhabitants for ten years prior to July 1, 1919, who have complied with the following requirements: Under such circumstances such clerks or owners shall certify before July 1, 1919, such facts to the State Board of Pharmacy and upon application the State Board of Pharmacy may, at its discretion, issue a permit for a fee of twenty-five dollars (\$25.00), which permit shall be renewed on the first day of July every second year from date thereof upon the payment of two dollars (\$2.00) for each renewal to such unregistered applicant as above mentioned to continue in such business. Provided that no permit shall be granted to any such person who may have been convicted during such period of any crime or unlawful act.

Section 5. If any provisions or section of this act shall be held void or unconstitutional, all other provisions and all other sections of the act, which are not expressly held to be void or unconstitutional, shall continue in full force and effect.

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