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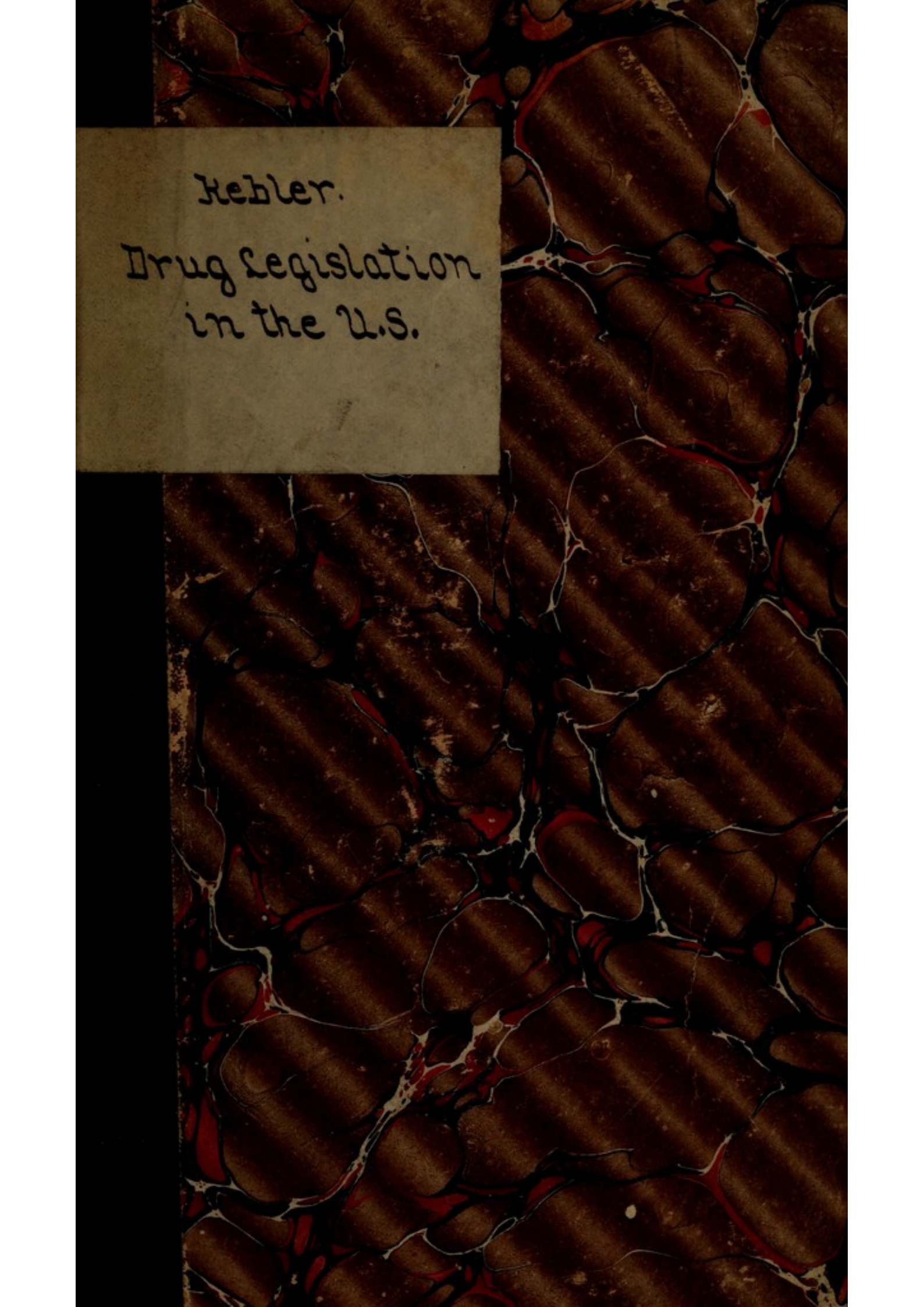
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in the U.S.

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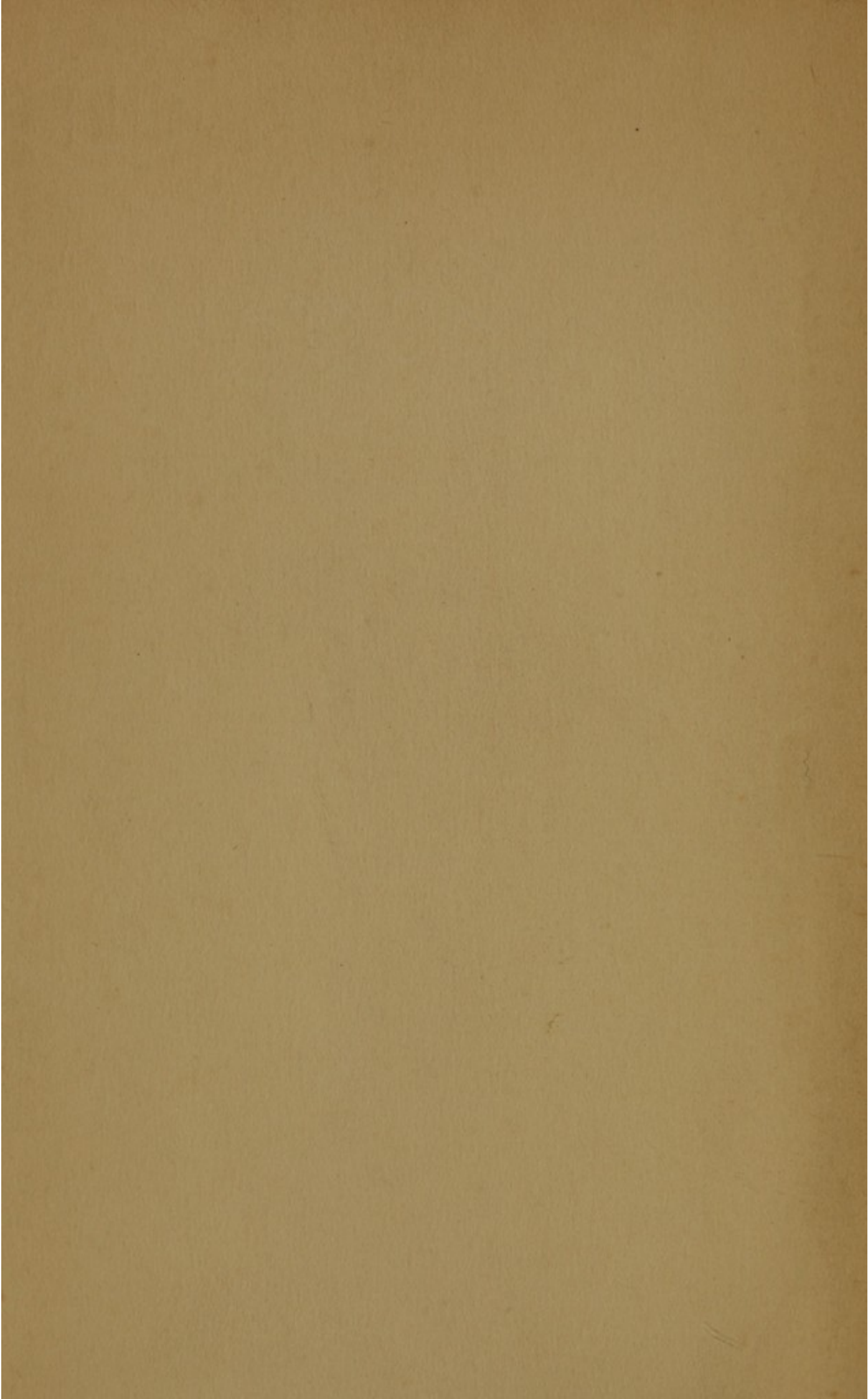
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Issued April 8, 1909.

U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY—BULLETIN No. 98 (Revised), PART I.

H. W. WILEY, Chief of Bureau.

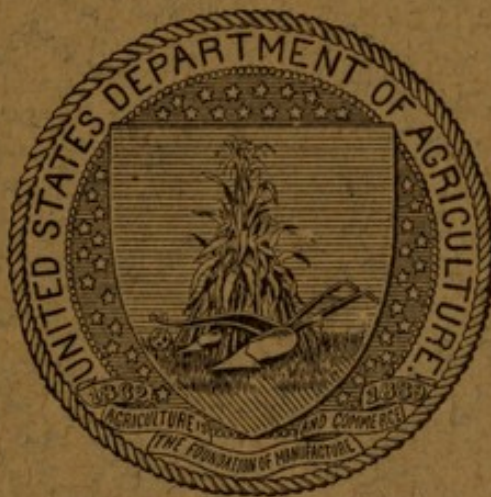
DRUG LEGISLATION IN THE UNITED STATES.

REVISED TO JULY 15, 1908.

BY

LYMAN F. KEBLER,

Chief, Division of Drugs.



WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1909.

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Issued April 8, 1909.

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H. W. WILEY, Chief of Bureau

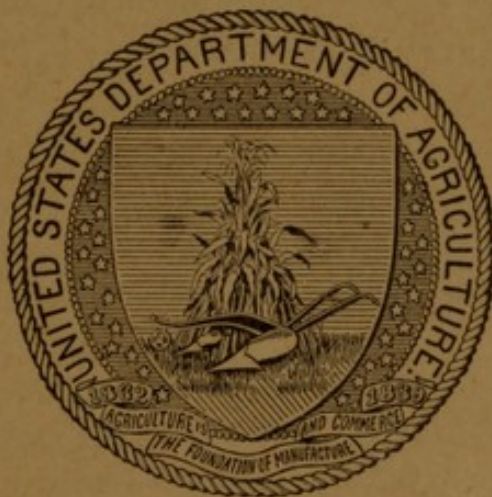
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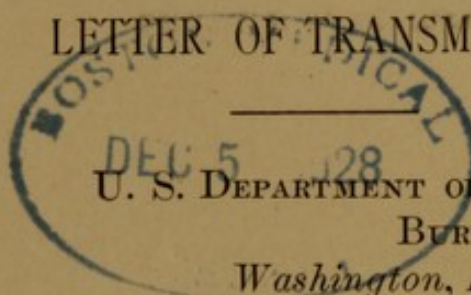
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LETTER OF TRANSMITTAL.



U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,
Washington, D. C., December 4, 1908.

SIR: I have the honor to transmit herewith for your inspection and approval a manuscript prepared in the Division of Drugs of this Bureau, containing a compilation of the Federal drug laws and the laws governing the sale of drugs in the several States and Territories. The collaboration of L. L. Eckman and C. E. Parker, of the Division of Drugs, in the preparation of the manuscript is also acknowledged. I recommend the publication of this manuscript as Bulletin No. 98, Revised, of this Bureau, to be issued in two parts, Part II to be an index and digest.

Respectfully,

H. W. WILEY, *Chief.*

Hon. JAMES WILSON,
Secretary of Agriculture.

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June 3, 1909
To. S. Y. J. 17 Dros
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INTRODUCTION.

Because of the general interest manifest in the subject of drug legislation and the repeated requests which are coming to the Bureau of Chemistry for information on this subject from Federal and State legislators, physicians, druggists, and others, it was considered desirable to collect into bulletin form for ready reference all existing laws in force which have been enacted for the purpose of minimizing the sale of adulterated and deteriorated drugs and for safeguarding the public health by restricting the sale of poisonous and habit-forming drugs. These laws were collected and issued in 1906 as Bureau of Chemistry Bulletin No. 98. Since its issuance much new legislation along these lines has been enacted, necessitating a revision of this bulletin. In a few cases it has been difficult to determine whether or not some of the older legislation has been repealed by implication or otherwise, and for this reason there may be included legislation which in time will be declared null and void by the courts.

The following statement explains the system of references used in this publication:

Two classes of references are employed which, for convenience, may be designated as "general" and "historical." The former show where the law may be found in one of the most recent compilations of the State statutes or in session laws issued subsequent to the publication of the compiled statutes. Such references are placed in a separate line following the sections to which they refer. Each general reference covers all sections included between it and the general reference just preceding.

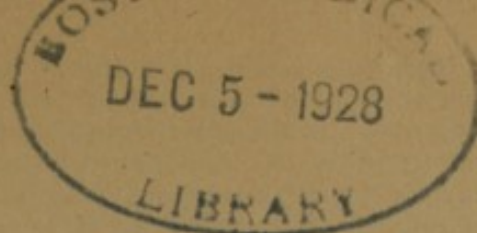
The aim of the "historical" references is to indicate where the law may be found as originally enacted in substantially (although not always exactly) the present form. These references do not attempt a complete history of all the amendments to the laws and are intended merely to indicate the length of time the law given, or a similar one, has been enacted. These references are found in italics at the end of certain sections. If in parentheses the reference relates only to the immediately preceding section; otherwise it relates to all sections included between this reference and the preceding one, either "general" or "historical."



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DRUG LEGISLATION IN THE UNITED STATES.

FEDERAL LAWS.

CONDITIONS EXISTING PRIOR TO LEGISLATION IN 1848.

Previous to the enactment of the Federal law in 1848 governing the importation of adulterated and spurious drugs, medicines, and chemicals, various forces were at work endeavoring not only to minimize this dangerous practice, but also to expose fraudulent dealings in medicinal agents of home production.

One of the chief objects of establishing the Philadelphia College of Pharmacy, 1821, was "To direct attention to the quality of drugs brought into the market." The New York College of Pharmacy had for a series of years called attention to the fact "that large quantities of sophisticated and misnamed chemical and pharmaceutical preparations were daily imported."

The American Medical Association also exerted a powerful influence in bringing about legislation which would tend to prevent the importation of fraudulent medicinal agents. In order to clearly set forth the conditions existing previous to the enactment of the Federal law, House Report No. 664 of the Thirtieth Congress is freely quoted:

[House Report No. 664, Thirtieth Congress, first session, to accompany bill H. R. 524.]

IMPORTED ADULTERATED DRUGS, MEDICINES, ETC.

June 2, 1848, Doctor Edwards, from the select committee to whom the subject was referred, made the following report:

The select committee to whom was referred the subject of imported adulterated drugs, medicines, and chemical preparations report:

That in accordance with the requisition of your honorable body your committee directed their attention to the subject referred to them. They have received through the House numerous petitions and memorials from physicians, druggists, and other citizens of the various cities and States, which set forth, as facts, the importation and sale of vast amounts of adulterated, misnamed, and vitiated medical agents used in general practice—medicines familiar to and used by all, and which hold a close relation to the well-being and health of the entire community.

Communications of such importance, emanating from sources so respectable, could not but receive our careful consideration. As a specimen, we subjoin the petition and memorial of the American Medical Association, which assembled in Baltimore during the present month. A body of more highly gifted or honorable men has never assembled for any purpose. Deeply impressed with the importance of the subject, they ask at the hands of Congress legislative action as the only effective means of relief. The petition is as follows:

"The memorial of the American Medical Association, consisting of delegates from the several States in the Union, at their annual meeting in Baltimore,

assembled May, 1848, respectfully represents: That it has become notorious among druggists, apothecaries, and physicians that of late important drugs and medicines are specially adulterated in foreign countries for sale in this, and pass daily through the custom-house to be disseminated by ignorant and unprincipled dealers, to the great detriment of our citizens.

"That, believing Congress possess the power to enact laws to prevent the evils complained of, by subjecting all drugs and medicines to the inspection of persons duly qualified, whose duty it shall be to ascertain their real value, character, and strength, and to keep such records as will guard the honest dealer against imposition, your memorialists therefore ask your honorable body that a law be enacted embracing the appointment of a proper inspector at each chief port of entry, whose duty it shall be to examine all imported drugs and medicines and to keep a record of such inspections, including the names of the parties, which shall be open for consultation to druggists and apothecaries and others concerned, or to adopt such other measures as in your wisdom you may deem best adapted to prevent the evils complained of. And your petitioners will ever pray. Signed: Alexander H. Stephens, of New York, president; Alfred Stille, of Pennsylvania, and H. J. Bowditch, of Boston, secretaries."

The State of Mississippi in March last, through the Hon. Jacob Thompson, presented the following resolutions:

"Whereas it has been represented to this legislature that of late important drugs and medicines are specially adulterated in foreign countries for sale in the United States and pass daily through the custom-houses, to be disseminated by ignorant or unprincipled dealers, to the great detriment of the people: Therefore be it

"*Resolved*, That our Senators in Congress be instructed and our representatives be requested to introduce and advocate the passage of a law for the appointment of a qualified inspector at each of the custom-houses of the United States, whose duty it shall be to ascertain the real character of all drugs and chemicals imported and destined for medical use, and to impose suitable penalties for the importation of any such drugs and chemicals in an adulterated state.

Be it further enacted, That the governor be, and he is hereby, required to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

"JOHN J. McRAE,

"Speaker of the House of Representatives.

"SEABURY LIPSCOMB,

"President of the Senate.

"Approved February 19, 1848.

"J. W. MATTHEWS."

The College of Pharmacy of New York have for a number of years called public attention to this subject. In a circular before us they state—

"That large quantities of sophisticated and misnamed chemical and pharmaceutical preparations are daily imported, not only to the injury of the custom-house revenue and of the honest importer, but of dangerous effect upon the health and lives of all who require the aid of medicines, such as they purport to be, throughout the country.

"That, with some unprincipled foreign manufacturers, aided and abetted by dealers of a kindred stamp in this country, it is a regular systematic business to make different qualities of various medical preparations for the American market, the better kinds for the Atlantic cities, and others, very much inferior, 'for the West,' meaning thereby our Western States. The latter are generally altogether unlike what they purport to be, are quoted at about half price, and are unfit for any use whatever," etc.

The memorial of the Philadelphia College of Pharmacy sets forth "that one of the chief objects of the establishment of their institution was 'to direct attention to the quality of drugs brought into the market,' with a view to correct the evils arising from the introduction and sale of spurious and sophisticated articles; that they have, from time to time, by a proper education of young men in their school of pharmacy, by exposing frauds of various kinds when discovered and by the publication of a journal, which assumes a high tone in its exposition of these abuses, done much to correct the evils spoken of; that it has now become notorious amongst druggists that of late important drugs and medicines are specially adulterated in foreign countries for sale in this, and pass daily through the custom-house, to be disseminated by ignorant or unprincipled dealers, to the great detriment of our citizens," etc.

Composed, as is your committee, of a majority of men who have made the study and practice of medicine the chief purpose of their lives, they feel no hesitation in admitting that the facts they are about to submit were but partially known to them individually until a very recent period. They have had before them specimens of the adulterations of which they speak, and ask a generous confidence in their statements.

In consequence of the stringent laws now in force in most parts of Europe regulating the trade in drugs and the dispensing of medicine, none but genuine articles and those of acknowledged strength and purity are allowed to be used or purchased. All inferior and deteriorated drugs in a crude state, as well as adulterated medicinal and chemical preparations, must therefore, as a matter of necessity, find a market elsewhere; and that market, unfortunately for the people of this country, has long been and still is found in these United States.

For a long series of years this base traffic has been constantly increasing until it has become frightfully enormous. It would be presumed from the immense quantities and the great variety of inferior drugs that pass our custom-houses, and particularly the custom-house at New York, in the course of a single year that this country had become the grand mart and receptacle of all the refuse merchandise of that description, not only from the European warehouses, but from the whole eastern world.

On reference had, not long since, to the custom-house books in New York, it was found that 7,000 pounds of rhubarb root had been passed within ninety days, not one pound of which was fit, or even safe, for medicinal purposes. Much of it had become greatly deteriorated by age, was worm eaten, and decayed, while other portions, notwithstanding they showed a somewhat fair appearance externally—the color, etc., having been brightened by artificial means for the purpose of deception—gave internal unmistakable evidence of the virtue of the root having been extracted by previous decoction for the purpose of making what is sold as the “extract of rhubarb,” and thereby rendering it of no further value for medicinal use. This article was invoiced at from 2½d. sterling (5 cents) to 7d. (14 cents) per pound. The price of good rhubarb at the place of production has been, for several years past, about as follows: The East India, from 35 to 45 cents per pound, according to circumstances; the Turkey or Russian, from \$1.25 to \$2.50 per pound, exhibiting a very wide difference in price, as will be perceived, between the good and refuse article.

Another of our more important articles of medicine, particularly in the newly settled portions of our country, comes to us in large quantities entirely unfit for medicinal purposes, but, like the worthless rhubarb root, is eagerly bought up at auction sales by unprincipled drug dealers and sent to the drug mills, where it is ground and powdered, the color, smell, and natural taste imitated, and afterwards sold to country dealers and others as a good article. The result of this is that it is finally dispensed to the sick at the sacrifice, doubtless, of many valuable lives every year. We mean the Peruvian bark.

Several varieties of this bark are used in medicines, viz, the “yellow,” the “pale,” the “red,” etc.; but neither variety can scarcely ever be obtained at the place of production, of good quality and in good condition, at a less rate than from 30 to 40 cents per pound; and the quality generally used for the manufacture of sulphate of quinine (or the salts of Peruvian bark) has not for years been obtained from those parts of South America where it is produced at a less price than from \$60 to \$80 per quintal of 100 pounds. The worthless article, particularly referred to above, comes principally from Europe, and seems to be made up of the different varieties already named, as well as to be in a greatly deteriorated condition from age, or from having had its medicinal virtues extracted for the purpose of making the extract of Peruvian bark, a valuable medicine.

From appearances it consists mainly of refuse material collected together in foreign warehouses for exportation. It is invoiced at from 2 to 7 cents per pound. Thousands of pounds of this trash have passed through the New York custom-house at the above price during the past year, and may justly be considered very dear even at those rates.

Columbo and gentian roots and many more of the important crude drugs come to us in a similar worthless condition.

Opium, an article of priceless worth in the treatment of disease, is now sent to this country in a greatly and dangerously adulterated state, and as a proof that the fraud carried on in the preparation of this valuable drug is now made not only a regular but an extensive business, we are assured, on most reliable authority, that it is shipped directly from Smyrna, the most important place of its production, deprived not infrequently of two-thirds of its active principle,

that proportion of its medicinal property having been extracted for the manufacture of morphine. Opium is found to be adulterated with Spanish licorice paste, combined with a small quantity of some bitter extract, and when but moderately deteriorated in this way the fraud is not easily detected at first view; but it has been passed from Smyrna by the way of some of the European markets so freely adulterated that the fraud was readily detected merely by the smell, no analysis being necessary. The so-called opium of this description is often found infested with living worms. Of course this decaying mass is not sold to the retailer or jobber in this condition, but is previously worked over and combined with a better quality of opium.

Your committee embrace with pleasure this opportunity to present the name and services of Dr. M. J. Bailey, examiner of drugs, etc., at the New York custom-house, as one to whom the country, and especially the medical profession, are deeply indebted for the firm and faithful stand he has taken in exposing these frauds. Enjoying the advantage of a thorough medical education, together with a ready and able pen, he has been industrious and successful through the various journals of medicine and pharmacy in calling the attention of both physicians and importers to these nefarious impositions. His communications with us have been frequent and important. Without awaiting a regular summons Doctor Bailey repaired, at our suggestion, to meet us, and we will subjoin the result of his examination before the committee.

The activity and frankness of this gentleman deserves the highest commendation. We give an extract of a letter received from him, dated April 29, in which he says:

"I am sure such action (referring to a memorial of the National Medical Convention) will have great weight with the members of Congress generally, and cause them to act with more promptness than they otherwise would, while at the same time it will be exceedingly gratifying to me, as I have from the first, in aiding the college of pharmacy and my profession in their appeal, used the knowledge acquired in my present position with a single desire to advance the general good. Motives of self or pecuniary interest (had I listened to the prayers of those interested) would have prompted me to withhold from the public the facts I have willingly disseminated, in order that permanent benefit might result therefrom. Many an argument have I held with those who professed to think it no moral wrong, while it was more profitable to themselves to impose such worthless and dangerous trash upon the community as we complain of.

"For many years a considerable proportion of the foreign chemical preparations, medicinal extracts, etc., have come to us more or less adulterated, but the base fraud is no longer confined to that class of medicines. Opium is now adulterated to a most fearful extent, and so adroitly as to almost defy detection by the unsuspecting and confiding purchaser. I have lately passed three invoices of opium from London, which, on opening the cases, seemed to all external appearance to be as it should, but a closer examination proved it a base compound of that drug with various vegetable extracts—the mass not affording more than about one-third part of pure opium. When I questioned the consignee (and to the credit of our regular importers, most of these adulterated and deteriorated drugs and medicines are consignments from speculators abroad), they admitted their private advices gave them to understand that the article 'was not quite pure,' yet as the law now is, I must pass all such dangerous and rascally imitations if they are found to be charged at their full value, and, in commercial language, to be the articles specified in the invoice. In fact, I have no authority to examine into the purity, etc., of any article further than to enable me to judge as to the correctness of the value expressed in the invoice."

We subjoin also a quotation from the Boston Traveller of last week entitled "Frauds in opium."

"About twenty cases of opium were sold at auction yesterday by John Tyler. It was imported from Smyrna and Liverpool in various vessels, and to all appearances was of equally good quality. Notwithstanding this, however, its price varied from \$3.45 to \$1.35—6 cents to 3 cents per pound. An exposition of the fraud was made at the sale. It is said to consist in the extraction of the morphine, or vital principle of the drug, before exportation. This fraudulent opium was invoiced at a lower price than that of the first quality, but still greatly above its real value."

Genuine scammony, another important drug, is now but seldom imported. Not a single pound of pure Aleppo scammony has passed the New York custom-house during the last twelve months. The so-called scammony now imported

contains generally only about one-half the active principle of the genuine article, it being a combination of that drug and a worthless vegetable extract commingled with clay. Pure scammony is an expensive drug; hence the object of its adulteration.

Many of the medicinal gums and gum resins imported are so deteriorated or combined with earthy or other matters that they are not only unsafe, but worthless for medicinal purposes.

The medicinal extracts, which are very important medical agents when pure, were formerly made with great care and of one uniform strength, but they now come to us not only prepared of the refuse of inferior drugs, but also greatly adulterated, etc. These worthless extracts in external appearance are well calculated to deceive, the parcels being as neatly put up, labeled etc., as those of the genuine. They are sold by the foreign manufacturer, on an average, at about one-half the price of the pure article.

In this business, as well as in the manufacture of chemical preparations as used in medicine, there has been for years past a regular system of fraud carried on by many of the foreign manufacturers. They have not only expressed their willingness to prepare and send out to order any article in their line, adulterated to any extent desired, with a corresponding price to suit, but they now, it seems, keep constantly on hand a supply of the adulterated, as well as of the pure preparations, and when remonstrated with by our honest importers they excuse themselves by saying that they "must accommodate the demands or lose sales, etc., as both qualities are ordered in large quantities from the United States—the genuine article," as they are given to understand, "for the seaboard, and the adulterated for the western trade."

The blue pill mass, a vastly important and useful pharmaceutical preparation comes to us greatly and dangerously adulterated. This article, when pure, contains 33½ per cent of mercury, combined with conserve of roses, etc. The adulterated article, of which large quantities are imported and sold, is, according to the very correct analysis of Professor Reid, of the New York College of Pharmacy, as follows:

	Per cent.
Mercury-----	7.5
Earthy clay-----	27
Prussian blue, used in coloring-----	1.5
Sand, in combination with clay-----	2
Soluble saccharine matters-----	34
Insoluble organic matter-----	12
Water-----	16
Total-----	100

Thus it will be seen this spurious article contains less than one-quarter of the active principle of the genuine, to say nothing of the indigestible earthy matter, etc.

Sulphate of quinine, or the salts of the Peruvian bark, a medicine now considered indispensable and of universal use, particularly where intermittent fever prevails, comes to us adulterated in various ways. The usual method is to combine it with silicine (the salts of the willow bark), chalk, plaster of paris, etc. The silicine possesses similar medicinal qualities, and resembles quinine very much in appearance, but it is afforded at less than one-fourth the price, and is very far inferior in strength. This spurious article is largely imported, neatly put up in French style, with the label of the celebrated Pelletier, of Paris (the original and always one of the most honorable foreign manufacturers), on each article.

This trash is made at an extensive establishment in Belgium, the whole business of which, your committee are informed, is to manufacture and dispose of base imitations of all the important foreign chemical and medicinal preparations. An agent of this establishment has been in this country for the last ten months. His business is to effect sales and obtain orders. No wonder that those suffering the affliction of fever and ague in the western country take quinine by the teaspoonful at a dose, rather than a few grains, which is all-sufficient when the article is pure.

Calomel is imported not only crudely prepared, but more or less adulterated with a white argillaceous earth or clay and other articles, while it is put up after the manner and bears the name of some well-known and deservedly popular manufacturing chemist. The whole is a base imitation and fraud.

Large quantities of an imperfectly manufactured iodine are imported in kegs and put in the usual small bottles and parcels here. It is very impure, black, and damp, and totally unfit for medicinal purposes.

Much of the iodide, or hydriodate of potassium, a valuable medicine when pure, is greatly adulterated by the admixture of nitrate of potassium (salt-peter), thereby changing its nature and rendering it comparatively worthless.

Many chemical preparations are not infrequently misnamed, imposing by that means upon the purchaser some inferior article, bearing a similitude to the genuine, but different in medicinal qualities and value, the label and the mode of package affording no security to the honest purchaser.

Thus might your committee continue through the whole catalogue, as most of the fine medicinal chemicals are prepared of unequal strength and purity for the purpose of cheapening their cost, thereby rendering them less effective and more uncertain in the treatment of disease, and in some cases actually dangerous to the patient, as well as obviously unjust and greatly embarrassing to the physician. We will here, however, proceed no further, believing the facts already set forth, respecting very many of our most important medicines and those in daily use, will, if fully understood, satisfy your honorable body of the imperative necessity of the passage of a law calculated effectually to put a stop to this reckless and murderous trifling with human life for the sake of filthy lucre. Every feeling of humanity, as well as regard to justice, toward those who are intrusted with the lives of the people demands this at your hands.

In reply to numerous questions asked by the select committee on the importation of drugs, Doctor Bailey, examiner of drugs, medicines, and chemical preparations in the department of customs, situated in New York, gave the following information: There were imported through the custom-house of New York during the year 1847 about \$1,500,000 worth of the above goods. Of this amount more than half was adulterated or had deteriorated in value so that it was rendered not only worthless for medicinal use but often dangerous. In addition to the fraudulent dealings enumerated above, he said:

Very little, if any, of the pure Russian castor finds its way to this country. An imitation compound of dried blood, gum ammoniac, and a little real castor, put up in artificial bags, is the article generally met with. Gum asafetida is most extensively adulterated with inferior mucilaginous gums, chalk, clay, etc. Thousands of pounds of worthless rhubarb root are sent out annually to this country for a market by foreign speculators, principally from England. London being the greatest drug market in the world, it is but reasonable to suppose that large quantities of crude drugs of a greatly deteriorated and inferior quality must necessarily be constantly accumulating in their warehouses, which, on account of the long-existing laws of that country, can not find a home market, and in consequence must either be destroyed or exported to some place where there is no law to prevent their introduction.

It was further stated that many samples of Peruvian bark were shipped to this country after having had the active portion extracted; that more than one-half of the cinnamon bark imported was nearly tasteless because its virtue had been extracted by distillation in the manufacture of the essential oil, and that the traffic in adulterated drugs and medicines was increasing, although these fraudulent goods were handled only occasionally by recognized dealers of standing, these transactions being chiefly confined to commission houses where "good, bad, and indifferent" drugs were kept "in quantities to suit the purchasers."

The enforcement of the Federal law of 1848 relative to the importation of inferior and fraudulent drugs, medicines, and chemicals did not appear to satisfy the leading members of the pharmaceutical profession. The lack of standards and methods for their determination made it difficult for the customs officials to enforce the law judiciously and satisfactorily. To assist in removing these difficulties a convention of the colleges of pharmacy was called by the New York College of Pharmacy in 1851. It was the sense of this convention that the existing law made ample general provisions for regulating the admission of drugs and medicinal preparations, and it was therefore unnecessary to petition Congress to make changes. The delegates, however, discussed ways and means for arriving at standards, with the result that standards for ten different preparations were drawn up and forwarded to the Secretary of the Treasury, with the recommendation that they be used by the drug inspectors at the different ports, so that their actions would be rendered more uniform and satisfactory.

The results of this meeting appeared to be so satisfactory that it led to the organization of the American Pharmaceutical Association the following year. The first object of this association, as stated in the constitution, is "To improve and regulate the drug market, by preventing the importation of inferior, adulterated, or deteriorated drugs, and by detecting and exposing home adulterations."

INSPECTION OF IMPORTED DRUGS, ETC.

2612. *Instructions to prevent importation of adulterated drugs.* The Secretary of the Treasury shall give to the collectors of districts for which an examiner of drugs, medicines, and chemicals is not provided by law, such instructions as he may deem necessary to prevent the importation of adulterated and spurious drugs and medicines. (*Act June 26, 1848.*)

U. S. Compiled Statutes, 1901, vol. 2, p. 1801.

2933. *Examination of imported medicinal remedies.* All drugs, medicines, medicinal preparations, including medicinal essential oils and chemical preparations, used wholly or in part as medicine, imported from abroad, shall, before passing the custom-house, be examined and appraised, as well in reference to their quality, purity, and fitness for medicinal purposes, as to their value and identity specified in the invoice.

2934. *Name of manufacturer to be affixed to medicines.* All medicinal preparations, whether chemical or otherwise, usually imported with the name of the manufacturer, shall have the true name of the manufacturer and the place where they are prepared, permanently and legibly affixed to each parcel by stamp, label, or otherwise; and all medicinal preparations imported without such names so affixed shall be adjudged to be forfeited.

2935. *Return upon examination.* If, on examination, any drugs, medicines, medicinal preparations, whether chemical or otherwise, including medicinal essential oils, are found, in the opinion of the examiner, to be so far adulterated, or in any manner deteriorated, as to render them inferior in strength and purity to the standard established by the United States, Edinburgh, London, French, and German pharmacopœias and dispensaries, and thereby improper, unsafe,

or dangerous to be used for medicinal purposes, a return to that effect shall be made upon the invoice, and the articles so noted shall not pass the custom-house, unless, on a re-examination of a strictly analytical character, called for by the owner or consignee, the return of the examiner shall be found erroneous, and it is declared as the result of such analysis, that the articles may properly, safely, and without danger, be used for medicinal purposes.

2936. Appeal from examination. The owner or consignee shall at all times, when dissatisfied with the examiner's return, have the privilege of calling, at his own expense, for a re-examination; and the collector, upon receiving a deposit of such sum as he may deem sufficient to defray such expense, shall procure some competent analytical chemist possessing the confidence of the medical profession, as well as of the colleges of medicine and pharmacy, if any such institutions exist in the State in which the collection-district is situated, to make a careful analysis of the articles included in the return, and a report upon the same under oath. In case this report, which shall be final, shall declare the return of the examiner to be erroneous, and the articles to be of the requisite strength and purity; according to the standards referred to in the next preceding section, the entire invoice shall be passed without reservation, on payment of the customary duties.

2937. Exportation of rejected articles. If the examiner's return, however, shall be sustained by the analysis and report, the articles shall remain in charge of the collector, and the owner or consignee, on payment of the charges of storage and other expenses necessarily incurred by the United States, and on giving a bond with sureties satisfactory to the collector to land the articles out of the limits of the United States, shall have the privilege of re-exporting them at any time within the period of six months after the report of the analysis; but if the articles shall not be sent out of the United States within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed, and hold the owner or consignee responsible to the United States for the payment of all charges, in the same manner as if the articles had been re-exported.

2938. Appraiser as special examiner. One of the assistant appraisers at the port of New York, to be appointed with special reference to his qualifications for such duties, shall, in addition to the duties that may be required of him by the appraiser, perform the duties of a special examiner of drugs, medicines, chemicals, and so forth.

2939. Appraisement at New York. The collector of the port of New York shall not, under any circumstances, direct to be sent for examination and appraisement less than one package of every invoice, and one package at least out of every ten packages of merchandise, and a greater number should he, or the appraiser, or any assistant appraiser, deem it necessary. When the Secretary of the Treasury, however, from the character and description of the merchandise, may be of the opinion that the examination of a less proportion of packages will amply protect the revenue, he may, by special regulation, direct a less number of packages to be examined. *Approved, June 26, 1848, U. S. Statutes at Large, vol. 9, p. 237.*

U. S. Compiled Statutes, 1901, vol. 2, p. 1936 et seq.

FOOD AND DRUGS ACT, JUNE 30, 1906.

An Act For preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

Penalty, manufacturer. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be unlawful for any person to manufacture within any Territory or the District of

Columbia any article of food or drug which is adulterated or misbranded, within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than one thousand dollars or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

Sec. 2. *Penalty for trafficking in adulterated or misbranded goods; exceptions.* That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this Act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this Act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act.

Sec. 3. *Secretaries to make regulations.* That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this Act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.

Sec. 4. *Examination and hearing.* That the examination of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this Act; and if it shall appear from any such examination that any of such specimens is adulterated or mis-

branded within the meaning of this Act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this Act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

Sec. 5. Prosecution. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this Act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

Sec. 6. Drug defined. That the term "drug," as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

Sec. 7. Adulteration defined. That for the purposes of this Act an article shall be deemed to be adulterated:

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

Sec. 8. Misbranding defined; label must indicate amount of certain drugs. That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

That for the purposes of this Act an article shall also be deemed to be misbranded:

In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity

or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

Sec. 9. Purity guaranty exempts dealer from prosecution. That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to each dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

Sec. 10. Seizure and disposition of adulterated goods. That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this Act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this Act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of that jurisdiction: *Provided, however,* That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

Sec. 11. Examination of imported products. The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under

such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

Sec. 12. *The terms "territory" and "persons" defined.* That the term "Territory" as used in this Act shall include the insular possessions of the United States. The word "person" as used in this Act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

Sec. 13. *Act becomes effective.* That this act shall be in force and effect from and after the first day of January, nineteen hundred and seven. *Approved, June 30, 1906.—U. S. Statutes at Large, 1905-1907, vol. 34, pt. 1, pp. 768-772.*

U. S. Compiled Statutes, 1901 (Supplement 1907), pp. 928-935.

ALCOHOLIC MEDICINAL COMPOUNDS.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., October 12, 1907.

SIR: This office is in receipt of your letter of the 13th ultimo, relative to the manufacture and sale in your division, the territory of which is almost wholly within the scope of local prohibition laws, of alleged medicinal alcoholic compounds, many of which on analysis by this office have been found to be suitable for use as a beverage.

In reply, you are informed that this office has for months had under investigation and careful consideration the question of the liability for special taxes of the manufacturers of and dealers in alcoholic medicinal compounds, malt extracts, flavoring extracts, essences, and soda-water sirups which, by reason of the nature or amount of drugs, or the unnecessary and excessive amount of spirits used in their manufacture, may be used as a beverage, and without immediate effect other than would follow the consumption of spirits, wine, or fermented liquor.

A purely legal rectifier or compounder is defined in the third subdivision of section 3244, Revised Statutes, as—

Every person who, without rectifying, purifying, or refining distilled spirits, shall, by mixing such spirits, wine, or other liquor with any materials, manufac-

ture any spurious, imitation, or *compound liquors*, for sale, under the name of whiskey, brandy, gin, rum, wine spirits, cordials, or wine bitters, or any other name.

It is evident that the decision regarding the taxability of those engaged in the manufacture and sale of essences, extracts, sirups, etc., must rest largely upon the meaning of the word "liquor." The word "liquor" is generally defined in law to mean any liquid or fluid substance, as water, milk, blood, sap, juice, and the like; under the internal-revenue law, an alcoholic or spirituous fluid, either distilled or fermented. As the term is used in the internal-revenue sections relating to rectification and sale, no other meaning has ever been attached to it than a beverage with alcoholic content. It is difficult to see how any other meaning can be attached to it, and it is probable that no court would sanction any other. This proposition seems axiomatic.

That section 3244, Revised Statutes, refers to the making of alcoholic beverages is further shown by the names used to indicate the product of the compounder, namely, whisky, brandy, gin, rum, wine spirits, cordials, or wine bitters. The rulings of this office from the very beginning have indicated the same idea; and the Federal courts, in construing these sections, have used the terms "beverages," "alcoholic drinks," "intoxicating liquors."

It has never been considered that the use of alcohol in making ink, varnish, perfumery, etc., constituted rectification, for the product of such compounding is not a beverage or a liquor. On no other ground can the manufacturers of these and other similar articles be exempt from the payment of the rectifier's tax.

It seems too plain for argument that Congress did not intend to have the manufacture of such articles considered rectification. In fact, the recent enactment of the denatured-alcohol law showed an intent to have such and many other articles manufactured without the payment of tax to the Government.

Medicinal articles are manufactured without the payment of a rectifier's tax under the authority of a special statute; but the office has ruled that this statutory exemption applies only to bona fide medicines—those spirituous or fermented alcoholic preparations so charged with medicinal agents as to render the compound nonpotable. This late ruling classes all compounds containing distilled spirits and not sufficiently medicated to take them out of the list of beverages as rectified spirits, because they can be used as alcoholic drinks the same as the ordinary spirit beverage, without any medicinal effect other than that produced by the alcoholic content.

It would appear, therefore, that the same principle should be applied in considering the taxability of essences, extracts, and soft-drink sirups in their manufacture and sale, namely, if the alcoholic

content of the compound is no more than that necessary to cut the oil or extract the desired active principle or principles from the added ingredient or ingredients and to hold them in solution, thereby rendering the product unfit for use as a beverage; or, in the case of flavoring sirups or fruit juices, if the alcoholic content is no more than sufficient to act as a preservative of the other ingredients, then the manufacture of such articles is not rectification, nor does their sale require the payment of special tax. Conversely, if the compound is such that it can readily be used as an alcoholic beverage for the sake of its alcoholic content, then it must be classed as a compound liquor within the meaning of the law relating to rectification and compounding, and the sale of such compound liquor will require the payment of special tax.

This view of the law removes from consideration the question of actual intent. The manufacture and sale of a compound liquor are the things taxed, and if any question of intent arises it is only the legal intent. If a preparation, for instance, is put out as a medicinal article, but is so prepared that the medicinal content is not sufficient to unfit it for use as the ordinary distilled or fermented alcoholic liquor is used, then, under the law of rectification and compounding, the intent must have been to produce a compound liquor since that is the thing knowingly, really and actually produced. The one who sells such liquor, whether with intent to sell as a retail liquor dealer or not, becomes liable to the tax. The same reasoning must apply to the manufacture and sale of essences, extracts, sirups, and similar products for the manufacture of which spirits, wines, or other liquors are used.

It is true that some Federal courts have considered the questions of intent and of labeling as bearing upon the taxability of the manufacture and sale of the compounds here under discussion. But after a careful study of the law, the court decisions, and previous office rulings, this office is compelled to follow those decisions which take the opposite view. *United States v. Stafford*, 20 Fed. Rep., 720; 17 Encyclopædia of Law, 205; 36 Internal Revenue Record, 129; T. D. 19333. This construction of the law is fully justified also from an administrative point of view, for any other would either open the way to enormous frauds on the revenue, as experience has shown, or to the taxation of manufactures, which it was the evident intent of Congress not to tax.

The same general rule will apply to soft drink flavors where wines or distilled spirits are used for their own flavors mixed with simple sirups. If in the preparation of such flavors as claret or champagne phosphates only enough spirits is added to the sirup so that when diluted for use as a beverage there will be found but an inappreciable percentage of spirits, such a percentage as is usually disre-

garded when considering the taxability of a light fermented liquor, then no tax will be assessed for their manufacture or sale. The sirup thus prepared is not in itself an alcoholic beverage, and when diluted so as to contain less than one-half of 1 per cent of spirits, it can hardly be regarded as such beverage.

Summing up, therefore, this office holds that special tax is required for the manufacture and sale of alleged medicinal alcoholic compounds, or for the sale of malt extracts manufactured from fermented liquors, the drugs used in the manufacture of which are not sufficient in amount or character to render the product unfit for use as a beverage; or, in the case of cordials, extracts, and essences, in which the amount of alcohol is greater than is necessary to preserve the ingredients, or to exact the properties or cut the oils, and hold same in solution.

Manufacturers of alcoholic medicinal compounds, malt extracts, flavoring extracts, essences, and soda-water sirups who wish to avoid liability for special taxes must satisfy themselves that their products are within the limits herein defined, and those who put out alcoholic compounds of doubtful medicinal value, or containing a questionable excess of alcohol, must do so at the risk of being required to pay special taxes for the manufacture and sale of same.

Respectfully,

JOHN G. CAPERS,
Commissioner.

Mr. J. O. BENDER,

Internal-Revenue Agent, New Orleans, La.

Treasury Decision No. 1251, 1907.

List of alcoholic medicinal preparations for the sale of which special tax is required.

Angostura Aromatic Tincture Bitters.	De Witt's Stomach Bitters.
Aroma Stomach Bitters.	Dick's Nutritive Elixir. ^a
Atwood's La Grippe Specific.	Dr. Dade's Blackberry Cordial.
Augauer Bitters.	Dr. Bouvier's Buchu Gin.
Augauer Kidney-Aid	Dr. Fowler's Meat and Malt.
Belvedere Stomach Bitters.	Dr. Gray's Tonic Bitters.
Bonekamp Stomach Bitters.	Dr. Hortenbach Stomach Bitters.
Bonekamp Bitters.	Dr. Worme's Gesundheit Bitters.
Brown's Aromatic Cordial Bitters.	Dr. Rattinger's Bitters.
Brown's Vin Nerva Tonic.	Duffy's Malt Whiskey.
Botanic Bitters.	Ducro's Alimentary Elixir.
Cinchona Bitters.	Gilbert's Rejuvenating Iron and Herb Juice.
Clifford's Cherry Cure.	Ginger Tonic.
Cooper's Nerve Tonic.	Ginseng Cordial.
Cuban Gingeric.	Green's Chill Tonic.
Dandelion Bitters.	

^a See also Circular 727, July 1, 1908.

Harrison's Quinine Tonic.
 Jerome's Dandelion Stomach Bitters.
 Jones' Stomach Bitters.
 Juni-Kola.
 K. K. K.
 Katarno.
 Kudros.
 Laxa Bark Tonic.
 Lemon Ginger.
 Magen Bitters.
 Meta Multa.
 Obermueller's Bitters.

Old Dr. Scroggin's Bitters.
 Panama Bitters.
 Rockandy Cough Cure.
 Royal Pepsin Tonic.
 Scheetz Bitter Cordial.
 Smith's Bitters.
 U-Go.
 Uncle Josh's Dyspepsia Cure.
 Warner's Stomach Bitters.
 Westphalia Stomach Bitters.
 William's Kidney Relief.

Treasury Department Circular No. 713; 1907.

Additional list of alcoholic medicinal preparations for the sale of which special tax is required.

American Alimentary Elixir.
 Aromatic Bitters.
 Bismarck Laxative Bitters.
 Bismarck's Royal Nerve Tonic.
 Blackberry (Karles Medicine Company).
 Blackberry Cordial (International Extract Company).
 Blackberry Cordial (Irondequoit Wine Company).
 Blackberry Cordial (Strother Drug Company).
 Blackberry and Ginger Cordial (Standard Chemical Company).
 Black Tonic.
 Bradenberger's Colocynthis.
 Brown's Utryme Tonic.
 Celery Pepsin Bitters.
 Clifford's Peruvian Elixir.
 Crescent Star Jamaica Ginger.
 Coca Wine.
 Colasaya.
 Dr. Brown's Blackberry Cordial.
 Dr. Brown's Tonic Bitters.
 Dr. Hopkins' Union Stomach Bitters.
 Dr. Hoffman's Golden Bitters.
 Dr. Sterki's Ohio Bitters.
 Dubonnet.
 Dubonnet Wine.
 Elixir of Bitter Wine (Pleasant Tonic Bitters Company).
 Elixir Calisaya.
 Eucalyptus Cordial.
 Ferro China Bascal.
 Ferro China Bissler.
 Ferro Quina Bitters.

Fine Old Bitter Wine.
 Gastrophan.
 Gentian Bitters.
 Genuine Bohemian Malted Bitter Wine Tonic.
 Glycerine Tonic (Elixir Pepsin).
 Greiner's Blackberry Cordial.
 Health Bitters.
 Herbtan.
 Herbs Bitters.
 Jack Pot Laxative Bitter Tonic.
 Jarvis Blackberry Brandy.
 Juniper Kidney Cure.
 Karlsbader Stomach Bitters.
 Kola and Celery Bitters.
 Kola Wine.
 Kreuzberger's Stomach Bitters.
 Lee's Celebrated Stomach Bitters.
 Mikado Wine Tonic.
 Milburn's Kola and Celery Bitters.
 Miod Honey Wine.
 Neuropin.
 Newton's Nutritive Elixir.
 O'Hare's Bitters.
 Old Doctor Jacques Stomach Bitters.
 Our Ginger Brandy.
 Ozark Stomach Bitters.
 Pepsin Stomach Bitters.
 Peptonic Stomach Bitters.
 Pioneer Ginger Bitters.
 Quinquina Dubonnet.
 Rimsovo Malto-Sove Vino Chino.
 Severa's Stomach Bitters.
 Sirena Tonic.
 Smart Weed.
 Steinkonig's Stomach Bitters.

St. Raphael Quinquina.
Strauss Exhilarator.
Tatra.
Tolu Rock and Rye.

True's Magnetic Cordial.
White's Dyspepsia Remedy.
Zeman's Medicinal Bitter Wine.

The formula for the manufacture of Dick's Nutritive Elixir, listed on Circular 713, has been modified, and special tax is not required for the sale, for medicinal use, of the preparation bearing a label showing that it was manufactured subsequent to May 5, 1908.

Treasury Department Circular No. 727; July 1, 1908.

ANTITOXIC SERUMS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after six months after the promulgation of the regulations authorized by section four of this Act no person shall sell, barter, or exchange, or offer for sale, barter, or exchange in the District of Columbia, or send, carry, or bring for sale, barter, or exchange from any State, Territory, or the District of Columbia into any State, Territory, or the District of Columbia, or from any foreign country into the United States, or from the United States into any foreign country, any virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention and cure of diseases of man, unless (a) such virus, serum, toxin, antitoxin, or product has been propagated and prepared at any establishment holding an unsuspended and unrevoked license, issued by the Secretary of the Treasury as hereinafter authorized, to propagate and prepare such virus, serum, toxin, antitoxin, or product for sale in the District of Columbia, or for sending, bringing, or carrying from place to place aforesaid; nor (b) unless each package of such virus, serum, toxin, antitoxin, or product is plainly marked with the proper name of the article contained therein, the name, address, and license number of the manufacturer, and the date beyond which the contents can not be expected beyond reasonable doubt to yield their specific results: *Provided*, That the suspension or revocation of any license shall not prevent the sale, barter, or exchange of any virus, serum, toxin, antitoxin, or product aforesaid which has been sold and delivered by the licentiate prior to such suspension or revocation, unless the owner or custodian of such virus, serum, toxin, antitoxin, or product aforesaid has been notified by the Secretary of the Treasury not to sell, barter, or exchange the same.

Sec. 2. Labeling. That no person shall falsely label or mark any package or container of any virus, serum, toxin, antitoxin, or product aforesaid; nor alter any label or mark on any package or container of any virus, serum, toxin, antitoxin, or product aforesaid so as to falsify such label or mark.

Sec. 3. Inspection. That any officer, agent, or employee of the Treasury Department, duly detailed by the Secretary of the Treasury for that purpose, may during all reasonable hours enter and inspect any establishment for the propagation and preparation of any virus, serum, toxin, antitoxin, or product aforesaid for sale, barter, or exchange in the District of Columbia, or to be sent, carried, or brought from any State, Territory, or the District of Columbia into any other State or Territory or the District of Columbia, or from the United States into any foreign country, or from any foreign country into the United States.

Sec. 4. Board to make rules; proviso. That the Surgeon-General of the Army, the Surgeon-General of the Navy, and the supervising Surgeon-General of the

Marine-Hospital Service, be, and they are hereby, constituted a board with authority, subject to the approval of the Secretary of the Treasury, to promulgate from time to time such rules as may be necessary in the judgment of said board to govern the issue, suspension, and revocation of licenses for the maintenance of establishments for the propagation and preparation of viruses, serums, toxins, antitoxins, and analogous products, applicable to the prevention and cure of diseases of man, intended for sale in the District of Columbia, or to be sent, carried or brought for sale from any State, Territory, or the District of Columbia, into any other State, Territory, or the District of Columbia, or from the United States into any foreign country, or from any foreign country into the United States: *Provided*, That all licenses issued for the maintenance of establishments for the propagation and preparation in any foreign country of any virus, serum, toxin, antitoxin, or product aforesaid, for sale, barter, or exchange in the United States, shall be issued upon the condition that the licentiates will permit the inspection of the establishment where said articles are propagated and prepared, in accordance with section three of this Act.

Sec. 5. Secretary of Treasury to enforce act. That the Secretary of the Treasury be, and he is hereby, authorized and directed to enforce the provisions of this Act and of such rules as may be made by authority thereof; to issue, suspend, and revoke licenses for the maintenance of establishments aforesaid, and to detail for the discharge of such duties such officers, agents, and employees of the Treasury Department as may in his judgment be necessary.

Sec. 6. Interference with enforcement. That no person shall interfere with any officer, agent, or employee of the Treasury Department in the performance of and duty imposed upon him by this Act or by regulations made by authority thereof.

Sec. 7. Violation. That any person who shall violate, or aid or abet in violating, any of the provisions of this Act shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 8. Repeal. That all Acts and parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Approved July 1, 1902, U. S. Statutes at Large, vol. 32, pt. 1, p. 728.

IMPORTATION OF OPIUM BY CHINESE PROHIBITED.

Section 1. Prohibition. *Be it enacted, etc.*, That the importation of opium into any of the ports of the United States by any subject of the Emperor of China is hereby prohibited.

Every person guilty of a violation of the preceding provision shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars nor less than fifty dollars, or by imprisonment for a period of not more than six months nor less than thirty days, or by both such fine and imprisonment, in the discretion of the court.

Sec. 2. Forfeiture of opium by Chinese. Every package containing opium, either in whole or in part, imported into the United States by any subject of the Emperor of China, shall be deemed forfeited to the United States; and proceedings for the declaration and consequences of such forfeiture may be instituted in the courts of the United States as in other cases of the violation of the laws relating to other illegal importations.

Sec. 3. Importation, transportation and trafficking in opium in China by citizens of the United States prohibited; penalty; jurisdiction of offenses; forfeiture. No citizen of the United States shall import into any of the open ports of China, nor transport the same from one open port to any other open

port, or buy or sell opium in any of such open ports of China, nor shall any vessel owned by citizens of the United States, or any vessel, whether foreign or otherwise, employed by any citizen of the United States, or owned by any persons not citizens of the United States, take or carry opium into any of such citizen of the United States, either in whole or in part, and employed by open ports of China, or transport the same from one open port to any other open port, or be engaged in any traffic therein between or in such open ports or any of them. Citizens of the United States offending against the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars nor less than fifty dollars, or by both such punishments in the discretion of the court. The consular courts of the United States in China, concurrently with any district court of the United States in the district in which any offender may be found, shall have jurisdiction to hear, try, and determine all cases arising under the foregoing provisions of this section subject to the general regulations provided by law. Every package of opium or package containing opium, either in whole or in part, brought, taken, or transported, trafficked, or dealt in contrary to the provisions of this section, shall be forfeited to the United States, for the benefit of the Emperor of China; and such forfeiture, and the declaration and consequences thereof, shall be made, had, determined, and executed by the proper authorities of the United States exercising judicial powers within the Empire of China. *Act of Feb. 23, 1887.*

U. S. Compiled Statutes, 1901, vol. 3, pp. 3198-3199.

5382. *Forbidding the sale of opium in certain islands of the Pacific; punishment.* Any person subject to the authority of the United States who shall give, sell, or otherwise supply * * * opium to any aboriginal native of any of the Pacific islands lying within the twentieth parallel of north latitude and the fortieth parallel of south latitude and the one hundred and twentieth meridian of longitude west and one hundred and twentieth meridian of longitude east of Greenwich, not being in the possession or under the protection of any civilized power, shall be punishable by imprisonment not exceeding three months, with or without hard labor, or a fine not exceeding fifty dollars, or both. And in addition to such punishment all articles of a similar nature to those in respect to which an offense has been committed found in the possession of the offender may be declared forfeited.

Sec. 2. *Exception as to opium, etc., given for medical purposes.* If it shall appear to the court that such opium, * * * have been given bona fide for medical purposes it shall be lawful for the court to dismiss the charge.

Sec. 3. *Offenses against act committed on high seas, etc.; jurisdiction.* All offenses against this Act committed on any of said islands or on the waters, rocks, or keys adjacent thereto shall be deemed committed on the high seas on board a merchant ship or vessel belonging to the United States, and the courts of the United States shall have jurisdiction accordingly. *Act of Feb. 14, 1902.*

U. S. Compiled Statutes 1901, Supplement of 1907, pp. 1084-85.

POSTAL LAWS REGARDING TRANSMISSION OF DRUGS, ETC.

Cocaine, etc., excluded from the mails. No part of the appropriations herein made shall be used to pay for the carrying in the mails any malt, vinous, or spirituous liquors, or intoxicating liquors of any kind, or cocaine or derivative thereof.

United States Statutes, 1908, 60th Cong., 1st sess., pt. 1, chap. 206, p. 418.

Appropriation for the Post-Office Department.

Sec. 3878. *Poisons, etc., excluded from the mails.* All liquids, poisons * * * and obscene books shall be excluded from the mails. * * *

Revised Statutes, 2d ed., 1878, p. 756.

3929. *Schemes or devices for obtaining money by means of false or fraudulent pretenses, representations, or promises.* The Postmaster-General may, upon evidence satisfactory to him * * * that any person or company is conducting any scheme or device for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, instruct postmasters at any post office at which registered letters arrive directed to any such person or company, or to the agent or representative of any such person or company, whether such agent or representative is acting as an individual or as a firm, bank, corporation, or association of any kind, to return all such registered letters to the postmasters at the office at which they were originally mailed, with the word "Fraudulent" plainly written or stamped upon the outside thereof, and all such letters so returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the Postmaster-General may prescribe. But nothing contained in this section shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself. The public advertisement by such person or company so conducting such * * * scheme, or device, that remittances for the same may be made by registered letters to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster-General shall not be precluded from ascertaining the existence of such agency in any other legal way satisfactory to himself.

4041. *Money orders not issued to persons conducting fraudulent enterprises; prima facie evidence.* The Postmaster-General may, upon evidence satisfactory to him * * * that any person or company is conducting any other scheme for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, forbid the payment by any postmaster to said person or company of any postal money-orders drawn to his or its order, or in his or its favor, or to the agent of any such person or company, whether such agent is acting as an individual or as a firm, bank, corporation or association of any kind, and may provide by regulation for the return to the remitters of the sums named in such money-orders. But this shall not authorize any person to open any letter not addressed to himself. The public advertisement by such person or company so conducting any such * * * scheme or device, that remittances for the same may be made by means of postal money-orders to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster-General shall not be precluded from ascertaining the existence of such agency in any other legal way. *Act of September 19, 1890.*

Revised Statutes, Supplement of 1891, vol. 1, p. 803-804.

Sec. 4. *Powers conferred upon Postmaster-General.* That the powers conferred upon the Postmaster-General by the Statute of eighteen hundred and ninety, chapter nine hundred and eight, section two, are hereby extended and made applicable to all letters or other matter sent by mail. (*Act of March 2, 1895.*)

28 U. S. Statutes at Large, 53d Congress, p. 964.

5480. Sec. 2. *Using fictitious name or address.* That any person who, in and for conducting, promoting, or carrying on, in any manner by means of the Post-Office Establishment of the United States, any scheme or device mentioned in the preceding section, or any other unlawful business whatsoever, shall use or assume or request to be addressed by any fictitious, false, or assumed title, name, or address, or name other than his own proper name, or shall take or receive from any post-office of the United States any letter, postal-card, or packet addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own lawful and proper name, shall, upon conviction, be punishable as provided in the first section of this act.

Sec. 3. *Mail addressed to fictitious name.* That the Postmaster-General may, upon evidence satisfactory to him, that any person is using any fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on, or assisting therein, by means of the Post-Office Establishment of the United States, any business scheme or device in violation of the provisions of this act, instruct any postmaster at any post-office at which such letters, cards, or packets, addressed to such fictitious, false, or assumed name or address arrive to notify the party claiming or receiving such letters, cards, or packets to appear at the post-office and be identified; and if the party so notified shall fail to appear and be identified, or if it shall satisfactorily appear that such letters, cards, or packets are addressed to a fictitious, false, or assumed name or address, such letters, postal-cards, or packages shall be forwarded to the dead-letter office as fictitious matter. (*Act of March 2, 1889.*)

Revised Statutes, Supplement of 1891, vol. 1, p. 694.

TRADE-MARKS.

Sec. 20. *Registry of trade-marks.* * * * and no trade-mark will be registered which is used in unlawful business, or upon any article injurious in itself, or which has been used with the design of deceiving the public in the purchase of merchandise, * * *

Sec. 21. *Suit not to be maintained in case of spurious trade-marks.* No action or suit shall be maintained under the provisions of this Act in any case when the trade-mark is used in unlawful business, or upon any article injurious in itself, or which mark has been used with the design of deceiving the public in the purchase of merchandise, or has been abandoned, or upon any certificate of registration fraudulently obtained. (*Act of Feb. 20, 1905.*)

33 United States Statutes at Large, pt. 1, chap. 592, p. 729.

DENATURED ALCOHOL.

Use of denatured alcohol in liquid medicinal preparations forbidden; penalty. Any person who uses alcohol withdrawn from bond (for denaturing) under the provisions of section one of this act for manufacturing any beverage or liquid medicinal preparation, or knowingly sells any beverage or liquid medicinal preparation made in whole or in part from such alcohol, shall on conviction of each offense be fined not more than five thousand dollars, or be imprisoned not more than five years, or both, and shall, in addition, forfeit to the United States all personal property used in connection with his business, together with the buildings and lots or parcels of ground constituting the premises on which said unlawful acts are performed or permitted to be performed: Provided, That manufacturers employing processes in which alcohol, used free of tax under the provisions of this act, is expressed or evaporated

from the articles manufactured shall be permitted to recover such alcohol and to have such alcohol restored to a condition suitable solely for reuse in manufacturing processes under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. *Act of June 7, 1906.*

U. S. Compiled Statutes, 1901, Supplement of 1907, p. 625.

Amendment permitting use in the manufacture of ether, chloroform, etc. Be it enacted, &c., That notwithstanding anything contained in the act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June seventh, nineteen hundred and six, domestic alcohol when suitably denatured may be withdrawn from bond without the payment of internal-revenue tax and used in the manufacture of ether and chloroform and other definite chemical substances where said alcohol is changed into some other chemical substance and does not appear in the finished product as alcohol: Provided, That rum of not less than one hundred and fifty degrees proof may be withdrawn, for denaturation only, in accordance with the provisions of said act of June seventh, nineteen hundred and six, and in accordance with the provisions of this Act. *Act of March 2, 1907.*

U. S. Compiled Statutes 1901, Supplement 1907, p. 627.

RED CROSS ACT.

Sec. 4. Unauthorized use of insignia of Red Cross Society forbidden. From and after the passage of this Act it shall be unlawful for any person within the jurisdiction of the United States * * *. Nor shall it be lawful for any person or corporation, other than the Red Cross of America, not now lawfully entitled to use the sign of the Red Cross, hereafter to use such sign or any insignia colored in imitation thereof for the purposes of trade or as an advertisement to induce the sale of any article whatsoever. If any person violates the provisions of this section, he shall be guilty of a misdemeanor and shall be liable to a fine of not less than one nor more than five hundred dollars, or imprisonment for a term not exceeding one year, or both, for each and every offense. The fine so collected shall be paid to the American National Red Cross. (*Act Jan. 5, 1905.*)

U. S. Statutes at Large, 1903-5, vol. 33, pt. 1, p. 601.

ABORTIFACIENTS.

3893. Articles for indecent or immoral use not mailable. * * * Every article or thing designed or intended for the prevention of conception or procuring of abortion, and every article or thing intended or adapted for any indecent or immoral use, and every written or printed card, letter, circular, book, pamphlet, advertisement or notice of any kind giving information, directly or indirectly, where or how, or of whom, or by what means any of the hereinbefore mentioned matters, articles or things may be obtained or made, whether sealed as first-class matter or not, are hereby declared to be non-mailable matter, and shall not be conveyed in the mails nor delivered from any post-office nor by any letter-carrier; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be non-mailable matter, and any person who shall knowingly take the same, or cause

the same to be taken, from the mails for the purpose of circulating or disposing of, or of aiding in the circulation or disposition of the same, shall, for each and every offense, be fined upon conviction thereof not more than five thousand dollars, or imprisoned at hard labor not more than five years, or both, at the discretion of the court. And all offenses committed under the section of which this is amendatory, prior to the approval of this act, may be prosecuted and punished under the same in the same manner and with the same effect as if this act had not been passed; Provided, That nothing in this act shall authorize any person to open any letter or sealed matter of the first-class not addressed to himself. (*Act of June 8, 1872; amended 1876 and 1888.*)

U. S. Compiled Statutes, 1901, vol. 2, p. 2658.

5389. *The sale of abortifacients prohibited.* Every person who, within the District of Columbia or any of the Territories of the United States, or other place within the exclusive jurisdiction of the United States, sells, or lends, or gives away, or in any manner exhibits, or offers to sell, or to lend, or to give away, or in any manner to exhibit, * * * or has in his possession, for any such purpose, * * * any drug or medicine, or any article whatever, for the prevention of conception, or for causing unlawful abortion, or who advertises the same for sale, or writes or prints, or causes to be written or printed, any card, circular, book, pamphlet, advertisement, or notice of any kind, stating when, where, how, or of whom, or by what means, any of the articles in this section hereinbefore mentioned can be purchased or obtained, or manufactures, draws, or prints, or in any wise makes any of such articles, shall be imprisoned at hard labor in the penitentiary for not less than six months nor more than five years for each offense, or fined not less than one hundred dollars nor more than two thousand dollars, with costs of court. (*Rev. Stat., 1878, p. 1044.*)

Federal Statutes, Annotated, 1905, vol. 5, p. 381.

5389. *Interstate traffic in abortifacients, etc., prohibited.* That it shall be unlawful for any person to deposit with any express company or other common carrier for carriage from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia * * * any article or thing designed or intended for the prevention of conception or procuring of abortion, or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any of the hereinbefore mentioned articles, matters, or things may be obtained or made; and any person who shall knowingly deposit, or cause to be deposited, with any express company or other common carrier for carriage from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or who shall take from such express company or other common carrier with intent to sell, distribute, or circulate any matter or thing herein forbidden to be deposited for carriage, shall for each offense, upon conviction thereof be fined not more than five thousand dollars or imprisoned at hard labor not more than five years, or both, at the discretion of the court. (*Act of Feb. 8, 1897.*)

Federal Statutes, Annotated 1905, vol. 5, p. 381.

ALABAMA.

The law regarding adulteration of drugs, effective January 1, 1908, is simple and somewhat vague in its terms. Sections 1624 and 1625 seem to charge the board of pharmacy with some responsibility for its enforcement. State's attorneys must prosecute violators upon complaint.

Cocaine, eucaïne, and morphine may be sold only on prescription, and in quantities not exceeding 5 grains, unless prescribed with other drugs. Such prescription may be refilled only on written order.

The sale, for the external or internal use of man, of preparations containing wood alcohol is unlawful.

Sale of soft drinks, sweetened or colored with derivatives of coal-tar or mineral substances or sweetened with other than pure fruit sirups, cane or beet sugar, is prohibited.

REGISTERED PHARMACISTS.

1621. Practice of pharmacy. The said board of pharmacy shall, upon application, made in such form as may be required by said board, and at such time and place, and in such manner as they may determine, either by a schedule of questions to be answered and subscribed under oath, or orally, examine each and every person, who has had a practical experience of one year in compounding physicians' prescriptions, and in the general duties of pharmacy, and who is a person of good moral character and temperate habits, who shall desire to conduct the business of selling at retail, compounding or dispensing drugs, medicines, or chemicals for medicinal use, or compounding or dispensing physicians' prescriptions as pharmacists, and if a majority of said board shall be satisfied that said person is competent and fully qualified to conduct said business of compounding or dispensing drugs, medicines, and chemicals for medicinal use, or to compound or dispense physicians' prescriptions, they shall enter the name of such person as a registered pharmacist in a book provided for it in section 1619 of this Code. Any person or persons not a pharmacist or druggist may open and conduct such store, if he or they keep constantly in their employ a registered pharmacist or druggist; but shall not himself or themselves sell or dispense drugs or medicines except proprietary and patent medicines in original packages.

Code, 1907, vol. 1, p. 716.

7549. Only registered pharmacists may practice; penalty. Any person not a registered pharmacist within the meaning of this chapter, who shall conduct any pharmacy, drug store, apothecary shop, or store, located in any village, town, or city in the State of Alabama, of more than nine hundred inhabitants, for the purpose of retailing, compounding, or dispensing medicines or poisons for medical use, except as hereinafter provided, shall be guilty of a misde-

meanor, and, on conviction, shall be fined not less than twenty-five nor more than fifty dollars for each and every offense.

7550. *Practicing pharmacy in towns of more than 900 inhabitants.* The proprietor of any store or pharmacy in any village, town, or city in the State of Alabama, of more than nine hundred inhabitants, or within two miles of any incorporated city or town of more than nine hundred inhabitants, who shall allow any person except a registered pharmacist to compound or dispense the prescriptions of physicians, or to retail or dispense poisons for medical use, except as an aid to and under the supervision of a registered pharmacist, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

7559. *False registration of pharmacists.* Any person who shall procure or attempt to procure registration for himself or for another, under the laws of this state regulating the practice of pharmacy, by making or causing to be made false representation, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be liable to a penalty of not less than twenty-five dollars nor more than one hundred dollars, and the name of the person so falsely registered shall be stricken from the register.

7560. *Practicing pharmacy without registration.* Any person not a registered pharmacist, as provided for in the laws regulating the practice of pharmacy in this state, who shall conduct a store, pharmacy, or place for retailing, compounding, or dispensing drugs, medicines, or chemicals, for medicinal use, or for compounding, or dispensing physicians' prescriptions, or who shall take, use, or exhibit the title of registered pharmacist, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars.

7561. *Physicians putting up own prescriptions exempt.* This chapter shall not apply to physicians putting up their own prescriptions. *Gen. Acts, 1907, No. 609, pp. 553-559.*

Code, 1907 (Criminal), vol. 3, chap. 269, pp. 831-834.

ITINERANT VENDORS OF DRUGS.

7558. *Vendors must have license; penalty.* Any itinerant vendor of any drug, poison, ointment, or appliance of any kind, intended for treatment of any disease or injury, who shall, by writing or printing, or any other method, publicly profess to cure or treat disease or injury or deformity by any drug, nostrum or manipulation, or other expedient, without a license and contrary to law, shall be guilty of a misdemeanor, and, upon conviction, shall be fined one hundred dollars for each and every offense. (*Gen. Acts, 1907, No. 609, p. 557.*)

Code, 1907 (Criminal), vol. 3, chap. 269, p. 833.

SALE OF POISONS.

7552. *Sale of poisons regulated.* It shall be unlawful for any person to retail any poisons enumerated below: Arsenic and any of its preparations, corrosive sublimate, white and red precipitate, biniodide of mercury, cyanide potassium,^a hydrocyanic acid, strychnine and all other poisonous vegetable drugs, alkaloids and their salts and the essential oil almonds,^a opium and its preparations, except paragoric^a and other preparations of opium containing less than two grains to the ounce; aconite, belladonna, colchicum, conium, nux vomica, henbane, savine, ergot, cotton root, cantharides, creosote, veratrum, digitalis and other pharma-

^a So in Statutes.

ceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic and oxalic acids without labeling the box, vessel, or paper in which said poison is contained with the name of the article, the word "poison," and the name and place of business of the seller; nor shall it be lawful for any person to deliver or sell any poison enumerated above unless upon inquiry it is found that the purchaser is aware of the poisonous character and represents that it is used for a legitimate purpose.

7553. Sale of cocaine, eucaïne, and morphine regulated. It shall be unlawful to sell, give away, or exchange or otherwise dispose of at retail, cocaine and its salts, eucaïne and its salts, morphine, except upon the prescription of a duly and legally licensed physician, surgeon, or dentist, and then, only in quantities not exceeding five grains, unless prescribed with other drugs. Such prescription shall not be refilled, except by order of the physician, surgeon, or dentist originally prescribing the same.

7554. Methyl alcohol or wood spirits, sale of. It shall be unlawful to sell, offer, or expose for sale or otherwise dispose of or have in possession any preparation or product intended for the use of man, either for internal or external purposes, which contains methyl alcohol or wood spirits.

7555. Penalty for violating provisions of chapter. Any person, firm, or corporation violating any of the provisions of the three preceding sections shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty nor more than one hundred dollars for each and every offense.

7556. Sales upon prescriptions excepted. The provisions of the four preceding sections shall not apply to the dispensing of poisons in not unusual quantities or doses, upon the prescription of practitioners of medicine.

7557. Wholesale dealers, importers, jobbers, etc., exempt. Nothing contained in sections 7552 to 7554 shall be construed to restrict or prohibit sales of any of the above enumerated articles in bulk to each other by importers, jobbers, manufacturers, or retailers in original packages.

7563. Prosecutions by State. All suits for the recovery of the several penalties prescribed in this chapter shall be presented in the name of the State of Alabama in any court having jurisdiction, the state's attorney of the county wherein such offense is committed shall present all persons violating the provisions of this chapter complaint being made.

Code, 1907 (Criminal), vol. 3, chap. 269, pp. 832-834.

7578. To what cases applicable. The provisions of the preceding section shall not apply to the dispensing of poisons in usual quantities or doses upon the prescription of licensed practitioners of medicine, nor to manufacturers making and selling poisons at wholesale.

Code, 1907 (Criminal), vol. 3, chap. 272, pp. 844-845.

ADULTERATION OF DRUGS.

1624. Pharmacists responsible for quality of drugs. Every registered pharmacist, apothecary, or owner of a drugstore, shall be held responsible for the quality of all drugs, chemicals, or medicines he may sell or dispense, with the exception of those sold in original packages of the manufacturer, and also those known as proprietary. (*Gen. Acts, 1907, sec. 7, p. 556.*)

1625. Appropriation. The sum of five hundred dollars a year, or as much thereof as may be found necessary, is appropriated out of the moneys received for licenses for the expense of said board of pharmacy; all surplus over and

above said amount to be divided as follows: one-half to the Alabama Pharmaceutical Association, and the remainder to be paid into the state treasury. (*Gen. Acts, 1907, sec. 13, p. 558.*)

Code, 1907, (Political), vol. 1, chap. 38, p. 716.

ADULTERATING LIQUORS AND SELLING SAME.

7080. *Adulteration with unwholesome substances prohibited; penalty.* Any manufacturer, brewer, distiller, grocer, tavern-keeper, retailer of spirituous, vinous, or malt liquors, or wholesale dealer of spirituous, vinous, malt liquors, or any other person who makes, distills, sells, or offers to sell, or exposes for sale, or permits his servant, apprentice, clerk, or agent, or other person for him, to sell, offer, or expose for sale, any such liquors which have been adulterated by the mixture or addition of any poisonous, unwholesome substances, or which are composed or compounded, in whole or in part, of any drug or oil, must, on conviction, be fined not less than two hundred and fifty and not more than one thousand dollars. (*Feb. 17, 1885, p. 139.*)

7082. *Adulteration of soda water, etc.* Any person, firm or corporation that shall manufacture, or knowingly sell or give away, or keep for sale any soda water or other soft drink, or beverage sweetened or colored with any syrups or coloring matter made from any coal tar preparation or other mineral substance, or sweetened with any other than pure fruit syrups or pure cane or beet sugar, shall be guilty of a misdemeanor and, upon conviction thereof, may be punished by a fine of not less than ten nor more than two hundred dollars.

Code, 1907, (Criminal), vol. 3, chap. 228, pp. 607-608.

70700—Bull. 98—09—3

ALASKA.

The Federal food and drugs act applies to Alaska. No special provisions are made for enforcing the Oregon statute of 1864, extended over Alaska by Federal statute. Opium, etc., can be sold only on prescription.

SALE OF POISONS.

163. *Penalty for sale without a label.* If any person shall sell or deliver any arsenic, corrosive sublimate, prussic acid, or other poison, without having the word "poison" and the true name thereof in English written or printed upon a label attached to the vial, box, or parcel containing the same, such person, upon conviction thereof, shall be punished by a fine of not less than twenty nor more than one hundred dollars. (*Approved October 19, 1864, Laws of Oregon.*)

Carter's Annotated Codes, 1900, p. 34.

145. *Sale of opium restricted.* It shall be unlawful to sell or give away opium, or any preparation of which opium is the principal medicinal agent, to any person except druggists and practicing physicians, except on the prescription of a practicing physician, written in the English or Latin language; and the druggist filling the prescription shall keep the same on file for one year subject to be inspected by any public officer of the district.

149. *Penalty.* Any person violating any of the four sections last preceding shall be punished by imprisonment in the penitentiary not less than six months nor more than two years, or by imprisonment in the county jail not less than one month nor more than six months, or by fine not less than fifty dollars nor more than five hundred dollars. *Approved November 25, 1885, Laws of Oregon.*

Carter's Annotated Codes, 1900, p. 31.

ADULTERATION OF DRUGS.

158. *Penalty.* If any person shall adulterate, for the purpose of sale, any drug or medicine in such manner as to render the same injurious to health, or shall knowingly sell or offer for sale any adulterated drug or medicine, such person, upon conviction thereof, shall be punished in the manner provided in section one hundred and fifty-six. [*By imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars*], and such adulterated drugs or medicines shall be forfeited and destroyed. (*Approved October 19, 1864, Laws of Oregon.*)

Carter's Annotated Codes, 1900, p. 33.

ARIZONA.

The Federal food and drugs act applies. The enforcement of the territorial law regarding adulteration of drugs, approved March 19, 1903, is intrusted to the board of pharmacy, which can act only on written complaint charging specific violation. All fines collected are placed at the disposal of the board of pharmacy.

REGISTERED PHARMACISTS.

1. *Conduct of drug store and compounding of physician's prescriptions.* It shall be unlawful for any person to conduct any pharmacy or store for dispensing or compounding medicine, unless such person be a registered pharmacist within the meaning of this Act; and it shall be unlawful for any person to compound or dispense any physician's prescriptions, unless such person be a registered pharmacist or a registered assistant pharmacist, within the meaning of this Act, except as hereinafter provided.

Laws 1903, p. 122.

10. *Fraudulent registration; sale of drugs by unregistered pharmacists; penalty; exceptions.* Any person that shall attempt to procure registration for himself, or for any other person under this Act, by making, or causing to be made, any false representations, or who shall fraudulently represent himself to be registered, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined in a sum not exceeding two hundred dollars. Any registered pharmacist who shall permit the compounding and dispensing of prescriptions of medical practitioners in his store by persons not registered, except by junior assistants under the direct supervision of registered persons, or any person not registered, who shall retail medicines or poisons, except in a pharmacy under the supervision of a registered pharmacist, or registered assistant pharmacist, and any registered person who shall fail to comply with the regulations of this Act, shall be guilty of a misdemeanor, and upon conviction thereof be fined not exceeding fifty dollars. Nothing in this Act shall apply to or interfere with the business of any practitioner of medicine who does not keep a pharmacy or open shop for the retailing of medicines or poisons mentioned in this Act.

Nor shall general dealers come under the provisions of this Act, in so far as it relates to the keeping for sale of proprietary medicines in original packages of drugs and medicines, but in no case shall they compound or prepare any pharmaceutical preparations or prescriptions.

Laws 1903, p. 126.

SALE OF POISONS.

9. *Labeling and records; penalty.* It shall be unlawful for any person to retail any poisons enumerated in schedules "A" and "B" appended to this Act, without labeling the bottle, box or paper in which said poison is contained with the name of the article, the word "POISON" and the name and place of business of the seller.

Nor shall it be lawful to sell or deliver any poison named in schedules "A" and "B" unless, on inquiry, it is found that the person is aware of its poisonous character, and that it is to be used for a legitimate purpose. Nor shall it be lawful to sell or deliver any poison included in schedule "A" without making, [or] causing to be made an entry in a book for that purpose only, stating the date of sale, and the name and address of purchaser, the name and quantity of poison sold, the purpose for which it is stated by the purchaser to be required, and the name of the dispenser; said book always to be open for inspection by the proper authorities and to be preserved at least five years.

The provisions of this section shall not apply to the dispensing of poisons, when prescribed by practitioners of medicine, nor to the sale of poisons if a single bottle or package does not contain more than an ordinary dose. Dealers shall affix to every bottle, box or parcel, or other inclosures of an original package containing any of the articles named in schedules "A" and "B" of this Act, a suitable label or brand with the word poison, but they are hereby exempted from the registration of such article when sold at wholesale, or to a registered pharmacist or physician. Any person failing to comply with the requirements of this section shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine not exceeding fifty dollars.

11. *Poison schedules.* * * *

SCHEDULE "A."

Arsenic, corrosive sublimate,^a cyanide of potassium, hydrocyanic acid, strychnia, cocaine, and all other poisonous vegetable alkaloids and their salts, opium and all its preparations, excepting those which contain less than two grains to the ounce.

SCHEDULE "B."

Aconite, belladonna, colchicum, conium, nux vomica, savin, cantharides, phosphorus, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral, sulphate of zinc, sugar of lead, mineral acids, carbolic acids, and oxalic acid, white precipitate, red precipitate, biniodide of mercury, essential oil of almonds.

Laws 1903, pp. 125-127.

ADULTERATION OF DRUGS.

351. *Druggists responsible for mistakes in filling orders.* Every apothecary, druggist or person carrying on business as a dealer in drugs or medicines, or person employed as clerk or salesman by such person, who, in putting up any drugs or medicines, or making up any prescription, or filling any order for drugs or medicines, wilfully, negligently, or ignorantly, omits to label the same, or puts an untrue label, stamp, or other designation of contents upon any box, bottle, or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor, or if death ensues, is guilty of a felony.

Revised Statutes, 1901, p. 1246.

^a So in Statutes.

8. *Manufacture and sale; penalty; prosecution.* No person shall add to or remove from or cause to be added to or removed from any drug, chemical or medicinal preparation, any ingredient or material for the purpose of adulteration or substitution, or which shall deteriorate the quality, commercial value or medicinal effect, or alter the nature of composition of such article, and no person shall knowingly sell, or offer for sale any such adulterated, altered or substituted drug, chemical or medicinal preparation without informing the purchaser of the adulteration or sophistication of the article sold or offered for sale. Every registered pharmacist shall file or cause to be filed all physicians' prescriptions compounded or dispensed in his pharmacy or store; they shall be preserved for two years and he shall furnish a correct copy of any prescription, upon the order or request of the attending physician.

Any person who shall wilfully violate any of the provisions in this section shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to all costs of the action and for the first offense be liable to a fine not exceeding fifty dollars and for each subsequent offense a fine of not less than fifty dollars or more than one hundred dollars, said fine to be paid over to the said Board of Pharmacy.

Upon written complaint being entered against any person or persons charging them with specific violation of any of the provisions of this Act, the Board of Pharmacy is hereby empowered to delegate one of its members or other suitable person, who shall have authority to inspect drugs, chemicals, or medicines, and to make a thorough investigation of the case; he shall then report the result of his investigation and if such report justify such action, the Board shall notify the Prosecuting Attorney or District Attorney, who shall prosecute the offender according to law.

Laws 1903, p. 124-125.

337. *Adulteration or dilution prohibited.* Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, with a fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, or keeps or offers for sale the same as unadulterated or undiluted, is guilty of a misdemeanor.

338. *Tainted products.* Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drank, with intent to permit the same to be eaten or drank, is guilty of a misdemeanor.

Revised Statutes, 1901, p. 1244.

ARKANSAS.

The law regarding adulteration and misbranding of drugs, effective January 1, 1908, resembles the Federal law. The Secretary (Commissioner) of Mines, Manufacturing, and Agriculture is charged with its enforcement. Prescriptions and United States Pharmacopoeia and National Formulary preparations are exempt from the declaration and apparently from the substitution provision of the misbranding clause. The status of drugs sold under official names and labeled as differing from official standards is obscure.

Cocaine may be sold on prescription only.

REGISTERED PHARMACISTS.

5273. *Conduct of drug stores and compounding of prescriptions; penalty.* It shall be unlawful for any person not a registered pharmacist, within the meaning of this act, to conduct any drug store, pharmacy or apothecary shop, or store for the purpose of retailing, compounding or dispensing medicines in any city or incorporated town in the state of Arkansas, except as hereinafter provided, and that it shall be unlawful for the proprietor of such store or pharmacy to allow any person other than a registered pharmacist to compound or dispense the prescriptions of physicians, except as an aid to and under the supervision of a registered pharmacist. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine of not less than five nor more than one hundred dollars. (*Laws 1891, p. 81.*)

Kirby's Digest of Statutes, 1904, chap. 109, p. 1127.

5283. *Penalty; exceptions.* Any person not a registered pharmacist as provided in this act, who shall conduct a drug store or pharmacy, or place for compounding or dispensing drugs, medicines or chemicals for medical use, in any city or incorporated town in the state of Arkansas, or who shall take, use or exhibit the title of registered pharmacist without the same has been regularly conferred on him, as set forth in sections 5278 and 5279 shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty of not less than five nor more than one hundred dollars. Provided any person or persons not a registered pharmacist may own or conduct such a store, if he or they keep constantly in their store a registered pharmacist. Provided further, this act shall not apply to physicians putting up their own prescriptions, nor to the sale of those articles commonly known as "grocers' drugs," nor to the sale of patent or proprietary medicines or non-secret medicines. (*Laws 1891, p. 84.*)

Kirby's Digest of Statutes, 1904, chap. 109, p. 1129.

SALE OF POISONS.

Section 1. *Sale of cocaine regulated.* That section 6382 of Kirby's Digest be and is hereby amended to read as follows: No person shall sell or give away

cocaine or any of its salts, or any preparation or mixture thereof, to anyone except upon a written prescription of a physician or dentist, licensed under the laws of the State. No prescription containing cocaine shall be filled more than once, and each prescription shall have written plainly upon it the name and address of the patient, and shall be filed and preserved by the pharmacist, who shall not give a copy thereof to anyone.

This section shall not be so construed to apply to sales in original packages by manufacturers or dealers, to any druggist, physician or dentist licensed under the laws of this State. Any person who shall sell or give away any of the articles mentioned in this section in violation thereof, and any person who shall prescribe any such articles to anyone addicted to the habitual use of cocaine or any preparation or compound thereof, in any form, shall be punished by a fine of not less than \$25, nor more than \$100, or by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days, and if the person so offending shall be a licensed physician, dentist or pharmacist, in addition to the penalty above set forth, such offender's license shall be revoked upon conviction. Upon complaint being made of a violation of the provisions of this section, the prosecuting attorney of the county wherein the offense is alleged to have been committed shall prosecute such complaints, and to that end shall be authorized to examine the books and files of any dealer within the State for the purpose of tracing the sales of any of the articles herein mentioned.

Laws, 1905, act No. 278, pp. 696-697.

6384. Labeling poisons. It shall be unlawful to sell at retail arsenic and its compounds, strychnine and its salts, corrosive sublimate, hydrocyanic acid, phosphorus, opium, morphine, laudanum, or any preparation of opium containing over two grains to the ounce, without the same be plainly labeled in English with the name of the article, the name of the seller, and the word "Poison."

6385. Penalty. Any person who shall violate any of the provisions of this act shall upon conviction thereof, be sentenced to pay a fine of not less than twenty-five nor more than one hundred dollars for each offense. *Laws 1899, p. 268.*

Kirby's Digest of Statutes, 1904, chap. 127, p. 1322.

ADULTERATION AND MISBRANDING OF DRUGS.

5281. Prohibition; penalty. Any registered pharmacist who shall knowingly, intentionally and fraudulently adulterate or cause to be adulterated any drugs, chemicals or medical preparations, and offer such adulterations for sale, shall be deemed guilty of a misdemeanor, and, upon conviction therefor, his license shall thereby be revoked, and, in addition thereto, he shall be liable to a penalty of not less than five nor more than one hundred dollars. (*Laws 1891, p. 84.*)

Kirby's Digest of Statutes, 1904, chap. 109, p. 1129.

Sec. 1. Adulterated or misbranded drugs. It shall be unlawful for any person to manufacture within the State any * * * drug which is adulterated or misbranded within the meaning of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for such offense shall, upon conviction thereof, be fined not to exceed five hundred dollars, (\$500.00), or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof, shall be fined not less than one thousand

dollars (\$1,000.00), or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

Sec. 2. *Formulating rules and regulations.* The State Treasurer, the Secretary (Commissioner) of Agriculture, Mines and Manufactures, and Secretary of State, shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of * * * drugs manufactured or offered for sale in the State.

Sec. 3. *Examination of specimens; hearings.* The examination of specimens of drugs shall be made by the State Commissioner of Health, or under the direction and supervision of such Commissioners, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this act, and if it shall appear from any such examination that any of such specimens is [are] adulterated or misbranded within the meaning of this act, the Secretary (Commissioner) of Mines, Manufactures and Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained.

Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the Secretary (Commissioner) of Mines, Manufacturing and Agriculture shall at once certify the facts to the proper Prosecuting Attorney, with a copy of the results of the analysis or the examination of such articles, duly authenticated by the analyst or officer making such examination under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

Sec. 4. *Attorney prosecutes violations.* It shall be the duty of each Prosecuting Attorney to whom the Secretary (Commissioner) of Mines, Manufacturing and Agriculture shall report the violation of this act, or to whom any health or food or drug officer or agent of any county shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the State, without delay, for the enforcement of the penalties as in such case herein provided.

Sec. 5. *Term "drug" defined.* The term "drug" as used in this act shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animal.

Sec. 6. *"Adulterated" and "misbranded" defined.* For the purpose of this act an article shall be deemed to be adulterated:

IN CASE OF DRUGS.

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality of purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary, official at the time,^a shall be deemed to be adulterated under these provisions if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container therefor, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary, official at the time.

^a So in Statutes.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

For the purpose of this act an article shall also be deemed misbranded:

IN CASE OF DRUGS.

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put [up] shall have been removed, in whole or in part, other contents shall have been placed in such package, or if the package failed to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chlral hydrate or acetanilide, or any derivative or preparation of any such substance contained therein.

Provided, however, that nothing in this paragraph shall be construed to apply to the dispensing of prescriptions written by regularly licensed practicing physicians, veterinary surgeons and dentists, and kept on file by the dispensing pharmacist, nor to such drugs as are recognized in the United States Pharmacopœia and the National Formulary, and which are sold under the name by which they are recognized.

Sec. 7. Signed guaranty protects dealer. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the State, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecution, fines and other penalties which would attach in due course to the dealer under the provisions of this act.

Sec. 8. Destruction of adulterated and misbranded drugs. The State Treasurer shall deliver to the Secretary (Commissioner) of Mines, Manufacturing and Agriculture, upon his request from time to time, samples of drugs which are being manufactured in the State, or offered for sale, giving notice thereof to the owner, who may appear before the Secretary (Commissioner) of Mines, Manufacturing and Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any * * * drugs offered to be manufactured or for sale, is adulterated or misbranded within the meaning of this act, or is otherwise dangerous to the health of the people of the State, the State Treasurer shall cause the destruction of any goods refused to be manufactured or sold within three months from the date of notice of such refusal, under such regulations as the State Treasurer may prescribe.

Sec. 9. Effect. This act shall be in force and effect from and after the first day of January, 1908.

Sec. 10. Repeal. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved May 28, 1907. Acts, 1907, act 431, pp. 1155-1161.

CALIFORNIA.

The law regarding adulteration and misbranding of drugs, effective January 1, 1908, resembles the Federal law. The State board of health is charged with its enforcement under regulations conforming to those of the National law. Prescriptions are exempt from the declaration and apparently from the substitution provision of the misbranding clause.

The board of pharmacy to institute prosecution of adulteration under pharmacy law, effective July 1, 1905. Fines for violations under this act are paid to the board of pharmacy.

Opium, morphine, etc., may be sold on prescription only.

REGISTERED PHARMACISTS.

Sec. 1. *Compounding and vending of drugs.* From and after the passage of this act it shall be unlawful for any person to manufacture, compound, sell, or dispense any drug, poison, medicine or chemical, or to dispense or compound any prescription of a medical practitioner, unless such person be a registered pharmacist or a registered assistant pharmacist within the meaning of this act, except as hereinafter provided. Every store, dispensary, pharmacy, laboratory or office for the sale, dispensing or compounding of drugs, medicines or chemicals, or for the dispensing of prescriptions of medical practitioners, shall be in charge of a registered pharmacist. A registered assistant pharmacist may be left in charge of a store, dispensary, pharmacy, laboratory or office for the sale, dispensing, or compounding of drugs, medicines or chemicals or for the dispensing of prescriptions of medical practitioners only during the temporary absence of the registered pharmacist. Temporary absence within the meaning of this act shall be held to be only those unavoidable absences which may occur during a day's work, and when the registered pharmacist in charge shall be within immediate call, ready and able to assume the direct supervision of said pharmacy. No registered assistant shall conduct a pharmacy. Every store or shop where drugs, medicines or chemicals are dispensed or sold at retail, or displayed for sale at retail, or where prescriptions are compounded, which has upon it or in it as a sign, the words "pharmacist," "pharmaceutical chemist," "apothecary," "druggist," "pharmacy," "drug store," "drugs" or any of these words, or the characteristic show-bottles or globes, either colored or filled with colored liquids, shall be deemed a "pharmacy" within the meaning of this act.

Sec. 2. *Qualifications of pharmacist.* Any person in order to be a registered pharmacist must be a licentiate in pharmacy, or a practicing pharmacist.

Sec. 3. *Licentiates.* Licentiates in pharmacy are persons who have had five years' experience in stores where the prescriptions of medical practitioners are compounded, and shall have passed an examination before the State Board of Pharmacy, or who shall present satisfactory evidence to the said board that they

have had twenty years' actual experience in the practice of pharmacy; *provided*, that graduates from a reputable college of pharmacy may be registered after eighteen years of like experience. * * *

Sec. 4. *Licentiate and assistant pharmacist.* * * * No person shall be examined or registered as a licentiate, unless such person has had five years' pharmaceutical experience in a pharmacy under the supervision of a registered pharmacist; *and provided further*, that no person shall be examined or registered as an assistant pharmacist from and after the passage of this act unless such person shall be not less than eighteen years of age and has had not less than three years' instruction and experience in a pharmacy, under a registered pharmacist; or has been registered as an apprentice as provided in Section 15 of this act for not less than three years; *and provided further*, that an applicant for registration as an assistant pharmacist must, first pass a satisfactory examination before the Board of Pharmacy.

Sec. 12. *Compounding prescriptions; penalties; exemptions.* * * * Any person who shall permit the compounding of prescriptions of medical practitioners, or the selling of drugs and medicines, in his or her store or pharmacy, except under the direct, immediate and personal supervision of a registered pharmacist, or any person not registered who shall retail medicine, poisons or chemicals, except in a pharmacy under the direct, immediate and personal supervision of a registered pharmacist, or any person violating any of the provisions of this act, when no other penalty is provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to punishment by a fine of not less than twenty dollars, and not more than one hundred dollars, or by imprisonment of not exceeding fifty days, or by both such fine and imprisonment. All fines recoverable under this act shall be paid by the magistrate receiving the same to the State Board of Pharmacy. Any person convicted of violating the provisions of this act the third time shall in addition to the penalties hereinbefore mentioned have his or her registration as a pharmacist canceled. Nothing in this act shall apply to or interfere with any practitioner of medicine who is duly registered as such by the State Board of Medical Examiners of this State with supplying his own patients, as their physician, and by them employed as such, with such remedies as he may desire, and who does not keep a pharmacy, open shop, or drug store, advertised or otherwise for the retailing of medicines or poisons, nor does this act apply to the exclusively wholesale business of any dealer. Nor does this act apply to registered, trademarked or copyrighted proprietary medicines, registered in the United States Patent Office nor to the sale of proprietary medicines, when manufactured under the supervision of a registered pharmacist in the State of California for which trademarks may have been filed with the Secretary of State of California, by merchants possessing a license issued by the Board of Pharmacy as described in section sixteen of this act. (*Amended Mar. 21, 1907, Sess. Laws 1907, chap. 423, pp. 766-771.*)

Sec. 13. *Penalty for conducting store without registered pharmacist.* Any proprietor of a pharmacy, who not being a registered pharmacist, shall fail or neglect to place in charge of such pharmacy a registered pharmacist, or any such proprietor who shall by himself, or any other person, permit the compounding of prescriptions, or the vending of drugs, medicines, or poisons, in his or her store or place of business, except by or in the presence and under the direct, immediate and personal supervision of a registered pharmacist, or any person, not being a registered pharmacist, who shall take charge of or act as manager of such pharmacy, or store, or who, not being a registered pharmacist, retails, compounds, or dispenses drugs, medicines, or poisons, shall be guilty

of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than twenty dollars, and not more than one hundred dollars, or by imprisonment for a term of not exceeding fifty days, or by both such fine and imprisonment. (*Amended Mar. 21, 1907, Sess. Laws 1907, chap. 423, pp. 766-771.*)

Sec. 16. Permits to general dealers. The Board of Pharmacy may in its discretion issue a permit to general dealers in rural districts, in which the conditions, in their judgment, do not justify the employment of a registered pharmacist, and where the store of such general dealer is not less than two miles distant from the store of a registered pharmacist; which said permit shall authorize the person or firm named therein to sell such ordinary drugs and ordinary household remedies and in such manner and form as the board may from time to time specify, in said locality, but not elsewhere, under such restrictions and regulations as said board may from time to time adopt. The board shall charge an annual fee of twelve dollars in advance, for such permit, and it shall be unlawful for any dealer to sell any drugs or ordinary household remedies without complying with the requirements of this section. Whenever a registered pharmacist shall establish a pharmacy within two miles, by the shortest road, from the place of business of such general dealer, no further license shall be granted, and the license already issued shall be void; and the Board of Pharmacy shall refund to said general dealer the proper proportion of the unexpired license fee paid to the Board of Pharmacy. (*Amended Mar. 21, 1907, Sess. Laws 1907, chap. 423, pp. 766-771.*)

Sec. 18. Recovery of penalties. The several penalties prescribed in this act may be recovered in any court having jurisdiction, by a civil action instituted by the Board of Pharmacy, in the name of the State of California, or by criminal prosecution upon complaint being made; and it shall be the duty of the district attorney of the county wherein violations of the provisions of this act occur to conduct all such actions and prosecutions at the request of the board.

Statutes and amendments to the Codes, 1905, chap. 406, pp. 535-543.

SALE OF POISONS.

Sec. 1. Sale restricted; labels required; records. It shall be unlawful for any person to vend, sell, give away or furnish either directly or indirectly, any poisons enumerated in schedule "A" or in sections eight and nine as hereinafter set forth in this act, without labeling the package, box, bottle or paper in which said poison is contained, with the name of the article, the word "Poison" and the name and place of business of the person furnishing the same. Said label shall be substantially in the form hereinafter provided. It shall be unlawful to sell or deliver any of the poisons named in schedule "A" or any other dangerously poisonous drug, chemical, or medicinal substance, which may from time to time be designated by the State Board of Pharmacy of California, unless on inquiry it is found that the person desiring the same is aware of its poisonous character, and it satisfactorily appears that it is to be used for a legitimate purpose. It shall be unlawful for any person to give a fictitious name or make any false representations to the seller or dealer when buying any of the poisons thus enumerated. Printed notice of all such additions to the schedule of poisons named and provided for in this section, and the antidote adopted by the Board of Pharmacy for such poisons, shall be given to all registered pharmacists with the next following renewal of their certificates. It shall be unlawful to sell or deliver any poison included in schedule "A" or the additions thereto, without making, or causing to be made, an entry in a book kept solely

for that purpose, stating the date and hour of sale, and the name, address, and signature of the purchaser, the name and quantity of the poison sold, the statement by the purchaser of the purpose for which it is required, and the name of the dispenser, who must be a duly registered pharmacist.

Said book shall be in form substantially as follows:

Date and Hour.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Signature of Druggist.	Signature of Purchaser.
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This book shall always be open for inspection by the proper authorities, and shall be preserved for at least five (5) years after the date of the last entry therein.

Sec. 2. Form of label; selling to minors prohibited. The label required by this act, to be placed on all packages of poison, shall be printed upon red paper in distinct white letters, or in distinct red letters upon white paper, and shall contain the word "poison," the "vignette" representing the skull and cross-bones, and the name and address of the person or firm selling the same. The name of an antidote, if any there be for the poison sold, shall also be upon the package. No poison shall be sold or delivered to any person who is less than eighteen years of age.

Sec. 3. Antidote shall appear. It shall be the duty of the State Board of Pharmacy to adopt a schedule of what in their judgment are the most suitable common antidotes for the various poisons usually sold. After the board has adopted the schedule of antidotes as herein provided for, they shall have the same printed and shall forward by mail one copy to each person registered upon their books, and to any other person applying for the same. The particular antidote adopted (and no other) shall appear on the poison label, provided for in section two of this act, or be attached to the package containing said poison. The board shall have power to revise and amend the list of antidotes from time to time, as to them may seem advisable. The entries in the poison book and the printed or written matter provided for in sections two and three of this act, shall be in the English language; *provided*, that the vendor of said poison may enter the same in any foreign language he may desire, in addition to said entry and label in English.

Sec. 4. Sale may be further restricted or prohibited. When in the opinion of the State Board of Pharmacy, it is in the interest of the public health, they are hereby empowered to further restrict, or prohibit the retail sale of any poison by rules, not inconsistent with the provisions of this act, by them to be adopted, and which rules must be applicable to all persons alike. It shall be the duty of the board, upon request, to furnish any dealer with a list of all articles, preparations and compounds, the sale of which is prohibited or regulated by this act.

Sec. 5. Dealer shall affix poison label; exemptions. Wholesale dealers and pharmacists shall affix or cause to be affixed to every bottle, box, parcel or other enclosure of an original package containing any of the articles named in schedule "A" the additions thereto, or in sections eight and nine of this act, a suitable label, or brand with the word "poison," but they are hereby exempted from the registration of the sale of such articles when sold at wholesale to a registered pharmacist, physician, dentist or veterinary surgeon duly licensed to practice in the State; *provided*, that the provisions of this act shall not apply to the sale of such upon the prescriptions of practicing physicians, dentists or veterinary surgeons who are duly licensed to practice in this State.

Sec. 7. *Poison schedule.* * * * Arsenic, its compounds and preparations, chloroform, carbolic acid, chloral hydrate, corrosive sublimate and other poisonous derivatives of mercury, corrosive sublimate tablets, and antiseptic tablets containing corrosive sublimate, cyanide of potassium, essential oil of bitter almonds, ether, hydrocyanic acid, lysol, oils of croton, rue, savin, tansy, and pennyroyal, phosphorus and its poisonous derivatives, strophanthus, tartar emetic, and other poisonous derivatives and preparations of antimony, aconite, belladonna, nux vomica, veratrum viride, yellow jessamine, their alkaloids or other preparations, ergot, cotton root, and their preparations.

Sec. 8. *Sale of following prohibited; exceptions.* The sale of morphine, codeine, heroin, opium and cocaine, their salts, compounds or preparations is hereby prohibited, unless upon the prescription of a physician, dentist, or veterinary surgeon, licensed to practice in this State, except preparations of opium containing less than two grains of opium to the fluid ounce.

Sec. 9. *Registration waived; schedule "B."* The drugs hereinafter named may be sold without registration in the poison book as in this act required; *provided, however*, that in all other respects the requirements of this act as to the sale of poisons must be complied with: Acid muriatic, nitric, oxalic, and sulphuric, bromine, cocculus indicus, conium, cowhage, creosote, hyoscyamus, Indian hemp, iodine and its tinctures, nitro-glycerine and its preparations, santoline, sugar of lead, sulphate of zinc, cantharides, digitalis, wood alcohol.

Sec. 6. *Prosecutions.* It is hereby made the duty of the district attorney of the county wherein any violation of this act is committed, to conduct all actions and prosecutions for the same, at the request of the Board of Pharmacy.

Sec. 7. *Penalty.* Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of not less than thirty dollars, or by imprisonment for not less than fifteen days, or by both such fine and imprisonment. All fines recovered under this act shall be paid by the magistrate receiving the same to the State Board of Pharmacy.

Statutes and Amendments to the Codes, 1907, chap. 102, pp. 124-126.

ITINERANT VENDORS.

Sec. 1. *Itinerant vending restricted.* No person, as principal or agent, shall conduct as an itinerant vendor the business of selling drugs, nostrums, ointments, or any appliances for the treatment of disease, deformities, or injuries, within this State, without previously obtaining a license therefor as herein provided.

Sec. 2. *License fee; ex-Union soldiers exempt.* A license fee of one hundred dollars is hereby levied upon all such itinerant vendors doing business in this State. Said tax shall be paid to the State Board of Pharmacy, for the use and benefit of the State of California, and shall constitute a special fund for the enforcement of this act, and of the provisions of the act or acts creating such Board of Pharmacy. Upon the receipt of said sum from any person desiring to conduct such business within this State, the secretary of said Board of Pharmacy shall issue a license to such person to carry on such business within this State for the term of six months next ensuing; *provided*, that nothing in this act shall be construed to prevent the collection of any tax or license that may be imposed by any county or municipal authority; *and provided further*, that nothing herein contained shall prevent manufacturing pharmaceutical firms from placing their products on the market through their agents and managers, subject to the provisions of section three of this act. The said Board of

Pharmacy may allow such license to be transferred during the life thereof on such terms as the Board of Pharmacy may deem proper; *provided, however*, that nothing in this act shall be held to repeal or modify the provisions of an act approved March 20, 1905, "An act permitting all ex-Union soldiers and sailors of the Civil War, honorably discharged from military or marine service of the United States, the right to vend, hawk and peddle goods, wares, fruits or merchandise not prohibited by law, in any county, town or village, incorporated city or municipality in the State of California, without paying a license." Amended Mar. 21, 1907, chap. 422, p. 765.

Sec. 5. Penalty. Any person violating any of the provisions of this act, who shall without such license, sell or offer for sale any of the above described drugs, nostrums, ointments, or appliances, shall be deemed guilty of a misdemeanor, and for such breach of this act upon conviction therefor, shall be punished by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail for not less than fifty days or more than one hundred and twenty days, or both such fine and imprisonment. All fines recovered under this act shall be paid by the magistrate receiving the same to the State Board of Pharmacy, and by said board placed in the special fund created by section two of this act.

Session Laws, 1903, chap. 233, p. 284.

ADULTERATION AND MISBRANDING OF DRUGS.

Sec. 1. Manufacture of adulterated and misbranded drugs prohibited; exceptions; proviso. The manufacture, production, preparation, compounding, packing, selling, offering for sale or keeping for sale within the State of California, or the introduction into this state from any other state, territory, or the District of Columbia, or from any foreign country, of any drug which is adulterated, mislabeled or misbranded within the meaning of this act is hereby prohibited. Any person, firm, company, or corporation who shall import or receive from any other state or territory or the District of Columbia or from any foreign country, or who having so received shall deliver for pay or otherwise, or offer to deliver to any other person, any drug adulterated, mislabeled or misbranded within the meaning of this act, or any person who shall manufacture or produce, prepare or compound, or pack or sell, or offer for sale, or keep for sale, in the State of California, any such adulterated, mislabeled, or misbranded drug, shall be guilty of a misdemeanor; *provided*, that no article shall be deemed misbranded, mislabeled or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this act.

Sec. 2. Term "drug" defined. The term "drug" as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

Sec. 3. Standard of purity. The standard of purity of drugs shall be the United States Pharmacopœia and National Formulary, and the regulations and definitions adopted for the enforcement of the food and drugs act of June 30,

1906, shall be adopted by the state board of health for the enforcement of this act.

Sec. 4. *Adulteration defined; proviso.* Drugs shall be deemed adulterated within the meaning of this act in any of the following cases:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation; *provided*, that no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the package thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If the strength or purity fall below the professed standard or quality under which it is sold.

Sec. 5. *Definition of term "misbranded."* That the term "misbranded" as used herein shall apply to all drugs, the package or label or which shall bear any statement, design, or device, regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any drug which is falsely branded or labeled as to the county, city and county, city, town, state, territory, District of Columbia or foreign country in which it is manufactured or produced.

Sec. 6. *"Misbranded" and "misbranding" defined.* Drugs shall be deemed mislabeled or misbranded under the meaning of this act in either of the following cases:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package as offered for sale at retail or wholesale, fail to bear a statement on the label of the per cent of volume of alcohol, or the quantity of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, or any derivative or preparation of any such substances contained therein, except when prescribed by a licensed physician, licensed dentist, or licensed veterinary surgeon.

Sec. 7. *"Package" defined.* The term "package" as used in this act shall be construed to include any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for inclosing any drug.

Sec. 8. *Evidence of violation.* The sale or offering for sale of any adulterated, mislabeled or misbranded drug by any manufacturer, producer, jobber, packer or dealer in drugs, or broker, commission merchant, agent, employé or servant of any such manufacturer, producer, jobber, packer or dealer, shall be prima facie evidence of the violation of this act.

Sec. 9. *Director of State laboratory to analyze; appointment of agents; purchase of samples.* Whenever required by the state board of health or its secretary, examinations and analyses of drugs on sale in California suspected of being adulterated, mislabeled or misbranded, shall be made by the director of the state laboratory for the examination and analysis of foods and drugs. Said state board of health or the secretary may appoint such agent or agents as it may deem necessary for the enforcement of this act, and the sheriffs of the respective counties of the state are hereby appointed and constituted such agents. Any agent or sheriff shall have the right to purchase at the place of

business of any manufacturer or dealer, any drug suspected of being adulterated, mislabeled or misbranded within the meaning of this act, tendering the market price of said articles, if a sale be refused, he may take from any person, firm or corporation samples of any articles suspected of being adulterated, mislabeled and misbranded, and shall deliver or forward such samples to the said director of the state laboratory for examination and analysis.

Sec. 10. Report to district attorney. It shall be the duty of the state board of health whenever it has satisfactory evidence of the violation of any of the provisions of this act respecting the adulteration, mislabeling or misbranding of drugs, to report such facts to the district attorney of the county where the law is violated.

Sec. 11. Refusal to sell, etc., a misdemeanor; punishment. It shall be a misdemeanor for any person to refuse to sell to any sheriff or other agent of the state board of health, any sample of drug upon tender of the market price therefor, or to conceal any such drug from such officer, or to withhold from him information where such drug is kept or stored. Any such person so refusing to sell, or concealing such drug, or withholding such information from said officer, shall upon conviction, be punished as provided in section nineteen of the Penal Code of the State of California.

Sec. 12. Director shall report violations. Whenever said director shall find from his examination and analysis that adulterated, mislabeled or misbranded drugs have been on sale in this state, he shall forthwith report to the secretary of the state board of health, and shall promptly transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled or misbranded drug was found.

Sec. 13. Certificate evidence. Every certificate signed by the said director of the state laboratory shall be prima facie evidence of the facts therein stated.

Sec. 14. Annual report shall be made. The said director of the state laboratory shall make an annual report to the state board of health, on or before August first of each year, upon adulterated, mislabeled or misbranded drugs, in which report shall be included the list of cases examined by him in which adulterants were found, and the list of articles found mislabeled or misbranded, and the names of the manufacturers, producers, jobbers and sellers. Said report, or any part thereof, may, in the discretion of the state board of health, be included in the report which the state board of health is already authorized by law to make to the governor. The state board of health may, in its discretion publish any part of said report in any issue of its monthly bulletin.

Sec. 15. Publication of hearings. When the examination or analysis of the director of the state laboratory shows that any of the provisions of this act have been violated, notice of that fact together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained or who executed the guaranty as provided in this act, and a date shall be fixed by the secretary of the board of health at which time said party or parties may be heard before the state board of health or any two members thereof, and the secretary. The hearing shall be held in the city of Sacramento and at least fifteen days notice thereof shall be first served upon the party complained of. These hearings shall be private and confined to questions of fact. The parties interested therein may appear in person or by attorneys and may propound the interrogatories and submit oral or written evidence to show any fault or error in the findings made by the director of the state laboratory. If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing, after notice duly served

as provided herein, the secretary of the state board of health shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled or misbranded drug was found. No publication thereof shall be made until after said hearing is concluded.

Sec. 16. Sheriff must purchase samples. It is hereby made the duty of the sheriff of any county of this state, on presentation to him of a verified complaint of the violation of any provisions of this act, at once to obtain by purchase a sample of the adulterated, mislabeled or misbranded drug complained of and divide said article into three parts, and each part shall be sealed by the sheriff with a seal provided for that purpose. If the package be less than four pounds, or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above. One sample shall be delivered to the party from whom procured, or to the party guaranteeing said drug. One sample shall be sent to the director of the state laboratory, and the third sample shall be sent to and held under seal by the state board of health.

Sec. 18. Prosecutions. It shall be the duty of the district attorney of each county to prosecute all violations of the provisions of this act occurring within his county.

Sec. 19. Penalty for violation of act. Any person, firm, company or corporation violating any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, not more than five hundred dollars, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Drugs found to be adulterated or misbranded within the meaning of this act may, by order of any court or judge, be seized and destroyed.

Sec. 20. Disposition of fines. One half of all fines collected by any court or judge for the violations of the provisions of this act shall be paid to the state treasurer and the state treasurer shall deposit such money to the credit of the fund for the maintenance of the state laboratory, to be drawn against by warrants of the state controller upon claims which shall be approved by the state board of examiners.

Sec. 21. Signed guaranty protects dealer. No dealer shall be prosecuted under the provisions of this act, when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States from whom he purchased such article to the effect, that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty to afford protection, must contain the name and address of the party or parties making the sales of such article to said dealer, and an itemized statement showing the articles purchased; or a general guaranty may be filed with the Secretary of the United States Department of Agriculture by the manufacturer, wholesaler, jobber or other party in the United States and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words "Guaranteed under the food and drugs act, June 30, 1906." In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides without this state, and it appears from the certificate of the director of the state laboratory that such article or articles were adulterated or misbranded, within the meaning of this act, or the national pure food act, approved June 30, 1906, the district attorney must forthwith notify the attorney-general of the United States of such violation.

Sec. 22. Effect. This act shall be in force and effect from and after the first day of January, nineteen hundred and eight.

Sec. 11. *Proprietor responsible for quality of drugs; penalty; Board of Pharmacy to enforce law.* Every proprietor or manager of a pharmacy or drug store shall be held responsible for the quality of all drugs, chemicals and medicines sold or dispensed by him, except those sold in the original package of the manufacturer, and except those articles or preparations known as patent or proprietary medicines. Any person who shall knowingly, willfully, or fraudulently falsify or adulterate, or cause to be falsified or adulterated, any drug or medicinal substance, or any preparation authorized or recognized by the pharmacopœia of the United States, or used, or intended to be used in medical practice, or shall mix, or cause to be mixed, with any such drug or medicinal substance, any foreign or inert substance whatever, for the purpose of destroying or weakening its medicinal power and effect, or of lessening its cost, and shall willfully, knowingly, or fraudulently sell the same, or cause it to be sold, for medicinal purposes, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, and not more than two hundred dollars, or by imprisonment for not less than fifty days and not more than two hundred days, or by both such fine and imprisonment. Every registered pharmacist shall file, or cause to be filed, all physicians' prescriptions, or a copy thereof, compounded or dispensed in his pharmacy or store. They shall be preserved for at least two years, and he shall furnish a correct copy of any prescription, only under the order or request of the physician writing the same. Any person who shall willfully violate any of these provisions shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine not exceeding fifty dollars; and for each subsequent offense shall be liable to a fine of not less than fifty dollars, and not more than one hundred dollars. The State Board of Pharmacy may at any time when in their judgment it appears advisable, deputize one of their members, or any other competent person, to investigate any suspected violation of any of the provisions of this act, and if the result of such investigation seems to the board to justify such action the board shall cause the prosecution of any person violating any of the provisions of this act.

Statutes and Amendments to Codes, 1905, chap. 406, p. 540.

COLORADO.

The law regarding adulteration and misbranding of drugs, effective January 1, 1908, resembles the Federal law. The State board of health is charged with its enforcement under regulations conforming to those of the National law. Prescriptions and United States Pharmacopoeia and National Formulary preparations are exempted from the declaration provision of the misbranding clause.

REGISTERED PHARMACISTS.

Sec. 3. *Granting of license to pharmacist.* The said Board of Pharmacy shall not grant a license to any applicant if satisfied that the safety of the public health will be endangered by reason of the habits or the character of said applicant. If any person shall have obtained a license by misrepresentation or fraud, or shall have become unfit or incompetent by reason of negligence, habits or other causes to practice as a pharmacist or assistant pharmacist, the State Board of Pharmacy shall have the power to revoke such license after giving such person reasonable notice and opportunity to be heard; and if any licensee shall repeatedly violate any of the provisions of this act or the rules and requirements established by the Board of Pharmacy, such board may revoke his or her license upon sufficient evidence of such violation, in addition to any other punishment that may be imposed by law. The said Board of Pharmacy shall have power to inspect or employ inspectors of pharmacy to inspect during business hours all pharmacies, dispensaries, stores or places in which drugs and medicines and poisons are compounded, dispensed or retailed.

Sec. 10. *Qualifications of pharmacist.* A registered pharmacist is defined to be a person registered as such in the State of Colorado on July 2, 1906, who has been authorized to conduct or manage a pharmacy in the State of Colorado, and all persons over twenty-one years of age having four years' practical experience in compounding and dispensing physicians' prescriptions, and giving sufficient evidence of possessing an education equivalent to the course prescribed by a grammar school and who shall pass a satisfactory examination before the State Board of Pharmacy.

Sec. 11. *Assistant pharmacist defined.* An assistant pharmacist is defined to be a person regularly registered as a licentate [licentiate] in pharmacy in the State of Colorado on July 2, 1906, who has been authorized to assist in the dispensing and compounding of physicians' prescriptions under the supervision of a properly qualified person, and all persons over eighteen (18) years of age having three years' practical experience in the compounding and dispensing of physicians' prescriptions who shall pass such an examination as the State Board of Pharmacy shall require. Assistant pharmacists shall not be permitted to conduct or manage a pharmacy on their own account, nor assume the management of such business for others in cities of over 500 population. Provided, that any registered pharmacist or graduate in pharmacy from any state in the United States or any country in Europe, upon presenting his diploma or

certificate of registration to the secretary of the board, may be entitled to license of assistant pharmacist without examination, upon the payment of fee of ten (\$10) dollars.

Sec. 14. *Compounding and dispensing drugs, medicines, etc.* Any proprietor of a pharmacy or other person who shall permit the compounding or dispensing of physicians' prescriptions or the vending of drugs, medicines or pharmacal preparations in his or her store or place of business except by registered pharmacist or pharmacists within the meaning of this act, or by a registered apprentice under the supervision of a registered pharmacist, or who shall fail or neglect to procure his or her annual registration; or any person who shall make any false representation to procure for himself, or for another, registration under this act, shall be deemed guilty of a misdemeanor; provided, that nothing herein contained shall interfere with the business of those merchants who keep or sell such poisons, acids or chemicals as are regularly used in agriculture, mining and the arts, when kept and sold for such purposes only, in sealed and plainly labeled packages. Provided, also, that nothing in this act shall in any manner interfere with the business of a physician in regular practice to prevent him from supplying to his or her patients such articles as may to him seem proper; nor with the marketing or vending of any proprietary or patent medicine, nor with the exclusive wholesale business of any store except as hereinafter provided. Provided, further, that nothing in this act shall in any manner interfere with the business of merchants in towns having less than five hundred (500) inhabitants in which there is no licensed pharmacy, to sell or vend such medicines, compounds or chemicals as are required by the general public.

Session Laws 1907, chap. 224, pp. 577-581.

SALE OF POISONS.

Sec. 15. *Sale of certain drugs restricted.* The proprietors of establishments other than pharmacies and where physicians' prescriptions are not dispensed, as well as itinerant vendors of merchandise shall not be permitted to sell or give away or keep on sale any of the drugs mentioned or included in schedules A and B of this act, or any patented or proprietary preparation for medicinal, dietetic or toilet purposes, known to contain in large and small proportions any such ingredients. It shall be the duty of the board, when called upon, to furnish dealers with a list of such articles, preparations and compounds the sale of which is prohibited or regulated by this section. Any person who shall make any false representation about the character or composition of any preparation or compound with the object of deceiving the officers of the state or defeating the purposes of this act shall be deemed guilty of a misdemeanor.

Sec. 19. *Schedules; record must be kept; exceptions.* Every person who shall dispose of or sell at retail or furnish any poisons included under schedule A shall, before delivering same, make or cause to be made, an entry in a book kept for the purpose, to be furnished by the State Board of Pharmacy, stating the date of sale, the name and address of the purchaser, the name and quantity of poison, the purposes for which it is represented by the purchaser to be required, and the name of the dispenser, such book to be always open for inspection by the proper authorities and to be preserved for at least five years after the last entry. He shall not deliver any of said poisons without satisfying himself that the purchaser is aware of its poisonous character, and the said poison is to be used for legitimate purpose. This section shall not apply to the dispensing of medicines or poisons on physicians' prescriptions. Articles named in schedule B shall only be dispensed with the red caution label affixed, with the word "poison" plainly printed thereon.

Schedule A. Arsenic, Hydrocyanic acid and its salts, Cocaine, Morphine Strychnia, and all other poisonous vegetable alkaloids and their salts, Oil of Bitter Almonds, Opium and its preparations, except paregoric and such others as contain less than two (2) grains to the ounce.

Schedule B. Aconite, Belladonna, Cantharides, Colchicum, Conium, Cotton Root, Digitalis, Ergot, Hellebore, Henbane, Phytolacca, Strophanthus, Oil of Tansy, Oil of Pennyroyal, Oil of Savine, Veratrum Viride, and their pharmaceutical preparations, arsenical solutions, Carbolic Acid, Chloral Hydrate, Chloroform, Corrosive Sublimate, Creosote, Croton Oil, Mineral Acids, Oxalic acid, Paris Green, Salts of Lead, Salts of Zinc, White Hellebore.

Sec. 20. Violation; penalty. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one hundred (\$100) dollars nor more than two hundred and fifty (\$250) dollars, or by imprisonment in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment in the discretion of the court.

Sec. 21. Repeal. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved April 18, 1907. Session Laws, 1907, chap. 224, pp. 581-583.

47. Report to be made to board of health of all sales of antitoxic sera, etc. It shall be the duty of all those engaged in selling, handling or manufacture of drugs, sera, antitoxin, vaccines or other pharmaceutical products, to make a report to the local board of health of all antitoxins sold by them, stating to whom such antitoxin was sold and the date on which it was sold; if purchased upon a prescription of a physician, the name of the purchaser, as well as the name of the physician ordering the antitoxin. Such reports shall be made within twelve (12) hours of the date of sale.

Session Laws, 1905, chap. 127, p. 298.

ADULTERATION AND MISBRANDING OF DRUGS.

3597i. Penalty. If any person shall fraudulently adulterate, for the purpose of sale any drug or medicine in such manner as to render the same injurious to the health he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding four hundred dollars, and such adulterated drugs and medicines shall be forfeited and destroyed. (*Laws, 1893, p. 392.*)

3597k. Fraudulent mixing, coloring, etc. No person shall except for the purpose of compounding in the necessary preparation of medicine, mix, color, stain, or powder, order or permit, any other person to mix, color, stain or powder any drug or medicine with an ingredient or materials so as to affect injuriously the quality or potency of such drug or medicine with intent to sell the same, or shall sell or offer for sale any such drug or medicine so mixed, colored, stained or powdered. (*Laws, 1893, p. 392.*)

3597l. Fraudulent mixing, coloring, etc., for gain; labels. No person shall mix, color, stain or powder, any article of food, drink or medicine, or any article which enters into the composition of food, drink or medicine with any other ingredient or material, whether too injurious to health or not, for the purpose of gain or profit, or sell or offer the same for sale or order or permit any other person to sell or offer for sale any article so mixed, colored, stained, or powdered, unless the same be so manufactured, used or sold, or offered for sale under its

true and appropriate name, and notice that the same is mixed or impure is marked, printed or stamped upon each package, roll, parcel or vessel, containing the same, so as to be and remain at all times readily visible, or unless the person purchasing the same is fully informed by the seller of the true name and ingredients (if other than such as are known by the common name thereof) of such article of food, drink or medicine at the time of making sale thereof or offering to sell the same. (*Laws, 1893, p. 392.*)

3597n. Penalty. Any person convicted of violating any provision of any of the foregoing sections of this act shall be fined not more than fifty dollars or imprisoned in the county jail not exceeding three months.

Mills' Annotated Statutes (Revised Supplement), vol. 3, 1904, p. 927-928.

238b. Use of word "honey" in designating drugs. The word "honey" shall not be used as part and parcel of the trade designation of drugs, medicines, confections, or any other article of trade or commerce, unless honey is actually employed as one of the ingredients, and to the full extent to which the use of such designation shall lead the purchaser to expect. (*Laws, 1903, p. 19.*)

Mills' Annotated Statutes (Revised Supplement), vol. 3, 1904, p. 101.

Sec. 1. Sale of adulterated drugs prohibited. It shall be unlawful for any person to manufacture, or sell, or expose for sale, or deliver or give away, or ship, or offer for shipment, within this State, any article * * * or drug, which is adulterated, or misbranded, within the meaning of this act, except as such article may be in the original package and the subject of interstate commerce under the federal jurisdiction; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense, shall, upon conviction thereof, be punished by a fine of not exceeding five hundred dollars, or by imprisonment of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be punished by a fine of not less than one thousand dollars, or by imprisonment for one year, or by both such fine and imprisonment, in the discretion of the court. But no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared, or packed, according to the specifications or directions, of the foreign purchaser, when no substance is used in the preparation, or packing, thereof in conflict with the laws of such foreign country to which said article is intended to be shipped; but if said article shall be in fact sold, or exposed for sale, or delivered, or given away, or shipped or offered for shipment for use or consumption within this State, then this provision shall not exempt said article from the operation of any of the provisions of this act.

Sec. 2. State Board of Health shall make uniform rules and regulations. The State Board of Health shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of all * * * drugs manufactured, or sold, or exposed for sale, or delivered, or given away, or shipped, or offered for shipment, within this State, or which may be submitted for examination by any health officer of any town, city, or county, in this State. But, such rules and regulations shall not be more stringent than, nor conflict with, the rules and regulations adopted, or which may hereafter be adopted, for the enforcement of the food and drugs act of the United States, approved June 30, 1906, regulating the misbranding, or adulteration, of drug or food products for interstate commerce.

Sec. 3. Examination of specimens, etc. The examination of specimens of * * * drugs shall be made by, or under the direction and supervision of, the State Board of Health for the purpose of determining from such examinations whether such articles are adulterated, or misbranded, within the meaning of this act; and if it shall appear from any such examinations that any of such specimens is adulterated, or misbranded, within the meaning of this act, the State Board of Health shall cause notice thereof to be given to the person from whom such sample was obtained. Any person so notified shall be given an opportunity to be heard, under such rules and regulations as shall be prescribed as aforesaid, and if it shall appear that any of the provisions of this act have been violated by such person, then the State Board of Health shall at once certify the facts to the proper district attorney, with a copy of the results of the analysis, or other examination, of such article, duly authenticated by the analyst, or officer, making such examination, under the oath of such analyst or officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

Sec. 4. District attorney prosecutes violations. It shall be the duty of each district attorney to whom the State Board of Health shall report any violation of this act, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of this State, without delay, for the enforcement of the penalties as in such case herein provided.

Sec. 5. Term "drug" defined. The term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance, or compound, or mixture of substances, intended to be used for the cure, mitigation or prevention, of disease of either man or other animals.

Sec. 6. "Adulteration" defined. For the purposes of this act an article shall be deemed to be adulterated: In the case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard strength, quality, or purity, as determined by the tests laid down in the United States Pharmacopœia or National Formulary official at the time of investigation.

Second. If its strength or purity shall fall below the professed standard, or quality, under which it is sold.

Sec. 7. Term "misbranded" defined. The term "misbranded," as used herein, shall apply to all drugs * * * the package, or label, of which shall bear any statement, word, design or device regarding such article, or the ingredients or substances, contained therein, which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory, city, town, place, or country in which it is manufactured, produced, or found.

For the purposes of this act an article shall also be deemed to be misbranded:

In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up, or the contents of the box, bottle, can, or other container, sold, or exposed for sale, or delivered, or given away, or shipped, or offered for shipment, shall have been removed, in whole, or in part, and other contents shall have been placed in such package, or in such box, bottle, can, or other container, or if such package, or such box, bottle, can, or other container, as aforesaid, fail to bear a state-

ment on its label of any quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, or any harmful coal tar derivative or preparation, or any such substances, contained therein. But no such statement shall be required to be placed on such label if the drug is sold upon the prescription of a duly licensed physician, dental surgeon, or veterinary surgeon, which said prescription shall be kept on file by the dispensing pharmacist, or under the name of any article defined in the United States Pharmacopœia or National Formulary, or, in the case of alcohol, or official preparations containing alcohol, when used in the manufacture of other preparations which are official in the United States Pharmacopœia or National Formulary.

Sec. 8. *Establishing a guaranty.* No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other person residing in this State, from whom he purchased any article in question, to the effect that the same is not adulterated or misbranded. Such guaranty, to afford protection, shall contain the name and address of the person making the sale of such article to such dealer, and in such case said person shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

Sec. 9. *Confiscation of adulterated and misbranded articles.* Any * * * drug or liquor that is adulterated, or misbranded, within the meaning of this act, that is manufactured, or sold, or exposed for sale, or delivered, or given away, or shipped, or offered for shipment, within this State, together with its box, bottle, can or other container, except as such article may be in the original package and the subject of interstate commerce under the federal jurisdiction, is hereby declared to be a nuisance, and shall be abated upon a complaint, hearing, and judgment, or order, of court in a proceeding in the District Court, of the district where such article of food, drug, or liquor, is found, by seizure and confiscation for destruction or sale. If such article is condemned as being adulterated, or misbranded, or as being of a poisonous, or deleterious character, within the meaning of this act, it shall be disposed of under the proper order of court by destruction, or by sale in the manner provided for the sale of chattels under execution, in the discretion of the court; and the proceeds thereof, if it be sold, less the legal cost and charges, shall be paid to the State Treasurer; but such article of food, or drug, shall not be sold in any jurisdiction contrary to the law thereof.

Sec. 10. *"Person" as used in act defined.* The word "person" as used in this act, shall be construed to import both the plural and singular, as the case demands, and shall include corporations, companies, partnerships, societies and associations. When construing and enforcing the provisions of this act, the act, omission, or failure, of any officer, agent, or other person, acting for or employed by, any corporation, company, partnership, society, or association, within the scope of his employment, or office, shall in every case also be deemed to be the act, omission, or failure of such corporation, company, partnership, society or association, as well as that of the person.

Sec. 11. *Effect.*—In the opinion of the General Assembly an emergency requires this act to take effect at a time later than ninety days after its passage; therefore, this act shall take effect and be in force on and after the 1st day of January, A. D. 1908. All acts and parts of acts inconsistent or in conflict herewith are hereby repealed.

CONNECTICUT.

The law regarding adulteration and misbranding of drugs, effective January 1, 1908, is similar to the Federal law. The dairy commissioner and director of the agricultural experiment station are charged with its enforcement under regulations conforming to those of the National law. Prescriptions and preparations for external use only are exempt from declaring the quantity or proportion of alcohol, morphine, etc., contained therein.

Cocaine, eucaine, and their salts may be sold only on prescription.

REGISTERED PHARMACISTS.

4724. *Compounding and vending of drugs.* No person shall conduct or keep a place of any kind, for retailing drugs, medicines, poisons, or such chemicals as are used in compounding medicines, or compound or dispense prescriptions of a physician, or vend medicines or poisons, unless he shall have been licensed therefor, as hereafter in this chapter provided, or shall be under the supervision of a licensed pharmacist.

4729. *Exceptions.* Nothing contained in the preceding sections of this chapter shall prevent a practicing physician from compounding his own prescriptions, or prevent the sale of proprietary medicines, or prevent the sale of any drugs, medicines, or poisons at wholesale either to licensed pharmacists, or for use in manufactures or the arts, or prevent any person from becoming a partner in, or the proprietor of, a pharmacy conducted by a licensed pharmacist, or prevent the keeper of a country store from keeping for sale and selling such domestic remedies as are usually kept and sold in such stores; but such keeper shall not compound medicines, and medicinal preparations so kept, and recognized by the United States dispensatory, shall be compounded by a licensed pharmacist and marked by his label.

4730. *Penalty.* Every person who shall wilfully violate any provisions of the preceding sections of this chapter shall forfeit five dollars for each day that he shall continue such violation, one-half to him who shall prosecute to effect, and one-half to the town in which the offense is committed. *Laws 1881, p. 71 and 73.*

General Statutes, 1902, chap. 275, pp. 1129, 1131.

SALE OF POISONS.

4733. *Regulations.* Every person who shall sell arsenic, strychnine, corrosive sublimate, prussic acid, or cyanide potassium, shall affix to the package sold by him a label plainly marked with his name, date of sale, and the word "poison," and the name of the poison sold, and shall enter at the time of such sale on a book kept by him for that purpose the name of the purchaser, date of sale, name of poison, and the quantity sold, which book shall be kept open for public inspection, carefully preserved; and when he shall close his business, or remove from the town in which such business is carried on, or when said book

shall be filled with such entries, it shall be deposited by him in the office of the town clerk of the town in which he may conduct his business; and any person who shall violate the preceding provisions of this section, or who, when purchasing any of the articles herein named, shall give a false or fictitious name to the vender thereof, shall be fined not less than ten nor more than one hundred dollars. (*Laws 1881, p. 73.*)

4734. Labeling; penalty. Every person who shall sell any of the articles named in the schedule accompanying this section, marked schedule A, except when prescribed by a practicing physician, or sold at wholesale to licensed pharmacists, or for use in manufacture or in the arts, shall label the bottle, box, or wrapper containing any such article, with a label upon which shall be plainly written or printed the word "poison," and any person violating the provisions of this section shall be fined one dollar.

SCHEDULE A.

Acid carbohc, ammoniated mercury, acid muriatic, chloroform, acid nitric, tincture aconite, acid sulphuric, tincture belladonna, acid oxalic, tincture digitalis, creosote, tincture opium, extract belladonna, tincture veratrum viride, sugar of lead, morphine, croton oil, nux vomica, cobalt, extract nux vomica, oil bitter almonds, opium, oil tansy, cocculus indicus, aqua ammonia, red oxide mercury, gelsemium, paris green, rat dynamite, rough on rats, or any article similar to the last three. (*Laws 1882, p. 130.*)

General Statutes, 1902, p. 1131.

[Sec. 4734 was amended (Public Acts, 1905, p. 298) by the addition of the following at the end of Schedule A: "wood or methylic alcohol under any name or in any mixture."]

4736. Regulations of sale of antitoxic serums. No person shall sell, offer, or expose for sale, or shall receive or solicit any order for the sale or delivery, within this state, of any article known as diphtheria antitoxine, or any article prepared from the blood serum of any animal, and intended to be used for a medicine, unless the receptacle containing such preparation bears a label, on which is placed the name and address of the producer, and upon such label, or upon a circular accompanying such receptacle, and enclosed with it in a sealed package, shall be printed or written the date of production and the value of the contents in antitoxine as measured by some generally recognized standard. Every person violating any provision of this section shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. The state board of health may procure from any dealer in antitoxine or other blood serum medicine samples of such articles and cause the same to be tested, and if by such test it shall be found that the article tested is not such as it is represented to be on the package, but of inferior quality, then the seller of such inferior article shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. (*Laws 1895, p. 592.*)

General Statutes, 1902, chap. 275, p. 1132.

Sec. 1. Sale of cocaine and eucaïne and salts thereof restricted. It shall be unlawful for any person, firm, or corporation to sell, furnish, or give away any cocaine, salts of cocaine, eucaïne or its salts, or any preparation containing any cocaine, or salts of cocaine, or eucaïne or its salts, except upon the original written order or prescription of a lawfully authorized practitioner of medicine

or veterinary medicine, which order or prescription shall be dated, and shall contain the name of the person for whom prescribed, or if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered, and shall be signed by the person giving the prescription or order; and such written order or prescription shall be permanently retained on file by the person, firm, or corporation who shall compound or dispense the articles ordered or prescribed, and it shall not be recompounded or dispensed a second time except upon the written order of the original prescriber; provided, however, that the provisions of this act shall not apply to sales at wholesale by jobbers, wholesalers, and manufacturers to retail druggists, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry, or veterinary medicine, nor to sales to hospitals, colleges, or scientific or public institutions.

Sec. 2. Penalty. Every person who shall knowingly violate any of the provisions of this act shall be fined not less than twenty-five dollars nor more than fifty dollars. City, police, town, and borough courts, having criminal jurisdiction where established, and justices of the peace in towns where such courts do not exist shall have jurisdiction to hear and determine prosecutions for violations of the provisions of this act and to impose penalties therefor.

Approved, June 7, 1905. Public Acts, 1905, chap. 127, p. 336.

1216. Unlawful exposure of poison. Every person who shall, negligently or maliciously, place any poison, or poisoned food, in any public place, or on premises not exclusively occupied by himself, shall be fined not more than fifty dollars, or imprisoned not more than three months, or both. (*Laws 1860, p. 30.*)

General Statutes, 1902, chap. 84, p. 360.

ADULTERATION OF DRUGS.

4732. Penalty. Every person who shall knowingly adulterate, or cause any foreign or inert substance to be mixed with, any drug or medicinal substance or preparation recognized by any pharmacopœia, or employed in medicinal or medical practice, so as to weaken or destroy its medicinal effect, or shall sell any such drug, compound, or preparation, knowing it to be so adulterated or mixed, shall be fined not less than ten nor more than one hundred dollars, and upon conviction all such adulterated or mixed articles in his possession may be seized upon a warrant issued by the court in which such conviction is had, and destroyed by the officer by whom such seizure shall be made. (*Laws 1881, p. 73.*)

General Statutes, 1902, chap. 275, p. 1131.

4731. Commissioners of pharmacy to enforce law. Said commissioners may examine into all cases of alleged abuse, fraud, and incompetence; cause the prosecution of all persons not complying with the provisions of this chapter, and suspend and revoke the registration of any person convicted of violating the same.

General Statutes, 1902, chap. 275, p. 1131.

Sec. 1. Adulterated drugs unlawful. It shall be unlawful for any person to manufacture, transport, sell, or offer for sale or transportation any article of drugs which is adulterated or misbranded within the meaning of this act.

Sec. 2. Term "drug" defined. The term "drug" as used in this act shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external medicinal use and any

substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

Sec. 3. *Adulterated drugs defined.* For the purposes of this act an article shall be deemed adulterated: In the case of drugs: First, if when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity as determined by the test laid down in said United State Pharmacopoeia or indicated by the National Formulary official at the time of investigation; provided, that no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity, be plainly stated on the bottle, box, or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or indicated by the National Formulary. Second, if its strength or purity falls below the professed standard of quality under which it is sold.

Sec. 4. *Term "misbranded" defined.* The term "misbranded" as used in this act shall apply to all drugs * * * the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any * * * drug product which is falsely branded as to the state, territory, or country in which it is manufactured or produced. For the purposes of this act an article shall also be deemed to be misbranded: In the case of drugs: First, if it be an imitation of or offered for sale under the name of another article: Second, if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or, except when dispensed by a registered physician or veterinary, or by a licensed pharmacist in filling the prescription of a registered physician or veterinary, or in case of drugs for external use only, the package fails to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivatives or preparations of any of the said substances contained therein.

Sec. 5. *Dairy commissioner and director of experiment station to make rules.* The dairy commissioner and the director of the Connecticut agricultural experiment station, acting jointly, shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of * * * drugs manufactured, sold, transported, or offered for sale or transportation within this state, or which may be submitted for examination by any health, food, or drug officer of any town, city, or county in the state. Such rules and regulations shall, where possible, conform to and be the same as the rules and regulations adopted, from time to time, for the enforcement of the act of Congress approved June 30, 1906, and known as the "Food and Drugs Act."

Sec. 6. *Collection of samples.* Under the aforesaid rules and regulations representative samples shall be collected by the dairy commissioner or his deputies, and the Connecticut agricultural experiment station or its agents. The dairy commissioner or his deputies and the agents of said agricultural experiment station shall have access, at all reasonable hours, to any place where it is suspected that there is kept for sale or export any article of * * * drugs, adulterated or misbranded within the meaning of this act, and said dairy commissioner or his deputies, and the agents of said agricultural experiment station, upon tendering the market price thereof, may take from any person, firm, or corporation samples of such articles. Samples may be purchased in the

open market, and if in bulk, the mark, brands, or tags upon the package, carton, wrapper, or other container and the accompanying printed or written matter shall be noted, and the person collecting such samples shall also note the names of the vendor and the agent through whom the sale was actually made, together with the date of the purchase. Samples shall be divided into three equal parts and each part shall be labeled with identifying marks; one of said parts shall be delivered to the person from whom the purchase was made, or if a guaranty has been given as hereinafter provided such part shall be delivered to the guarantor, one of said parts shall be sent to the Connecticut agricultural experiment station, and one part shall be held under seal, by the dairy commissioner. The parts of the sample so divided shall be sealed by the person collecting the same with a seal provided for that purpose.

Sec. 7. *Analyses of samples.* It shall be the duty of the Connecticut agricultural experiment station to make analyses and examinations of all such articles as shall be furnished under the provisions of section six of this act for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act, and to certify the results of such analyses and examinations to the dairy commissioner.

Sec. 8. *Hearings.* When any such examination or analysis shows that any provisions of this act have been violated, the dairy commissioner shall cause notice of such fact, together with a copy of the findings, to be given to the party or parties from whom the sample was obtained, and to the party, if any, whose name appears upon the label as manufacturer, packer, wholesaler, retailer, or other dealer. The parties so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed, as aforesaid, and notices shall specify the date, hour and place of such hearing, and if any person or corporation concerned resides without the state, reasonable notice shall be given by mail at such address as may, with due diligence, be obtained. The hearing shall be private and the parties interested therein may appear in person or by attorney.

Sec. 9. *Dairy commissioner to certify violations of act.* If, after such hearing, the dairy commissioner shall find that any provision of this act has been violated he shall at once certify to the proper prosecuting officer a copy of the results of the examination or analysis of such article, duly authenticated by the analyst or officer making such examination or analysis, under oath of such officer.

Sec. 10. *Duty of prosecuting officer.* It shall be the duty of the prosecuting officer to whom said dairy commissioner shall report any such violation as hereinbefore provided to forthwith cause appropriate proceedings to be commenced in the proper court for the enforcement of the penalties in such cases herein provided.

Sec. 11. *Notice of judgment.* After judgment of said court, notice thereof shall be given by publication in such manner as may be prescribed by the rules and regulations hereinbefore provided for, and if an appeal be taken from the said judgment notice of that fact shall be included in said publication.

Sec. 12. *Penalties.* Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and for a first offense shall, upon conviction thereof, be fined not less than five dollars nor more than three hundred dollars, and for each subsequent offense and conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned not less than thirty days nor more than one year, or both.

Sec. 13. *Guaranty exempts from prosecution.* No dealer shall be punished under the provisions of this act for selling or offering for sale any article of

* * * drugs in the original, unbroken package in which it was received by said dealer, provided he can establish a guaranty by the wholesaler, jobber, manufacturer, or other person residing in the United States from whom he purchased such article, to the effect that said article is not adulterated or misbranded within the meaning of this act; provided, that said guaranty shall contain the name and address of the person making the sale of the said article to such dealer, and in such case said person shall be amenable to the prosecution and penalties which would otherwise attach to the said dealer under the provisions of this act. When the examinations or analyses herein provided for show that the provisions of this act have been violated and the dealer is relieved from prosecution under this section by the production of a guaranty signed by a person residing outside of this state, then the dairy commissioner shall report such fact to the secretary of agriculture of the United States, or the proper officer appointed for the enforcement of the act of Congress approved June 30, 1906, and known as the "Food and Drugs Act."

Sec. 14. *The word "person" as used in act defined.* The word "person" in this act shall be construed to import the singular and the plural as the case demands, and shall include corporations, companies, societies, and associations, when construing and enforcing the provisions of this act, and the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of said person.

Sec. 15. *Repeal.* All acts or parts of acts inconsistent with the provisions of this act are hereby repealed; but nothing in this act shall be construed as repealing chapter 127 of the public acts of 1905.

Sec. 16. *Effect.* This act shall take effect January 1, 1908.

Laws 1907, chap. 255, pp. 195-198.

DELAWARE.

The law regarding adulteration of drugs, effective October 1, 1907, somewhat resembles the Federal law. Stocks on hand October 1, 1907, are exempt. The State board of pharmacy is charged with its enforcement under regulations conforming as nearly as practicable to those of the National law. There is no misbranding clause. Drugs of the United States Pharmacopœia, National Formulary, and American Homeopathic Pharmacopœia are not required to conform to the official standards if the order calls for an article differing from such standard, or if the difference is made known to the purchaser or is caused by evaporation or other unavoidable changes.

REGISTERED PHARMACISTS.

Sec. 1. *Compounding and vending of drugs regulated; exceptions; proviso.* It shall be unlawful for any person not licensed as a pharmacist within the meaning of this Act to conduct or manage any pharmacy, drug or chemical store, apothecary shop, or other place of business, for the retailing, compounding or dispensing of any drugs, chemicals or poisons, or for the compounding of physicians' prescriptions, or to keep exposed for sale at retail any drugs, chemicals or poisons, except as hereinafter provided, or for any person not licensed as a pharmacist, or assistant pharmacist, within the meaning of this Act, to compound, dispense, or sell at retail, any drug, chemical, poison or pharmaceutical preparation upon the prescription of a physician or otherwise, or to compound physicians' prescriptions, except as an aid to or under the supervision of a person licensed as a pharmacist under this Act. And it shall be unlawful for any owner or manager of a pharmacy, or drug store, or other place of business, to cause or permit any other than a person licensed as a pharmacist or assistant pharmacist to compound, dispense or sell, at retail, any drug, medicine or poison, except as an aid to or under the supervision of a person licensed as a pharmacist or assistant pharmacist.

Provided, however, that nothing in this section shall be construed to interfere with any legally registered practitioner of medicine or dentistry in the compounding of his own prescriptions, or to prevent him from supplying to his patients such medicines as he may deem proper, nor with the exclusively wholesale business of any dealer who shall be licensed as a pharmacist, or who shall keep in his employ at least one person who is licensed as a pharmacist, nor with the selling at retail of non-poisonous domestic remedies, nor with the sale of patent or proprietary preparations, nor with the sale of poisonous substances which are sold exclusively for use in the arts, or for use as insecticides, when such substances are sold in unbroken packages bearing a label having plainly printed upon it the name of the contents and the word poison.

Sec. 3. *Qualifications for practice of pharmacy; proviso.* In order to be licensed as a pharmacist within the meaning of this Act, an applicant shall be not less than twenty-one years of age, and shall have been licensed as an assistant

pharmacist for not less than two years prior to his application for license as a pharmacist, and he shall present to the Board satisfactory evidence that he is a graduate of a reputable school or college of pharmacy, or that he has had four years' experience in pharmacy under the instruction of a licensed pharmacist, and he shall also pass a satisfactory examination by or under the direction of the Board of Pharmacy.

In order to be licensed as an assistant pharmacist within the meaning of this Act, an applicant shall be not less than eighteen years of age, shall have a preliminary general education sufficient in the judgment of the Board of Pharmacy, and shall have not less than two years' experience in pharmacy under the instruction of a licensed pharmacist, and shall pass a satisfactory examination by or under the direction of the Board of Pharmacy.

Provided, however, that in the case of persons who have attended a reputable school or college of pharmacy the actual time of attendance at such school or college of pharmacy may, in the discretion of the Board of Pharmacy, be deducted from the time of experience required of pharmacists and assistant pharmacists, but in no case shall less than two years' experience be required for registration as a licensed pharmacist.

Sec. 16. *Illegal display of title of pharmacist.* It shall be unlawful for any person not legally licensed as a pharmacist, to take, use or exhibit the title of pharmacist, or licensed or registered pharmacist, or the title, druggist, or apothecary, or any other title or description of like import; and it shall be unlawful for any person not legally licensed as an assistant pharmacist to take, use or exhibit the title of assistant pharmacist, or any other title or description of like import.

Sec. 18. *Penalty for violation of Section 16.* * * * Whoever, not being legally licensed as a pharmacist, shall take, use, or exhibit the title of pharmacist, licensed or registered pharmacist, druggist, apothecary, or any other title of similar import, contrary to the provisions of Section 16 of this Act, and whoever, not being legally licensed as an assistant pharmacist, shall take, use, or exhibit the title of assistant pharmacist, or any other title of similar import, contrary to the provisions of said Section 16, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars, nor more than fifty dollars.

Sec. 15. *Itinerant vending unlawful.* It shall be unlawful for any person to sell or offer for sale by peddling, or to offer for sale from house to house, or to offer for sale by public outcry or by vending in the street, any drug, medicine, chemical or any composition or combination thereof, or any implement or appliance or other agency for the treatment of disease, injury or deformity.

Sec. 18. *Penalty for violation of section 15.* * * * Whoever shall sell or offer for sale by peddling from house to house, or offer for sale by public outcry or by vending in the street, any drug, medicine, chemical or combination thereof, or any implement or appliance for the treatment of disease, injury or deformity, contrary to the provisions of Section 15 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than two hundred dollars.

Sec. 18. *Licensed pharmacists and assistant pharmacists only to dispense drugs, poisons, etc.; penalty.* Whoever, not being licensed as a pharmacist, shall conduct or manage any drug store, pharmacy, or other place of business for the compounding, dispensing or sale at retail of any drugs, medicines or poisons, or for the compounding of physicians' prescriptions, contrary to the provisions of Section 1 of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars, nor

more than one hundred dollars, and each week such drug store or pharmacy, or other place of business is so unlawfully conducted, shall be held to constitute a separate and distinct offense.

Whoever, not being licensed as a pharmacist or assistant pharmacist, shall compound, dispense or sell at retail any drug, medicine, poison or pharmaceutical preparation, either upon a physician's prescription or otherwise, and whoever being the owner or manager of a drug store, pharmacy, or other place of business, shall cause or permit anyone not licensed as a pharmacist or assistant pharmacist, to dispense, sell at retail, or compound any drug, medicine, poison or physician's prescription contrary to the provisions of Section 1 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars.

Laws, 1907, chap 140, pp. 250-260.

SALE OF POISONS.

Sec. 13. *Sale to minors regulated; label required; etc.; proviso.* It shall be unlawful for any person in this State to sell or deliver to any minor under sixteen years of age, except upon the written order of an adult, any of the following substances, and it shall likewise be unlawful to sell or deliver to any person any of the following described substances, or any poisonous compound, combination or preparation thereof, to wit: Strychnia, arsenic or corrosive sublimate, except in the manner following:

It shall first be learned by due inquiry that the person to whom delivery is made is aware of the poisonous character of the substance, and that it is desired for a lawful purpose, and the box, bottle, or other package shall be plainly labeled with the name of the substance, the word poison and the name of the person or firm dispensing the substance. And before a delivery shall be made of any of the foregoing substances there shall be recorded in a book kept for the purpose the name of the article, the quantity delivered, the purpose for which it is alleged to be used, the date of delivery, the name and address of the purchaser, and the name of the dispenser, which book shall be preserved for at least five years, and shall at all times be open for inspection by the proper officers of the law.

Provided, however, that the foregoing provisions shall not apply to articles dispensed upon the order of persons believed by the dispenser to be lawfully authorized practitioners of medicine or dentistry; and provided, also, that the record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale, but the box, bottle, or other package containing such substance when sold at wholesale shall be properly labeled with the name of the substance, the word poison, and the name and address of the manufacturer or wholesaler.

Sec. 18. *Violation; penalty.* * * * Whoever shall sell or deliver to any person any poisonous substance specified in Section 13 of this Act, without labeling the same and recording the delivery thereof in the manner prescribed in said Section 13, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars, nor more than one hundred dollars.

Sec. 14. *Record of sales must be kept.* Every proprietor or manager of a drug store or pharmacy shall keep in his place of business a suitable book or file, in which shall be preserved for a period of not less than five years the original of every prescription compounded or dispensed at such store or pharmacy, and

said book or file of original prescriptions shall at all times be open to inspection by duly authorized officers of the law.

Laws, 1907, chap. 140, pp. 250-260.

ADULTERATION OF DRUGS.

Sec. 1. *Manufacture and sale of adulterated drugs prohibited.* It shall be unlawful for any person to manufacture, dispense, sell or offer for sale, within the limits of this State, any * * * drug which is adulterated within the meaning of this Act.

Sec. 2. *Term "drug" defined.* The term "drug," as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopœia, National Formulary or American Homeopathic Pharmacopœia for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals. * * * When a substance answers both descriptions, a "food" and a "drug" as above defined, the purpose for which it was manufactured, dispensed, sold, or offered for sale as the case may be, shall determine its character.

Sec. 3. *Articles deemed to be adulterated.* For the purpose of this Act an article shall be deemed to be adulterated:—

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia, National Formulary or American Homeopathic Pharmacopœia, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia, National Formulary or American Homeopathic Pharmacopœia, unless the order calls for an article differing from such standard, or unless such difference is made known or so appears to the purchaser at the time of each sale.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

But in no case shall a drug be deemed to be adulterated, as differing from the proper standard, when the variation is caused by the evaporation of any volatile ingredient or by other change beyond control, happening after the manufacture of the same, provided that due care be taken to preserve its integrity.

Sec. 5. *When not deemed an offense.* An offense shall not be deemed to be committed under this Act in the following cases: (1) where the order calls for a * * * drug inferior to such standard and such difference is made known at the time; (2) where the * * * drug is mixed with any matter or ingredient not injurious to health and not intended fraudulently to increase its bulk, weight or measure or conceal its inferior quality, if at the time such article is delivered to the purchaser, it is made known to him that such * * * drug is so mixed.

Sec. 6. *Establishing a guaranty.* No dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States, from whom he purchases such articles, to the effect that the same are not adulterated within the meaning of this Act or the National Food and Drugs Act of June 30, 1906. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

Sec. 7. State board of pharmacy to enforce act. * * * It shall be the duty of the State Board of Pharmacy to enforce all the provisions of this Act and to promulgate rules and regulations for carrying out the same so far as they relate to drugs, including proper methods for handling volatile and variable drugs. Such rules shall provide for the examination and analysis of specimens and shall give the party from whom the same is obtained opportunity to verify any findings and to be heard before prosecution. The rules and regulations officially prescribed for the enforcement of the Act of Congress, approved June 30, 1906, entitled, "An Act for preventing the manufacture, sale or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating traffic therein, and for other purposes," so far as applicable, shall be adopted by the said officials for the enforcement of this Act.

Sec. 8. Violations, penalty, etc. Whoever knowingly violates any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars nor more than one hundred dollars, in the discretion of the Court; said fine to be paid to the State Treasurer.

Sec. 9. Expenses. The expenses incurred by all officials in performing duties imposed by the provisions of this Act, including reasonable compensation for services rendered, shall be paid by requisition upon the State Treasurer, when approved by the Governor, out of funds in hand not otherwise appropriated.

Sec. 10. Word "person" as used in act defined. The word "person" as used in this Act shall be construed to import both the singular and plural, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission or failure of any officer, agent or other person acting for or employed by any corporation, company, society or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society or association as well as that of the person.

Sec. 11. When effective. This Act shall go into force and effect on the first day of October, nineteen hundred and seven, but shall not apply to packages then in stock.

Laws, 1907, chap. 160, pp. 301-304.

DISTRICT OF COLUMBIA.

The Federal food and drugs act applies.

The health officer is charged with the enforcement of the District law regarding the adulteration of drugs, which became effective in 1898, and also of the formulation of rules for the collection and examination of samples. The enforcement of the law regulating practice of pharmacy and sale of poison devolves upon the major and superintendent of police and the corporation counsel for the District.

Cocaine, morphine, etc., may be sold upon original prescription only, and prescribing for habitués is restricted.

REGISTERED PHARMACISTS.

Sec. 1. *Regulating the compounding or dispensing of drugs, chemicals, etc., and conduct of pharmacy; provisos.* It shall be unlawful for any person not licensed as a pharmacist within the meaning of this Act to conduct or manage any pharmacy, drug or chemical store, apothecary shop, or other place of business for the retailing, compounding, or dispensing of any drugs, chemicals, or poisons, or for the compounding of physicians' prescriptions, or to keep exposed for sale, at retail, any drugs, chemicals, or poisons, except as hereinafter provided; or, except as hereinafter provided, for any person not licensed as a pharmacist within the meaning of this Act to compound, dispense, or sell, at retail, any drug, chemical, poison, or pharmaceutical preparation upon the prescription of a physician, or otherwise, or to compound physicians' prescriptions, except as an aid to and under the proper supervision of a pharmacist licensed under this Act. And it shall be unlawful for any owner or manager of a pharmacy, drug store, or other place of business to cause or permit any person other than a licensed pharmacist to compound, dispense, or sell, at retail, any drug, medicine, or poison, except as an aid to and under the proper supervision of a licensed pharmacist: *Provided*, That nothing in this section shall be construed to interfere with any legally registered practitioner of medicine, dentistry, or veterinary surgery in the compounding of his own prescriptions, or to prevent him from supplying to his patients such medicines as he may deem proper; nor with the exclusively wholesale business of any dealer who shall be licensed as a pharmacist, or who shall keep in his employ at least one person who is so licensed, except as hereinafter provided; nor with the sale by others than pharmacists of poisonous substances sold exclusively for use in the arts, or as insecticides, when such substances are sold in unbroken packages bearing labels having plainly printed upon them the name of the contents, the word "poison," when practicable the name of at least one suitable antidote, and the name and address of the vendor: *Provided further*, That such person, firm, or corporation has obtained a permit from the board of pharmacy, which grants the right and privilege to make such sales, such permit to be issued for a period of three years, and that each sale of such substance

be registered as required of a licensed pharmacist, and it shall be unlawful for any person under the age of twenty-one years to sell such substances, and in no case shall the sale be made to a person under eighteen years of age except upon the written order of a person known or believed to be an adult: *And provided further*, That persons other than registered pharmacists may sell household ammonia and concentrated lye, in sealed containers plainly labeled, so as to indicate the nature of the contents, with the word "poison," and with a statement of two or more antidotes to be used in case of poisoning, and may sell bicarbonate of soda, borax, cream of tartar, olive oil, sal ammoniac, and sal soda; and persons other than registered pharmacists may, furthermore, sell in original sealed containers, properly labeled, such compounds as are commonly known as "patent" or "proprietary" medicines, except those the sale of which is regulated by the provisions of sections eleven and thirteen of this Act.

Sec. 3. Qualification for practice of pharmacy; provisos. Every person not registered under an Act to regulate the practice of pharmacy in the District of Columbia, approved June fifteenth, eighteen hundred and seventy-eight, who shall desire to be licensed as a pharmacist shall file with the board of pharmacy an application, duly verified under oath, setting forth the name and age of the applicant, the place or places at which he pursued, and the time spent in, the study of pharmacy, the experience which the applicant has had in compounding physicians' prescriptions under the direction of a licensed pharmacist, and the name and location of the school or college of pharmacy, if any, of which he is a graduate, and shall submit evidence sufficient to show to the satisfaction of said board that he is of good moral character and not addicted to the use of alcoholic liquors or narcotic drugs so as to render him unfit to practice pharmacy; and said applicant shall appear at a time and place designated by the board of pharmacy aforesaid and submit to an examination as to his qualifications for license as a pharmacist: *Provided*, That applicants shall be not less than twenty-one years of age, and in order to be entitled to an examination for the determination of his fitness to be licensed as a pharmacist in the District of Columbia, must have had not less than four years' experience in the practice of pharmacy under the instruction of a regular licensed pharmacist: *Provided, however*, That the board of pharmacy, in its discretion, may establish, by general rules, conditions, upon compliance with which by any school or college of pharmacy, and under the submission by said school or college of evidence sufficient to prove such compliance to the satisfaction of said board, applicants who have been graduated by such school or college during any specified year or years may be allowed credit for not more than one year's experience in the practice of pharmacy by reason of attendance at and graduation by said school or college: *Provided further*, That any applicant intending to limit his practice to compounding and dispensing homeopathic remedies and prescriptions may be licensed, if otherwise qualified. Any applicant intending to compound and dispense homeopathic remedies and prescriptions shall so state in his application for license as a pharmacist, and it shall thereupon become the duty of the board of pharmacy aforesaid to appoint a committee of three, physicians or pharmacists, or both, adherents to the homeopathic system of medical practice, to examine said applicant in homeopathic materia medica and pharmacy, and to report the result thereof to said board. Every such applicant, however, shall be subjected in all respects to the same examinations by the board of pharmacy as are applicants generally, except that an applicant intending to limit his practice to the compounding and dispensing of homeopathic remedies and prescriptions shall not be examined by said board of pharmacy in materia medica and pharmacy. But the license

issued to any applicant after a limited examination as aforesaid shall permit him to compound or dispense homeopathic remedies and prescriptions only. No person shall compound or dispense homeopathic remedies or prescriptions who has not been licensed so to do, nor shall any person who has been licensed to compound and dispense homeopathic remedies and prescriptions alone compound or dispense other remedies or prescriptions, except "patent" or "proprietary" remedies in original packages.

Sec. 5. *Reciprocity in granting licenses; proviso.* The board of pharmacy shall issue licenses to practice pharmacy in the District of Columbia without examination, or after limited examination, as said board may determine, to such persons as have been legally registered or licensed as pharmacists in States, Territories, or foreign countries: *Provided*, That the applicant for such license present satisfactory evidence of qualifications equal to those required of licentiates examined under this Act, and that he was registered or licensed after examination in such State, Territory, or foreign country not less than one year prior to the date of application; that the standard of competence required in such State, Territory, or foreign country is not lower than that required in the District of Columbia, and that such State, Territory, or foreign country accords similar recognition to licentiates of the District of Columbia, all of which shall be determined by the board of pharmacy aforesaid. Applicants for license under this section shall forward with their application a fee of ten dollars.

Sec. 6. *Grounds upon which licenses may be revoked.* The license of any person to practice pharmacy in the District of Columbia may be revoked if such person be found to have obtained such license by fraud; or to be addicted to the use of any narcotic or stimulant, or to be suffering from physical or mental disease, in such manner and to such an extent as to render it expedient that in the interests of the public his license be canceled; or to be of an immoral character; or if such person be convicted in any court of competent jurisdiction of any offense involving moral turpitude. It shall be the duty of the major and superintendent of police of said District to investigate any case in which it is discovered by him, or made to appear to his satisfaction, that any license issued under the provisions of this Act is revocable and to report the result of such investigation to the board of pharmacy, which board shall, after full hearing, if in their judgment the facts warrant it, revoke such license.

Sec. 7. *Renewal.* In the month of November of each year every licensed dealer in poisons for use in the arts or as insecticides, whose permit has been issued not less than three years prior to the first day of such month, shall apply to the board of pharmacy for the renewal of such permit. And said board is hereby authorized, upon the payment of such fees as are hereinafter provided, to renew such permit in the month of November for a period of three years from the thirty-first day of October immediately preceding the date thereof. And every permit not renewed within the month of November as aforesaid shall be void and of no effect unless and until renewed. Any license, permit, or renewal obtained through fraud, or by any false or fraudulent representation, shall be void and of no effect. No person shall make any false or fraudulent representation for the purpose of procuring a license, permit, or renewal thereof, either for himself or for another. *Act of May 7, 1906, as interpreted and compiled by the Board of Pharmacy of the District of Columbia after passage of the amendment of February 27, 1907.*

SALE OF POISONS.

Sec. 11. *Sale of poisons restricted; provisos.* It shall be unlawful for any person, by himself, or by his servant or agent, or as the servant or agent of any other person, or of any firm or corporation, to sell, furnish, or give away any cocaine, salts of cocaine, or preparation containing cocaine or salts of cocaine; morphine, salts of morphine, or preparation containing morphine or salts of morphine; or any opium, or preparation containing opium; or any chloral hydrate, or preparation containing chloral hydrate, except upon the original written order or prescription of a lawfully authorized practitioner of medicine, dentistry, or veterinary medicine, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, or, if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered, and shall be signed by the person giving the order or prescription. Such order or prescription shall be, for a period of three years, retained on file by the person, firm, or corporation who compounds or dispenses the article ordered or prescribed, and it shall not be compounded or dispensed after the first time, except upon the written order of the original prescriber: *Provided*, That the above provisions shall not apply to preparations containing not more than two grains of opium, or not more than one-quarter grain of morphine, or not more than one-quarter grain of cocaine, or not more than two grains of chloral hydrate in the fluid ounce, or, if a solid preparation, in one avoirdupois ounce. The above provisions shall not apply to preparations sold in good faith for diarrhoea and cholera, each bottle or package of which is accompanied by specific directions for use and caution against habitual use, nor to liniments or ointments sold in good faith as such when plainly labeled "for external use only," nor to powder of ipecac and opium, commonly known as Dover's powder, when sold in quantities not exceeding twenty grains: *Provided further*, That the above provisions shall not apply to sales at wholesale by jobbers, manufacturers, and retail druggists to retail druggists, hospitals, colleges, and scientific or public institutions.

Sec. 12. *Unlawful for physician to prescribe certain habit-forming drugs to habitués of the same; exceptions; proviso.* No physician in the District of Columbia, knowing, or when he might by reasonable inquiry know, that any person is addicted to the use of cocaine, morphine, opium, or chloral hydrate, shall furnish or prescribe such drug, compound, or preparation aforesaid for the cure of aforesaid, to the use of which such person is addicted, or any compound thereof, or any preparation containing the same, except as it may be necessary to furnish or prescribe such drug, compound, or preparation aforesaid for the cure of drug addiction aforesaid, or for the treatment of disease, injury, or deformity: *Provided*, That no physician shall be convicted under the provisions of this section who shows to the satisfaction of the court before which he is tried that, having exercised due diligence and acting in good faith, he furnished or prescribed such drug, compound, or preparation aforesaid believing the same to be necessary for the cure of drug addiction aforesaid, or for the treatment of disease, injury, or deformity, and for no other purpose whatsoever. No dentist shall furnish or prescribe any drug, compound, or preparation aforesaid to, or for the use of, any person not under his treatment in the regular course of his professional work, nor in any case otherwise than may be required by such work. No practitioner of veterinary medicine shall furnish or prescribe any drug, compound, or preparation aforesaid for the use of any human being, or when he has reasonable ground for believing that the drug, compound, or preparation aforesaid is desired or intended for the use of any human being:

Provided further, That nothing in this section contained shall be construed to give to dentists or to practitioners of veterinary medicine the right to furnish or prescribe any drug, compound, or preparation whatsoever otherwise than as is usual and customary in the practice of dentistry and veterinary medicine, respectively.

Sec. 13. *Label and record of sale of poisons required; provisos.* It shall be unlawful for any person to sell or deliver to any other person any of the following described substances, or any poisonous compound, combination, or preparation thereof, to wit: The compounds of and salts of antimony, arsenic, barium, chromium, copper, gold, lead, mercury, silver, and zinc; the caustic hydrates of sodium and potassium, solution or water of ammonia, methyl alcohol, paregoric, the concentrated mineral acids, oxalic and hydrocyanic acids and their salts, yellow phosphorus, Paris green, carbolic acid, the essential oils of almonds, pennyroyal, tansy, rue, and savin; croton oil, creosote, chloroform, cantharides, or aconite, belladonna, bitter almonds, colchicum, cotton root, cocculus indicus, conium, cannabis indica, digitalis, ergot, hyoscyamus, ignatia, lobelia, nux vomica, physostigma, phytolacca, strophanthus, stramonium, veratrum viride, or any of the poisonous alkaloids or alkaloidal salts derived from the foregoing, or any other poisonous alkaloids or their salts, or any other virulent poison, except in the manner following, and, moreover, if the applicant be less than eighteen years of age, except upon the written order of a person known or believed to be an adult.

It shall first be learned, by due inquiry, that the person to whom delivery is about to be made is aware of the poisonous character of the substance, and that it is desired for a lawful purpose, and the box, bottle, or other package shall be plainly labeled with the name of the substance, the word "poison," the name of at least one suitable antidote when practicable, and the name and address of the person, firm, or corporation dispensing the substance. And before delivery be made of any of the foregoing substances, excepting solution or water of ammonia, and sulphate of copper, there shall be recorded in a book kept for that purpose the name of the article, the quantity delivered, the purpose for which it is to be used, the date of delivery, the name and address of the person for whom it is procured, and the name of the individual personally dispensing the same; and said book shall be preserved by the owner thereof for at least three years after the date of the last entry therein. The foregoing provisions shall not apply to articles dispensed upon the order of persons believed by the dispenser to be lawfully authorized practitioners of medicine, dentistry, or veterinary surgery: *Provided*, That when a physician writes upon his prescription a request that it be marked or labeled "poison," the pharmacist shall, in the case of liquids, place the same in a colored glass, roughened bottle, of the kind commonly known in trade as a "poison bottle," and, in the case of dry substances, he shall place a poison label upon the container. The record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale to licensed pharmacists, but the box, bottle, or other package containing such substance, when sold at wholesale, shall be properly labeled with the name of the substance, the word "poison," and the name and address of the manufacturer or wholesaler: *Provided further*, That it shall not be necessary, in sales either at wholesale or at retail, to place a poison label upon, nor to record the delivery of, the sulphide of antimony, or the oxide or carbonate of zinc, or of colors ground in oil and intended for use as paints, or calomel, or of paregoric when sold in quantities not over two fluid ounces; nor, in the case of preparations containing any of the substances named in this section, when a single box,

bottle, or other package, or when the bulk of one-half fluid ounce, or the weight of one-half avoirdupois ounce, does not contain more than an adult medicinal dose of such substance; nor in the case of liniments or ointments, sold in good faith as such, when plainly labeled "for external use only;" nor in the case of preparations put up and sold in the form of pills, tablets, or lozenges, containing any of the substances enumerated in this section and intended for internal use, when the dose recommended does not contain more than one-fourth of an adult medicinal dose of such substance.

For the purpose of this and of every other section of this Act no box, bottle, or other package shall be regarded as having been labeled "poison" unless the word "poison" appears conspicuously thereon, printed in plain, uncondensed gothic letters in red ink.

Sec. 15. *Prescription file shall be kept.* Every proprietor or manager of a drug store or pharmacy shall keep in his place of business a suitable book or file, in which shall be preserved, for a period of not less than three years, the original of every prescription compounded or dispensed at such store or pharmacy, or a copy of such prescription, except when the preservation of the original is required by section eleven of this Act. Upon request, the proprietor or manager of such store shall furnish to the prescribing physician, or to the person for whom such prescription was compounded or dispensed, a true and correct copy thereof. Any prescription required by section eleven of this Act, and any prescription for, or register of sales of, substances mentioned in section thirteen of this Act shall at all times be open to inspection by duly authorized officers of the law. No person shall, in the District of Columbia, compound or dispense any drug or drugs, or deliver the same to any other person, without marking on the container thereof the name of the drug or drugs contained therein, or directions for using the same.

Sec. 16. *Peddling drugs, etc., unlawful.* It shall be unlawful for any person to sell or offer for sale by peddling, or to offer for sale from house to house, or to offer for sale by public outcry, or by vending in the street, any drug, medicine, or chemical, or any compound or combination thereof, or any implement, appliance, or other agency for the treatment of disease, injury, or deformity. That, except as may be otherwise authorized by law, no person shall throw, cast, deposit, drop, scatter, or leave, or cause to be thrown, cast, deposited, dropped, scattered, or left, any drug, medicine, or chemical, or any compound or combination thereof, upon any public highway or place, or, without the consent of the owner or occupant thereof, upon any premises in the District of Columbia.

Sec. 19. *Violations; penalty.* Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding two hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court, and if the offense be continuing in its character, each week or part of a week during which it continues shall constitute a separate and distinct offense. And it shall be the duty of the major and superintendent of police of the District of Columbia and of the corporation counsel of said District to enforce the provisions of this Act.

Sec. 20. *Repeal.* That all Acts and parts of Acts inconsistent with the provisions of this Act as amended be, and the same are hereby, repealed. *Act of May 7, 1906, as interpreted and compiled by the Board of Pharmacy of the District of Columbia after passage of the amendment of Feb. 27, 1907.*

ADULTERATION OF DRUGS.

12. *Registered pharmacist responsible for quality sold.* Every registered pharmacist shall be held responsible for the quality of all drugs, chemicals, and medicines he may sell or dispense, with the exception of those sold in the original packages of the manufacturer, and also those known as "patent medicines"; and should he knowingly, intentionally, and fraudulently adulterate, or cause to be adulterated, such drugs, chemicals, or medical preparations, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty not exceeding one hundred dollars, and, in addition thereto, his name shall be stricken from the register.

Approved June 15, 1878. Compiled Statutes (Albert and Lovejoy), 1894, p. 437.

2. *Definition of "drug".* The term "drug", as used in this Act, shall include all medicines for external or internal use, antiseptics, disinfectants, and cosmetics. * * *

3. *Definition of "adulteration".* An article shall be deemed to be adulterated within the meaning of this Act:

(a) In the case of drugs: First, if, when sold under or by a name recognized in the United States Pharmacopoeia, it differs from the standard of strength, quality, or purity laid down in the edition thereof at the time official; second, if, when sold under or by a name not recognized in the United States Pharmacopoeia, but which is found in the German, French, or English Pharmacopoeia, it differs from the strength, quality, or purity laid down therein; third, if, when sold as a patented medicine, compounded drug, or mixture, it is not composed of all of the ingredients advertised or printed or written on the bottles, wrappers, or labels of or on or with the patented medicine, compounded drug, or mixture: *Provided*, That if the defendant in any prosecution under this Act, in respect to the sale of any such patented medicine, compounded drug, or mixture, shall prove to the satisfaction of the court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the purchaser, and with a written warranty to that effect; and that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution. * * * *Provided*, That an offense shall not be deemed to be committed under this section in the following cases, that is to say, first, where the order calls for an article of food or drug inferior to such standard, or where such difference is made known by being plainly written or printed on the package; second, where the article of food or drug is mixed with any matter or ingredient not injurious to health and not intended fraudulently to increase its bulk, weight, or measure or conceal its inferior quality, if at the time such article is delivered to the purchaser it is made known to him that such article of food or drug is so mixed.

4. *Health officer to prepare regulations to facilitate enforcement of act.* It shall be the duty of the health officer of the District of Columbia, under the direction of the Commissioners of said District, to adopt such measures as may be necessary to facilitate the enforcement hereof, and prepare rules and regulations with regard to the proper method of collecting and examining drugs and articles of food in said District.

5. *Health officer to investigate complaints of violations.* It shall be the duty of the health officer to investigate a complaint for a violation of any of the

provisions of this Act on the information of any person who lays before him satisfactory evidence by which to substantiate such complaint.

6. *Samples to be furnished.* Every person offering for sale or delivering to any purchaser any drug or article of food included in the provisions of this Act shall furnish to any analyst or other officer or agent of the health department, who shall apply to him for the purpose and shall tender him the value of the same, a sample sufficient for the purpose of analysis of any such drug or article of food which is in his possession.

7. *Portion of sample to be reserved.* In all cases where any drug or article of food shall be taken as a sample to be examined and analyzed the person making the analysis shall reserve a portion of the sample, which shall be sealed, for a period of thirty days from the time of taking such sample, and in case of a complaint the reserved portion alleged to be adulterated shall, upon application, be delivered to the defendant or his attorney.

8. *Unlawful to hinder inspector.* No person shall hinder, obstruct, or in any way interfere with any inspector, analyst or other person of the health department in the performance of his duty in carrying out the provisions of this Act.

9. *Penalty.* All prosecutions under this Act shall be in the police court of said District, on information brought in the name of the District of Columbia, and on its behalf; and any person or persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars nor more than one hundred dollars.

Approved, February 17, 1898. U. S. Statutes at Large, vol. 30, pp. 246-248.

FLORIDA.

The law regarding adulteration and misbranding of drugs, effective September 1, 1907, is similar to the Federal law. Its enforcement is under the supervision of the commissioner of agriculture, with the advice of the attorney-general. Prescriptions and United States Pharmacopœia and National Formulary preparations are exempted from the declaration and apparently from the substitution provisions of the misbranding clause.

Cocaine is sold only upon original prescription.

REGISTERED PHARMACISTS.

1173. *Qualifications, examination; registration, exemptions.* The said board of pharmacy shall, at stated times, to be fixed by them, being at least once in each year, and at any time upon application of ten applicants for examination, and at such time and place and in such manner as they may determine, either by a schedule of questions to be answered and subscribed to under oath, or orally, examine every person who shall desire to conduct the business of selling at retail, compounding or dispensing drugs, medicines or chemicals, for medical use, or compounding or dispensing physicians' prescriptions as a pharmacist; and if a majority of said board shall be satisfied that said person is competent and fully qualified to conduct said business of compounding or dispensing drugs, medicines or chemicals for medicinal use, or to compound or dispense physicians' prescriptions, they shall enter the name of such person as a registered pharmacist in a book provided for that purpose, and all graduates of colleges of pharmacy that require a practical experience in pharmacy of not less than four years before granting a diploma, shall be entitled to have their names registered by said board without examination: Provided, however, That this chapter shall not be so construed as to prevent any physician who is authorized to practice medicine or surgery under the laws of this State, from registering as a pharmacist or druggist without examination: Provided, also, That any person not a pharmacist or druggist may open and conduct such store, if he shall keep constantly in his employ a registered pharmacist or druggist, but shall not himself sell or dispense drugs or medicines except proprietary and patent medicines in original packages. (*Acts, 1889, chap. 3880, sec. 3.*)

General Statutes, 1906, p. 507.

3612. *Persons not registered pharmacists dispensing drugs in certain places.* Whoever, other than a registered pharmacist, conducts any pharmacy, drug store, apothecary shop or store located in any village, town or city of more than two hundred inhabitants, or within two miles of any incorporated city or town of more than two hundred inhabitants, for the purpose of retailing, compounding or dispensing medicines or poisons for medical use, except as provided by law, shall be punished by imprisonment not exceeding six months, or by fine not exceeding two hundred dollars. (*Acts, 1889, chap. 3880, sec. 1.*)

General Statutes, 1906, p. 1327.

3613. Registered pharmacists required to supervise dispensing of drugs. Whoever, being the proprietor of any store or pharmacy in any village, town or city of more than two hundred inhabitants, or within two miles of any incorporated city or town of more than two hundred inhabitants, allows any person except registered pharmacists to compound or dispense the prescriptions of physicians, or to retail or dispense poisons for medical use, except as aid to and under the supervision of a registered pharmacist shall be punished by fine not exceeding one hundred dollars. (*Acts, 1889, chap. 3880, sec. 1.*)

3614. Penalty for violating above sections. Whoever compounds or mixes for sale any drugs or medicines of any kind or carries on or engages in the business or avocation of a druggist or apothecary in any place other than such places as are authorized by law, without obtaining a legal certificate, shall, unless he be a registered pharmacist, be punished by imprisonment not exceeding six months or by fine not exceeding two hundred dollars. (*Acts, 1872, chap. 1891, sec. 1.*)

General Statutes, 1906, p. 1327.

1179. Not to apply to physicians prescribing. Nothing in this chapter is intended to apply to regular practicing physicians, putting up their own prescriptions in their ordinary practice of dispensing medicines. (*Acts, 1872, chap. 1891.*)

General Statutes, 1906, p. 509.

SALE OF POISONS.

1178. Morphine to be wrapped in scarlet paper. It shall not be lawful for any druggist or other dealer in drugs and medicines to sell or offer for sale, sulphate, or other preparation of morphine, unless the same is wrapped in scarlet paper and plainly labeled. [Physicians exempt; see section 1179.] (*Acts, 1881, chap. 3286, sec. 1, p. 87.*)

General Statutes, 1906, p. 509.

3604. Selling certain poisons. Any violation of the law, relative to sale of poisons, not specially provided for, shall render the principal of the store wherein the same are sold liable to a fine not exceeding one hundred dollars.

3606. Provisions concerning poisons. It shall be unlawful for any person not a registered pharmacist to retail any poisons enumerated below. Arsenic and all its preparations, corrosive sublimate, white and red precipitate, binionide of mercury, cyanide of potassium, hydrocyanic acid, strychnine, and all other poisonous vegetable alkaloids and their salts, and the essential oil of almonds, opium and its preparations of opium containing less than two grains to the ounce, aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, veratrum digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic and oxalic acids; and he shall label the box, vessel or paper in which said poison is contained with the name of the article, the word poison, and the name and place of business of the seller; nor shall it be lawful for any person to deliver or sell any poisons enumerated above unless upon inquiry it be found that the purchaser is aware of its poisonous character and represents that it is to be used for a legitimate purpose. The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities or doses upon the prescriptions of practitioners of medicine. Any violation of this section shall make the principal of said store liable to a fine of not less than ten dollars or more than one hundred dollars; Provided, however, That this section shall

not apply to manufacturers making and selling at wholesale any of the above poisons: And provided, That each box, vessel or paper in which said poison is contained, shall be labeled with the name of the article, the word poison, and the name and place of business of the seller. (*Acts, 1889, chap. 3380, sec. 8.*)

3607. *Cocaine sold only upon written prescription of physician.* Any druggist or other dealer in drugs and medicines or any other person who shall sell and dispose of the drug or alkaloid known as cocaine, or its salts, except upon the written prescription of a licensed physician, which said prescription shall not be filled but once, shall be punished by a fine of not more than one hundred dollars, or imprisonment not more than thirty days: Provided, This section shall not apply to manufacturers making and selling cocaine at wholesale or to sales thereof for use by dentists, physicians, hospitals or infirmaries. (*Acts, 1903, chap. 5163, sec. 1.*)

General Statutes, 1906, pp. 1325-1326.

ADULTERATION AND MISBRANDING OF DRUGS.

3596. *Sale of adulterated drugs regulated.* No person shall sell any article * * * drug which is not of the nature, substance and quality of the article as represented by the vendor. Any person violating this section shall be punished for the first offence by fine not exceeding fifty dollars, and for each subsequent offence by fine not exceeding one hundred dollars, or imprisoned not exceeding six months; Provided, That an offence shall not be deemed to be committed under this section in the following cases:

First. Where any matter or ingredient not injurious to health has been added to the * * * drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the * * * drug or to conceal the inferior quality thereof.

Second. Where the drug * * * is a proprietary medicine.

Third. Where the * * * drug is compounded as authorized by law.

Fourth. Where the * * * drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

In any prosecution where the fact of an article having been sold in a mixed state is proven, if the defendant desires to reply ^a on the provisos herein contained the burden of proof shall be upon him to maintain it. (*Acts, 1903, chap. 5170, secs. 4, 7.*)

3597. *Ingredients to be as represented.* No person shall sell any * * * compounded drug which is not composed of ingredients in accordance with the demand of the purchaser. Any person violating the provisions of this section shall be punished by fine not exceeding fifty dollars: Provided, That no person shall be held guilty of any such offence in respect to any matter or ingredient not injurious to health, and not intended fraudulently to increase its bulk, weight or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice by a label, distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed. (*Acts, 1903, chap. 5170, sec. 5.*)

3595. *Adulteration affecting quality.* No person shall, except for the purpose of compounding as provided by law, mix, color, stain or powder or order or permit any other person so to do, any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with intent that the same may be sold in this State, and no person shall sell any such drug so

^a So in Statutes.

mixed, colored, stained or powdered under the same penalty in each case as is provided in the preceding section. (*Acts, 1903, chap. 5170, sec. 3.*)

3598. Ignorance of adulteration. No person shall be liable to be convicted under the preceding sections in respect to the sale of any * * * drug if he shows to the satisfaction of the court before whom he is charged that he did not know of the article or drug sold by him being so mixed, colored, stained or powdered, as in either of said sections are mentioned, and that he could not with reasonable diligence, have obtained that knowledge. (*Ib., sec. 3.*)

3599. Subtraction of ingredients. No person shall, with the intent that the same may be sold in its altered state without notice, subtract from any article of food, any part of it so as to affect injuriously its quality, substance or nature, and no person shall sell any article so altered without making disclosure of the alteration, and any and all persons violating the provisions of this section shall be punished by fine not exceeding one hundred dollars. (*Ib., sec. 8.*)

3600. Selling under warranty. If the defendant in any prosecution under the preceding section prove to the satisfaction of the court that he purchased the article in question as the same in nature, substance and quality as that demanded of him by the purchaser, and with a written warranty to that effect; and that he had no reason at the time of sale to believe that the article was otherwise, and that he sold it in the same state as purchased by him, he shall be discharged. (*Ib., sec. 8.*)

3601. Forging of warranty. Any person who shall forge, or shall use, knowing it to be forged, any certificate or any writing purporting to contain a warranty, as provided in the preceding section shall be punished on conviction by imprisonment not exceeding one year. (*Ib., sec. 10.*)

3602. False or misapplied warranties. Any person who shall wilfully apply to any * * * drug a certificate of warranty given in relation to any other article or drug, or who shall give a false warranty in writing to any purchaser in respect of an article of * * * drug sold by him as principal or agent or who shall wilfully give a label with any article sold by him which shall falsely describe the article sold, shall be punished by fine not exceeding one hundred dollars. (*Ib., sec. 10.*)

3609. Adulteration of drugs. Whoever fraudulently adulterates for the purpose of sale any drug or medicine or sells any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be punished by imprisonment not exceeding one year, or by fine not exceeding four hundred dollars; and such adulterated drugs and medicine shall be forfeited and destroyed under the direction of the court, and if the offender be a registered pharmacist, his name shall be stricken from the register. (*Acts, 1886, chap. 1637, sec. 5; Acts, 1889, ch. 3880, sec. 7.*)

General Statutes, 1906, pp. 1322-1326.

1175. Pharmacists and owners responsible for quality of drugs. Every registered pharmacist, apothecary and owner of any store shall be held responsible for the quality of all drugs, chemicals or medicines he may sell or dispense, with the exception of those sold in original packages of the manufacturer and also those known as proprietary; and should he knowingly intermingle and fraudulently adulterate or cause to be adulterated such drugs, chemicals or medical preparations, his name shall be stricken from the register. (*Acts, 1889, chap. 3880, sec. 7.*)

General Statutes, 1906, p. 508.

Sec. 1. *Unlawful to manufacture, sell, etc., adulterated or misbranded drugs and medicines.* It shall be unlawful for any person to manufacture, sell, keep or offer for sale within the State of Florida, any * * * drugs, medicine or liquors which are adulterated or misbranded, or which contain any poisonous or deleterious substance within the meaning of this act; and any of the persons who shall violate any of the provisions of this act shall be guilty of a misdemeanor and for each offense shall, upon conviction thereof, be fined not to exceed one thousand dollars, or shall be sentenced to not more than one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense, and on conviction thereof, shall be fined not exceeding two thousand dollars or sentenced to not more than two years imprisonment or both such fine and imprisonment, in the discretion of the court.

Sec. 2. *Examination of specimens to be made by State Chemist reporting to Commissioner of Agriculture and Attorney General.* The examination of specimens of * * * drugs shall be made by the State Chemist of Florida, or under his direction and supervision, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this act, and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of the act, the Commissioner of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained; any party so notified shall be given an opportunity to be heard before the Commissioner of Agriculture and the Attorney General under such rules and regulations as may be prescribed by them, and if it appears that any of the provisions of this act have been violated by such party, then the Commissioner of Agriculture shall at once certify the facts to the proper prosecuting attorney, with the copy of the results of the analysis, or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. That in case it shall appear to the satisfaction of the Commissioner of Agriculture and the Attorney General that the violation of this act is properly a subject of interstate commerce or otherwise comes under the supervision and jurisdiction of the United States, then the Commissioner of Agriculture shall certify the case to the United States District Attorney in whose district the violation may have been committed, but if it be under the jurisdiction of the courts of this State, then the Commissioner shall certify the case to the proper prosecuting attorney of the court in the county where the offense occurred. It shall be the duty of the proper prosecuting attorney to prosecute all persons violating any of the provisions of this act as soon as he receives the evidence transmitted by the Commissioner of Agriculture. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

Sec. 3. *Term "drug" defined.* The term "drug," as used in this act shall include all medicines and preparations recognized in the United States Pharmacopoeia, or National Formulary, for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

Sec. 4. *Adulteration defined.* For the purpose of this act, an article shall be deemed to be adulterated—

In case of drugs:

First. If when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of

strength, quality or purity, as determined by the test laid down in the United States Pharmacopia or National Formulary official at the time of investigation; Provided. That no drug defended ^a in the United States Pharmacopia ^a or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down by the United States Pharmacopia ^a or National Formulary.

Second. If its strength or purity fall below the professed standard of quality under which it is sold.

Sec. 5. Term "misbranded" defined. The term "misbranded" as used herein shall apply to all drugs the package or label of which shall bear any statement, design, or device regarding such articles or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product, which is falsely branded, as to the State, Territory, or country in which it is manufactured or produced. That for the purpose of this act an article shall also be deemed to be misbranded—

In case of drugs:

First. If it be an imitation of, or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label in as conspicuous letters as is or may be prescribed by the United States law or rules and regulations of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide or any derivative or preparation of any such substance contained therein. Provided, That nothing in this paragraph shall be construed to apply to the filling of written prescriptions, furnished by regular licensed, practicing physicians, and kept on file by druggists as required by law, or as to such preparations as are specified and recognized by the United States Pharmacopia ^a or National Formulary.

Sec. 6. Establishing a guaranty. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the State of Florida from whom he purchases such articles to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case the said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

Sec. 7. Violations of law. If upon the trial of any person convicted under this act, it shall appear that any article of drug or liquor, sold, kept or offered for sale by the person convicted is adulterated or misbranded, or is of a poisonous or deleterious character within the meaning of this act, the same shall be seized and destroyed by order of the court in such manner as the court may in the order direct.

Sec. 8. Word "person" as used in act defined. The words "person," or "party," as used in this act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent, or other person acting

^a So in Statutes.

for or employed by the corporation, company, society or association, within the scope of his employment or office, shall, in every case, be also deemed to be the act, omission or failure of such corporation, company, society or association, as well as that of the person.

Sec. 9. *Appointment of food and drug inspector, assistant chemist, etc.* As soon as this act becomes effective, the Governor is authorized to appoint a food and drug inspector for the State of Florida, who shall hold office during the pleasure of the Governor, not exceeding four years, under one appointment, and who shall receive a salary not to exceed \$1,500 per annum, and actual expenses not to exceed \$750.00 per annum while discharging his duty. His whole time shall be at the disposal of the Commissioner, and his duty shall be to travel about the State as directed, and take samples of such articles as directed, and forward them to the Department of Agriculture for scientific examination and analysis. The Governor shall also appoint an additional assistant chemist to carry out the provisions of this act, the salary of such assistant chemist to be fixed by the State Chemist, not to exceed \$1,800 per annum. He may also make such expenditures for apparatus, chemicals and increased laboratory facilities as in his judgment may be required; Provided, That the total expenditures under this act for any one year shall not exceed the sum appropriated to carry out the provisions of this act; the State Chemist and his assistant shall also be inspectors of foods, drugs, medicines and liquors.

Sec. 10. *Taking of samples.* That samples for analysis shall be taken by the duly qualified and sworn inspectors, or chemists, who shall take samples of such articles as may be directed by the Commissioner of Agriculture, and in the manner prescribed below: Whenever practicable, samples shall be taken in original unbroken packages; said packages shall be wrapped in paper and tied securely and sealed. That in cases where it is not practicable to send a sample for analysis in an original package, as for instance, in case of syrups, or other liquids in barrels, or flour in barrels, etc., the inspector shall take a fair sample of the same in the presence of the seller, place it in a suitable receptacle, securely close, seal and forward the same to the Commissioner of Agriculture, and in every case where a sample is taken the person taking such sample shall at the same time, in the presence of the person from whom the same is taken, seal with paper seals or otherwise, another like sample of the article taken, on which said sample or on the seal placed thereon, shall be written the name of the person taking said sample, and the date when the same is taken, and the said sample shall be delivered back to the person from whom it is taken.

In execution of their duties the inspectors shall have free access at all reasonable hours into any place where it is suspected that impure foods are being manufactured or wherein any article of food or drink, drug or medicine, adulterated with any deleterious or foreign ingredients exist, and if such access shall be refused the inspector may apply for a search warrant, which shall be obtained in the same manner as is provided by law for the obtaining of a search warrant in other cases. In calling for and making a sample of any goods, the inspector shall tender to the seller the market price asked for the same.

Sec. 11. *Evidence of violation of act.* * * * Whenever the State Chemist may find, by analysis that adulterated, misbranded, or imitation drugs, have been manufactured for sale, or put on sale in this State, he shall forthwith furnish a certificate of analysis to that effect to the Commissioner of Agriculture who shall transmit the same to the proper prosecuting officer in the county where the said adulterated, misbranded, or imitation drugs, * * * was found. It shall be the duty of the said prosecuting officer to prosecute all

persons violating any provisions of this act as soon as he receives the evidence transmitted by the Commissioner of Agriculture.

Sec. 13. *Enforcement of act.* The Commissioner of Agriculture, with the advice of the Attorney General, shall have authority to establish such rules and regulations as shall not be inconsistent with the provisions of this act, and as in his judgment will best carry out the requirements thereof. He may exercise discretion as to the class of products he first subjects to rigorous inspection and analysis, realizing that the fullest and most complete execution of this law under a limited appropriation must be a matter of growth. * * *

Sec. 16. *Repealing clause.* Be it enacted that this act shall be in force and effect from and after the first day of September, 1907. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved June 3, 1907. Laws, 1907, chap. 5662, pp. 151-160.

ADULTERATING LIQUOR WITH DRUGS.

3593. *Adulterating liquor.* Whoever adulterates, for the purpose of sale, any liquor, used or intended for drink, with coculus indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil wood, cochineal, sugar of lead or any other substance which is poisonous or injurious to health, and who ever knowingly sells any liquor so adulterated, shall be punished by imprisonment in the State prison not exceeding three years, and the articles so adulterated shall be forfeited. (*Acts, 1881, chap. 3280.*)

* General Statutes, 1906, p. 1322.

GEORGIA.

The law regarding adulteration and misbranding of drugs, effective August 1, 1907, is similar to the Federal law. Its enforcement is under the jurisdiction of the commissioner of agriculture. Prescriptions and United States Pharmacopœia and National Formulary preparations are exempt from the declaration and apparently from the substitution provisions of the misbranding clause.

Cocaine, morphine, opium, heroin, etc., are sold upon original prescription only.

REGISTERED PHARMACISTS.

1499. *Compounding or vending of medicines; exceptions.* No person shall engage in the compounding or vending of medicines, drugs, or poisons within this State without a full compliance with this article (that is without securing a license from the State Board of Pharmacy), except—

1. Such druggists as are exempted from the operations of the present law by the statutes of the State of Georgia, and such druggists as have heretofore obtained license, and are legally authorized by existing laws to compound and vend drugs, poisons, and chemicals.

2. Physicians putting up their own prescriptions, and dispensing medicines from their own office.

3. Merchants selling family medicines not poison, as prescribed and allowed by the Code of Georgia.

4. Assistants in drug-stores where the manager has complied with the requirements of this Article.

Code, 1895, vol. 1, p. 411.

480. *Illegal sales a misdemeanor.* Any person who shall engage in the compounding or vending of medicines, drugs or poisons, without first having complied with the law authorizing the same, or shall register fraudulently, shall be punished as for a misdemeanor. In prosecutions under this section, the burden shall be upon the defendant to show his authority. (*Acts 1880-1881, p. 186.*)

Code, 1895, vol. 3, p. 141.

3866. *Mistake of druggist ground for damages.* If a vendor of drugs and medicines, by himself or his agent, either knowingly or negligently furnishes the wrong article or medicine, and damage accrues from the use of the drug or medicine furnished, to the purchaser, or his patients, or his family, or his property, the vendor shall respond in damages for the injury done. If death ensues to the purchaser, in any case arising under this or the two foregoing paragraphs, the right of action shall be to the widow or children, as prescribed in cases of physical injuries.

Code, 1895, vol. 2, p. 889.

SALE OF POISONS.

470. Schedules; labeling. No person shall furnish, by retail, any poison enumerated in Schedule "A" and "B," as follows, to wit:

SCHEDULE "A."

Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, and all other poisonous vegetable alkaloids and their salts; essential oil of bitter almonds, opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce;

SCHEDULE "B."

Aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, and their pharmaceutical preparations; croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid, and oxalic acid:

Without distinctly labeling the bottle, box, vessel or paper in which said poison is contained, and also the outside wrapper or cover thereof, with the name of the article, the word "Poison," and the name and place of business of him who furnishes the same, nor unless upon due inquiry it be found that the person to whom it is delivered is aware of its poisonous character, and represents that it is to be used for a legitimate purpose. (*Acts 1876, p. 24.*)

471. Record of sales. No licensed or registered druggist or pharmacist shall sell or deliver any of the poisons included in Schedule "A" without, before delivering the same, causing an entry to be made in a book kept for that purpose, stating the date of the delivery, the name and address of the person receiving the same, the name and quantity of the poison, the purpose for which it is represented by such person to be required, and the name of the dispenser. Such book shall be always open for inspection by the proper authorities, and be preserved for reference for at least five years. (*Acts 1876, p. 24.*)

472. Sales on physicians' prescriptions excepted. Nothing in the preceding sections shall apply to the dispensing of poisons in not unusual quantities or doses, upon the prescriptions of practitioners of medicine. (*Acts 1876, p. 24.*)

473. Penalty. Any person violating the provisions of the three preceding sections shall be punished as for a misdemeanor. (*Acts 1895, p. 63.*)

474. Sale of opium to habitués. If any druggist, pharmacist, or other person selling opium and its preparations, by retail, shall sell, give or furnish, directly or indirectly, opium, or its preparations, containing more than two grains of opium to the ounce, in any quantity, to any person habitually addicted to its use, after written notice from the near relative of such person that he is habitually addicted to its use, except upon the written prescription of a physician setting forth the necessity of its purchase and showing the good faith of the prescription, he shall be guilty of a misdemeanor. (*Acts 1887, p. 97.*)

475. Morphine shall be wrapped and labeled with scarlet paper. If any druggist, or other dealer in drugs or medicines, shall sell or offer for sale any sulphate or other preparations of morphine in a bottle, vial, envelope or other package, unless it is wrapped in a scarlet paper or envelope, and unless the bottle or vial also has on it a scarlet label, lettered in white letters, plainly naming the contents of the bottle or vial, he shall be guilty of a misdemeanor. (*Acts 1884-5, p. 134.*)

Sec. 1. Sale of cocaine, morphine, opium, etc., forbidden except on prescription; exceptions; proviso. It shall be unlawful for any person, firm or corporation to sell, furnish or give away any cocaine, alpha or beta eucaine, opium, morphine, heroin, chloral hydrate or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts, or compounds, except upon the original written orders or prescription of a lawfully authorized practitioner of medicine, dentistry or veterinary medicine, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, or if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered, and shall be signed by the person giving the prescription or order. Such written order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the articles ordered or prescribed, and it shall not be again compounded or dispensed except upon the written order of the prescriber for each and every subsequent compounding or dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person, but the original shall at all times be open to inspection by the prescriber and properly authorized officers of the law. Provided, however, that the above provisions shall not apply to preparations containing not more than four grains of opium, or not more than one grain of morphine, or not more than one-fourth grain of heroin, or not more than one-eighth grain of alpha or beta eucaine, or not more than twenty grains of chloral hydrate in one fluid ounce, or, if a solid preparation, in one avoirdupois ounce. Provided, also, that the above provisions shall not apply to preparations containing opium and recommended and sold in good faith for diarrhoea and cholera, each bottle or package of which is accompanied by specific directions for use, and a caution against habitual use, nor to powder of ipecac and opium, commonly known as Dover's Powders, nor to liniments or ointments plainly labelled "For External Use Only." And provided further, That the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers, to retail druggists or qualified physicians or to each other, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry or veterinary medicine, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such preparations, nor to sales to hospitals, colleges, scientific or public institutions.

Sec. 2. Prescribing for habitual users; proviso. It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine to furnish to or to prescribe for the use of any habitual user of the same any cocaine, heroin, alpha or beta eucaine, opium, morphine, chloral hydrate or any salt or compound of any of the foregoing substances, or any preparation containing any of the foregoing substances or their salts or compounds, and it shall also be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for any person not under his treatment in the regular practice of his profession, or for any practitioner of veterinary medicine to prescribe any of the foregoing substances for the use of any human being. Provided, however, that the provisions of this Section shall not be construed to prevent any lawfully authorized practitioner of medicine from furnishing or prescribing in good faith for the use of any habitual user of narcotic drugs, who is under his professional care, such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purpose of evading the provisions of this Act.

Sec. 3. Violations; penalty. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon con-

viction shall be punished as prescribed in Section 1039 of Volume Three of the Code of 1895. It shall be the duty under this Act of Judges of the Superior Court in this State at every regular term thereof to charge all regular impanelled grand juries to diligently inquire into and investigate all cases of the violation of the provisions of this Act, and to make a true presentment of all persons guilty of such violation. It shall be the duty of the Board of Pharmacy to cause the prosecution of all persons violating the provisions of this Act. No prosecution shall be brought for the sale of any patent or proprietary medicine containing any of the drugs or preparations hereinbefore mentioned until the Board of Pharmacy shall certify that such medicine contains any of the said drugs or preparations in excess of the maximum percentage hereinbefore mentioned.

Sec. 4. Responsibility. In any proceedings under the provisions of this Act the charge may be brought against any or all of the members of a partnership or against the directors or executive officers of a corporation, or against the agent of any person, partnership or corporation.

Sec. 5. Repeal. All laws and parts of laws in conflict with this Act are hereby repealed.

Laws 1907, Chap. 220, pp. 121-123.

1039. Misdemeanors; how punished, proviso. Every crime declared to be a misdemeanor is punishable by a fine not to exceed one thousand dollars, imprisonment not to exceed six months, to work in the chain-gang on the public works, or on such other works as the county authorities may employ the chain-gang, not to exceed twelve months, and any one or more of these punishments may be ordered in the discretion of the judge: *Provided*, that nothing herein contained shall authorize the giving the control of convicts to private persons, or their employment by the county authorities in such mechanical pursuits as will bring the products of their labor into competition with the products of free labor.

Code, 1895, vol. 3, p. 292.

ADULTERATION AND MISBRANDING OF DRUGS.

Sec. 1. Manufacture and sale of adulterated drugs, medicines, etc., prohibited; penalty. It shall be unlawful for any person to manufacture, sell or offer for sale within the State of Georgia, any article of * * * drugs, medicines, or liquors, which is adulterated or misbranded, or which contains any poisonous or deleterious substance within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars, or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court; and for each subsequent offense, and on conviction thereof shall be fined not exceeding one thousand dollars, or sentenced to one year's imprisonment or both such fine and imprisonment, in the discretion of the court.

Sec. 2. Examination of specimens. The examinations of specimens of foods and drugs shall be made by the State Chemist of Georgia, or under his direction and supervision, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this Act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this Act, the Commissioner of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be

given an opportunity to be heard before the Commissioner of Agriculture and the Attorney-General, under such rules and regulations as may be prescribed by them, and if it appears that any of the provisions of this Act have been violated by such party, then the Commissioner of Agriculture shall at once certify the facts to the proper prosecuting attorney, with a copy of the results of the analysis, or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. That in case it shall appear to the satisfaction of the Commissioner of Agriculture and the Attorney-General that the violation of this Act is properly a subject of interstate commerce, or otherwise comes under the supervision and jurisdiction of the United States, then the Commissioner of Agriculture shall certify the case to the United States District-Attorney, in whose district the violation may have been committed; but if it be under the jurisdiction of the courts of this State, then the Commissioner shall certify the case to the solicitor of the court in the county where the offense occurred. It shall be the duty of the State solicitor to prosecute all persons violating any of the provisions of this Act as soon as he receives the evidence transmitted by the Commissioner of Agriculture. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

Sec. 3. Term "drug" defined. The term "drug," as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopœia, or National Formulary, for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

Sec. 4. When deemed to be adulterated. That for the purposes of this Act an article shall be deemed to be adulterated—

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation; *provided*, that no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

Sec. 5. Term "misbranded" defined. The term "misbranded," as used herein, shall apply to all drugs, * * * the package or label of which shall bear any statement, design, or device regarding such articles, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any * * * drug product, which is falsely branded, as to the State, Territory, or country in which it is manufactured or produced.

That for the purposes of this Act an article shall also be deemed to be misbranded—

In case of drugs:

First. If it be an imitation of, or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label in as conspicuous letters as is or may be prescribed by the United States law or rules and

regulations of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein; *provided*, that nothing in this paragraph shall be construed to apply to the filling of written prescriptions, furnished by regular licensed practicing physicians, and kept on file by druggists as required by law, or as to such preparations as are specified and recognized by the United States Pharmacopœia or National Formulary * * * ; *provided, also*, that this Act shall not apply to stocks of drugs and medicines on hand in this State, until the first day of August, 1908.

Sec. 6. *Guaranty to afford protection.* No dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the State of Georgia, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case the said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

Sec. 7. *Adulterated and misbranded goods may be confiscated; disposition of same.* Any article of * * * drug, or liquor that is adulterated or misbranded within the meaning of this Act, shall be liable to be proceeded against in any court of the State of Georgia within the county where the same is found and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this Act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury of the State of Georgia, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act, or the laws of that jurisdiction.

Sec. 8. *Word "person" as used in act defined.* The words "person" or "party," as used in this Act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations.

When construing and enforcing the provisions of this Act, the act, omission or failure of any officer, agent or other person acting for or employed by the corporation, company, society or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission or failure of such corporation, company, society or association, as well as that of the person.

Sec. 9. *State department of agriculture charged with duties of inspection and analysis.* The State Department of Agriculture is hereby charged with the duties of inspection and analysis required for the proper enforcement of this Act. The Commissioner of Agriculture is hereby directed to appoint officers, who shall perform all the duties required in the execution of this Act. That the Commissioner, realizing the responsibilities resting on him for the protection of the lives and health of the people, shall, in making these appointments, be guided by the results of careful and diligent inquiry into the character, fitness and reputation for integrity and industry of all the officers whom he may appoint, who may be in any way intrusted with the execution of this law: that such officers, when appointed, shall hold office during good behavior and attention to duty, and shall not be removed from office except for cause.

provided such term of office of said officers shall terminate with that of the office of Commissioner of Agriculture.

Sec. 10. *State chemist, duties, etc.* As soon as this Act becomes effective the Commissioner is authorized to appoint by and with the advice and consent of the State Chemist, a chief food and drug inspector for the State of Georgia, who shall receive a salary not to exceed \$1,500 per annum, and actual expenses while discharging his duty. His whole time shall be at the disposal of the Commissioner, and his duty shall be to travel about the State as directed, and take samples of such articles as directed, and forward them to the Department of Agriculture for scientific examination and analysis. The State Chemist may also appoint by and with the advice and consent of the Commissioner of Agriculture such additional assistants and experts, not to exceed three, in his office as may be required to carry out the provisions of this Act; the salaries of such assistants and experts to be fixed and adjusted by the Commissioner of Agriculture and the State Chemist, not to exceed \$1,500. They may also make such expenditures for apparatus, chemicals and increased laboratory facilities as in their judgment may be required, provided that the total expenditures under this Act for any one year shall not exceed the sum appropriated to carry out the provisions of this Act.

Sec. 11. *Procuring of samples.* Samples for analysis shall be taken by the duly qualified and sworn inspectors, who shall take samples of such articles as may be directed by the Commissioner of Agriculture, and in the manner prescribed below; whenever practicable, samples shall be taken in original unbroken packages; said package shall be wrapped in paper and tied securely, and sealed over the cord with sealing-wax, on which the inspector shall impress his official seal. That in cases where it is not practicable to send a sample for analysis in an original package, as for instance, in case of syrups, or other liquids in barrels, or flour in barrels, etc., the inspector shall take a fair sample of the same in the presence of the seller, place it in a suitable receptacle, securely close and wax it and impress his official seal upon the wax and forward the same to the Commissioner of Agriculture. In the execution of his duties the inspector shall have free access at all reasonable hours into any place where it is suspected that impure foods are being manufactured, or wherein any article of food or drink, drug or medicine, adulterated with any deleterious or foreign ingredients exists. In calling for and taking a sample of any goods, the inspector shall tender to the seller the market price asked for the same.

Sec. 21. *State solicitor shall prosecute.* * * * Whenever the State Chemist may find, by analysis, that adulterated, misbranded, or imitation drugs, liquors or food products have been manufactured for sale, or put on sale in this State, he shall forthwith furnish a certificate of analysis to that effect to the Commissioner of Agriculture, who shall transmit the same to the State Solicitor in the county where the said adulterated, misbranded, or imitation drugs, liquor or food product was found. It shall be the duty of the State Solicitor to prosecute all persons violating any provisions of this Act as soon as he receives the evidence transmitted by the Commissioner of Agriculture.

Sec. 22. *State chemist shall make annual report to commissioner of agriculture.* The State Chemist shall make an annual report to the Commissioner of Agriculture on work done in execution of this Act, which report may be included in that now made on commercial fertilizers, and published therewith.

Sec. 23. *Commissioner of Agriculture with advice of Attorney-General shall have power to establish rules and regulations.* The Commissioner of Agriculture, with the advice of the Attorney-General, shall have authority to establish

such rules and regulations as shall not be inconsistent with the provisions of this Act, and as in his judgment will best carry out the requirements thereof. He may exercise discretion as to the class of products he first subjects to rigorous inspection and analysis, realizing that the fullest and most complete execution of this law under a limited appropriation must be a matter of growth.

Sec. 24. Appropriation for enforcement of act. In order to enforce and carry out the provisions of this Act the sum of ten thousand dollars or so much thereof as may be necessary, is hereby appropriated and set aside out of the fees arising from the inspection and analysis of fertilizers, and so much thereof as is necessary is made immediately available. That the proceeds arising from the fees of this office be turned into the treasury for the use of the common school fund of the State.

Sec. 25. Effective. Be it enacted, That this Act shall be in force and effect from and after the first day of August, 1907.

Sec. 26. Repeal. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved August 21, 1906. Laws 1906, chap. 463, pp. 83-95.

3865. Damages. A person who, knowingly or carelessly, by himself or his agents, sells to another adulterated drugs or liquors, by the use of which damage accrues to the purchaser, or his patients, or his family, or his property, shall be liable in damages for the injury done.

Code, 1895, vol. 2, p. 889.

ADULTERATION OF LIQUORS WITH DRUGS.

476. A misdemeanor. Any person who shall sell, or offer to sell, any liquor, wine or spirits, or vinegar, knowing the same to contain any strychnine or other poisonous drug, or offensive matter injurious to health by drinking or other use, or who shall sell or offer to sell the same after notice shall be given him as required by section 1532 of the Civil Code, shall be indicted in the superior court and be punished as for a misdemeanor. (*Acts 1857, p. 13.*)

Code, 1895, vol. 3, p. 141.

HAWAII.

The Federal food and drugs act applies to the Territory of Hawaii. It is the duty of the food commissioner to enforce the law, effective April 28, 1903, prohibiting the adulteration of drugs.

Opium and preparations of opium are sold on prescription only, and only by licensed persons.

REGISTERED PHARMACISTS.

1095. Restrictions; proviso. It shall be unlawful for any person not licensed as a pharmacist within the meaning of this chapter to conduct or manage any pharmacy, drug or chemical store, apothecary shop, or other place of business for the retailing, compounding or dispensing of any drugs, chemicals or poisons, or for any person not licensed as a pharmacist or assistant pharmacist within the meaning of this chapter to compound, dispense or sell at retail any drug, chemical or poison upon the prescription of a physician, or otherwise, or to compound physicians' prescriptions, except as an aid to or under the immediate supervision of a person licensed as a pharmacist under this chapter. And it shall be unlawful for any owner or manager of a pharmacy, or drug store, or other place of business, to cause or permit any other than a person licensed as a pharmacist or assistant pharmacist to compound, dispense or sell, at retail, any drug, medicine or poison, except as an aid to or under the immediate supervision of a person licensed as a pharmacist or assistant pharmacist, or a duly licensed physician; *provided*, that nothing in this section shall be construed to interfere with any legally licensed practitioner of medicine or dentistry in the compounding of his own prescriptions, or to prevent him from supplying to his patients such medicine as he may deem proper, nor with the selling of non-poisonous domestic remedies, nor with the selling of patent or proprietary preparations which do not contain poisonous ingredients.

1096. Penalty. Whoever, not being licensed as a pharmacist, shall conduct or manage any pharmacy, drug or chemical store, apothecary shop, or other place of business for the retailing, compounding or dispensing of drugs, chemicals or poisons, or who, being the owner or manager of a pharmacy, drug or chemical store, apothecary shop, or other place of business, shall cause or permit any one not licensed as a pharmacist or assistant pharmacist to compound, dispense or sell at retail any drug, medicine or poison except as an aid to or under the immediate supervision of a duly licensed pharmacist, assistant pharmacist or physician, contrary to section 1095, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than five hundred dollars, or be imprisoned at hard labor for not more than three months; but nothing in this section shall prevent any licensed merchant from selling proprietary remedies.

1097. Penalty continued. Whoever, not being licensed as a pharmacist or assistant pharmacist, shall compound, dispense or sell at retail any drug, chemical or poison, upon any physicians' prescription or otherwise, or shall

compound any physicians' prescription except as an aid to or under the immediate supervision of a person licensed as a pharmacist under this chapter contrary to the provisions of section 1905, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than two hundred and fifty dollars or be imprisoned at hard labor not more than two months. *Laws 1903, p. 352 et seq.*

Revised Laws, 1905, chap. 91, pp. 476-477.

1103. Qualifications of applicant. In order to be licensed as a pharmacist under this chapter an applicant shall be not less than 21 years of age, and shall have been licensed as an assistant pharmacist for not less than two years prior to his application for a license as a pharmacist, and he shall present to the board satisfactory evidence that he is a graduate of a reputable school or college of pharmacy, and that he has had four years' experience in pharmacy under the instruction of a licensed pharmacist, and he shall also pass a satisfactory examination before the board. In order to be licensed as an assistant pharmacist within the meaning of this chapter an applicant shall not be less than 18 years of age, and shall have not less than two years' experience in pharmacy under the instruction of a licensed pharmacist, and shall pass a satisfactory examination before the board. Provided, however, that in the case of an applicant who has attended a reputable school or college of pharmacy the actual time of attendance at such school or college of pharmacy may be deducted from the time of experience required of pharmacists and assistant pharmacists, but in no case shall less than two years' experience be required for registration as a licensed pharmacist. Provided, further, that any person who has had not less than two years' actual experience in compounding drugs, chemicals or poisons, or in conducting or managing a pharmacy, drug or chemical store, apothecary shop or other place of business for retailing, compounding or dispensing of drugs, chemicals or poisons in this Territory immediately prior to April 28, 1903, shall be entitled to apply for and receive a license as a pharmacist upon payment of the fee in this chapter provided, without examination or recommendation by the board. (*Laws 1903, chap. 70, sec. 6.*)

Revised Laws, 1905, chap. 91, p. 478.

SALE OF POISONS.

1051. Conditions of sale. No person shall sell or deliver any deadly poison, or any wooden vessel or container which shall have contained any deadly poison, except for scientific, medical or mechanical purposes, nor to any person not known to the vendor to be careful and well disposed; *provided* that sales may be made to a person not known to the vendor, if some responsible person known to the vendor will certify in writing that the person desiring to purchase may safely be intrusted with the same, but in all cases the vendor shall require the purchaser to disclose the intended use of such poison, vessel or container, as the case may be.

1052. Record. Every person who shall sell or deliver any deadly poison, shall keep a book in which shall be recorded the name and quantity of the poison sold or delivered, the person to whom it was sold or delivered, and whether such person was known to the vendor, and if not, the name of the responsible person upon whose recommendation the same was sold; and the certificate of such person shall be preserved. The said book of records shall at all times be open to the inspection of the board of health or its agent.

1053. Record of containers. The book required to be kept by section 1052 shall contain a record of the sale of any vessel or container which shall have contained a deadly poison in like manner as is required with respect to the sale or delivery of the poison itself.

1054. Label on containers. The box, phial, or other package in which any deadly poison shall be sold or delivered, shall bear a label containing the word "poison", in large letters, in both the English and Hawaiian languages, together with some emblematic device, to be approved by the board of health, which shall indicate the dangerous character of the article.

1055. Record of prescriptions. Every licensed physician, druggist, or apothecary, who shall compound, sell, or deliver any prescription containing any poisonous drug, or substance deleterious to human life, to be used as medicine, shall enter upon his books said prescription written out in full, with the date thereof, with his own name appended thereto, or the name of the physician who prescribed the same, and the person to whom the same was delivered; and no such prescription shall be compounded, sold or delivered, unless the name of the person compounding, selling, or delivering the same, or the name of the physician prescribing the same, be appended to the prescription in full, and every such prescription shall be preserved; and said books and prescriptions shall be subject at all times to the inspection of the board of health or its agent.

1056. Penalty. Any person violating the provisions of this chapter shall forfeit a sum not exceeding one thousand dollars for each offense. *Laws 1869, p. 25, as amended 1872.*

Revised Laws, 1905, chap. 86, pp. 463-465.

1399. Sale of opium. The board of health may, upon the conditions to be named in such authorization, authorize any duly qualified physician or surgeon, or any person holding a license to sell poisonous drugs, to sell for medical purposes only, opium and preparations thereof: *provided*, however, that no person shall sell or furnish opium or any preparation thereof, except upon the written prescription of a duly licensed physician signed by him.

1400. Penalty. Any person who shall sell or furnish any poisonous drugs without a license so to do; or who shall violate any of the terms of this chapter, shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned at hard labor not exceeding six months in the discretion of the court.

1401. Distribution of drugs by board of health. Nothing in this chapter contained shall be construed to prevent the Territory or the board of health from using or distributing any drugs, or medicine. *Laws 1896, p. 231-232.*

Revised Laws, 1905, chap. 102, pp. 566-567.

ADULTERATION OF DRUGS.

1041. Prohibition. No person shall within the Territory of Hawaii manufacture, offer for sale, keep for sale or sell, any drug or article of food which is adulterated within the meaning of this chapter.

1042. "Drug" defined. The term "drug" as used in this chapter shall include all drugs, medicines or medical preparations for external or internal use, antiseptics, antiseptic dressings, disinfectants and cosmetics.

1043. Adulteration defined. An article shall be deemed to be adulterated within the meaning of this chapter:

(a) In the case of drugs: (1) If, when manufactured, sold, offered for sale or kept for sale, under or by a name recognized in the United States pharmacopœia, it differs from the standard of strength, quality or purity laid down

therein; (2) if, when manufactured, sold, offered for sale or kept for sale, under or by a name not recognized in the United States pharmacopœia, but which is found in some other pharmacopœia, or other standard work on materia medica, it differs from the standard of strength, quality or purity laid down in such work; (3) if its strength, quality or purity falls below the professed standard under which it is sold; (4) if it contains any substance inimical or dangerous to life without the same being duly stated on the label or wrapper.

(b) * * *

1044. *Commissioner; appointment; bond.* To carry out the provisions of this chapter, the board of health shall appoint a duly qualified food commissioner or analyst, who shall receive such salary as the legislature shall from time to time appropriate, and who shall furnish good and sufficient bonds of not less than two thousand dollars for the proper and unprejudiced performance of his duties, and who shall be provided by the board of health with the necessary apparatus, together with a proper office and laboratory for work.

1045. *Duties of commissioner.* It shall be the duty of the food commissioner to carefully inquire into the quality of the several articles which are foods, drugs or the necessary constituents of foods or drugs, manufactured or kept for sale, or sold or exposed for sale within the Territory of Hawaii; and he may in a lawful manner procure samples thereof, submit the same to careful examination, and report the result of such analysis of all or any of such drugs, food and drink products or dairy products as are adulterated, impure or unwholesome, in contravention of the laws of the Territory of Hawaii to the board of health; and it shall be the duty of the food commissioner to make complaint with the necessary evidence through the proper authorities, against such manufacturer or vendor.

1046. *Complaints.* The food commissioner shall investigate complaints on the information of any person who shall lay before him satisfactory evidence of the same.

1047. *Samples to be furnished.* If any person manufacturing, keeping for sale, offering for sale or exhibiting for sale any drug or article of food included in the provisions of this chapter, shall refuse to furnish the duly appointed food commissioner, upon demand, either personal or in writing, a sample sufficient for the analysis of such drug or article of food which is in his possession, the food commissioner tendering the market price therefor, such refusal shall be prima facie evidence that such drug or article of food so manufactured, kept for sale, offered for sale or exhibited for sale is adulterated within the meaning of this chapter.

1048. *Powers of commissioner.* The food commissioner shall have power in the performance of his duties, to enter into any creamery, factory, store, salesroom, storageroom, drug store or laboratory, or any place where he has reason to believe food or drink are made, prepared, sold or offered for sale, and to open any cask, tub, bottle, case or package containing or supposed to contain any article of food or drink and examine or cause to be examined the contents thereof.

1049. *Monthly report.* The food commissioner shall make a monthly report in writing to the president of the board of health containing the results of inspection and analysis in detail, and upon request of said board he shall furnish for publication a popular explanation of the same covering any month or period, together with any such other information as may come to him in his official capacity relating to the adulteration of drugs and food and drink products, so far as the same may be deemed by the said board of health to be of benefit and advantage to the public.

1050. Penalties. Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding two hundred, nor less than ten dollars, or imprisoned at hard labor not exceeding one hundred nor less than thirty days, or both. *Laws 1903, p. 269 et seq.*

Revised Laws, 1905, chap. 86, pp. 460-463.

3023. Adulteration a gross cheat. Whoever shall knowingly compound, prepare, or adulterate any substance intended for food, drink, or medicine for man, with any ingredient or matter so as to render such food, drink, or medicine injurious to health; or knowingly procure such substance to be compounded, prepared, or adulterated, is guilty of a gross cheat. (*Penal Code 1869, p. 46.*)

3024. Penalty. Whoever is convicted of a gross cheat shall be punished by imprisonment at hard labor not more than one year, or by a fine not exceeding one thousand dollars.

3025. Civil remedy not a bar to criminal prosecution. No person shall be exempted from criminal prosecution for gross cheating, by reason of the party cheated having a remedy against him by civil action.

Revised Laws, 1905, chap. 199, pp. 1103-1104.

ADULTERATION OF LIQUORS WITH DRUGS.

1432. Penalty. Any person or corporation licensed to brew malt liquors under part 2 of this chapter who shall in the manufacture of such malt liquors make use of any deleterious or poisonous drugs or substance or who shall manufacture or offer for sale malt liquors of an alcoholic strength above ten per cent. shall upon conviction be punished by a fine not exceeding one thousand dollars or by imprisonment at hard labor for a term not exceeding one year. (*Laws 1903, p. 21.*)

Revised Laws, 1905, chap. 103, p. 574.

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IDAHO.

The law regarding misbranding and adulteration of drugs, effective June 1, 1887, is simple and somewhat vague in its terms and no special provision is made for its enforcement. The State board of dairy, food, and oil commissioners apparently have authority to establish some drug standards. The board of pharmacy may condemn deleterious medicines.

REGISTERED PHARMACISTS.^a

1. *Exclusive rights defined; proviso.* It shall be unlawful for any person not a registered pharmacist, within the meaning of this act, to conduct or manage any pharmacy, drug or chemical store, apothecary shop or other place of business, for the retailing, compounding or dispensing of any drugs, chemicals or poisons, except as hereinafter provided; or for the compounding of physicians' prescriptions; or to keep exposed for sale at retail any drugs, chemicals or poisons; or for any person not licensed as a pharmacist or assistant pharmacist, within the meaning of this act, to compound, dispense, or sell at retail any drug, chemical, poison or pharmaceutical preparation, upon the prescription of a physician or otherwise; or to compound physicians' prescriptions, except under the supervision of a person licensed as a pharmacist under this act. And it shall be unlawful for any owner or manager of a pharmacy, drug store or other place of business, to cause or permit any other than a person licensed as a pharmacist or assistant pharmacist to compound, dispense or sell at retail any drug or medicine or poison except as an aid to or under the supervision of a person licensed as a pharmacist or assistant pharmacist: *Provided, however,* That nothing in this section shall be construed to interfere with a legally registered practitioner of medicine, or dentist in the compounding of his own prescription, or to prevent him from supplying to his patients such medicines as he may deem proper; nor with the exclusively wholesale business of any dealer who shall be licensed as a pharmacist or who shall keep in his employ at least one person who is licensed as a pharmacist, nor with the selling at retail of domestic non-poisonous remedies; nor with the sale of patent or proprietary preparations which do not contain poisonous ingredients; nor with the sale of poisonous substances which are sold exclusively for use in the arts, or for use as insecticides, when such substances are sold in unbroken packages bearing a label having plainly printed upon it the name of the contents, the word "poison" and the names of at least two readily obtained antidotes: *Provided,* Nothing in this act shall be construed to apply to the manufacture or sale of proprietary or patent medicines: *Provided, further,* That in any village of not more than two hundred inhabitants where there is no person licensed as a pharmacist within less than two miles of such village, the board of pharmacy may grant to any person who is licensed as assistant pharmacist a permit to conduct a drug store or pharmacy in such village, which permit

^a For penalty see Sale of Poisons, p. 100.

shall not be valid in any other village than the one for which it is granted, and shall cease and determine when the population of the village for which such permit was granted shall become greater than two hundred: *And provided also*, That this act shall not apply to dealers in general merchandise in the city or rural district where there is no person licensed as a pharmacist or assistant pharmacist. That all such drugs and remedies authorized to be sold by general merchandise stores shall be sold in original packages, properly labeled over the name of a registered pharmacist of this or some other State. Within the meaning of this act, rural districts are places of not more than one hundred inhabitants.

Session Laws 1905, p. 319.

Sec. 3. *Qualifications of registered pharmacist; proviso.* In order to be licensed as a pharmacist within the meaning of this act, an applicant shall not be less than twenty-one years of age, and he shall present to the board of pharmacy satisfactory evidence that he has sufficient preliminary education and that he has had four years' experience in pharmacy under the instruction of a licensed pharmacist; and he shall also pass a satisfactory examination by or under the direction of the board of pharmacy.

In order to be licensed as an assistant pharmacist within the meaning of this act, an applicant shall not be less than eighteen years of age and shall have not less than two years' experience in pharmacy under the instruction of a licensed pharmacist, shall have had sufficient preliminary education, and shall pass a satisfactory examination by or under the direction of the board of pharmacy: Provided, however, That in case of persons who have attended a reputable school or college of pharmacy, the actual time of attendance at such school or college of pharmacy shall be deducted from the time of experience required of pharmacists and assistant pharmacists, but in no case shall less than two years' experience be required for registration as a licensed pharmacist.

Sec. 4. *License may be revoked.* * * * The board of pharmacy may refuse to grant a license to any person guilty of a felony or gross immorality, or who is addicted to the use of alcoholic liquors or narcotic drugs to such an extent as to render him unfit to practice pharmacy; and the board may, after due notice and hearing, revoke the license for like cause, or any license which has been obtained by fraud.

An appeal from the action of the board in refusing to grant or in revoking a license for such cause may be taken to the Governor and Attorney General, the decision of which officers, either affirmative or overruling the action of the board, shall be final.

Session Laws 1905, pp. 321-322.

SALE OF POISONS.

Sec. 13. *Restrictions; labels; record; exemptions; provisos.* It shall be unlawful for any person to sell or deliver to any minor under sixteen years of age, except upon the written order of an adult, or to sell to or to deliver to any person any of the following described substances, or any poisonous compounds or preparations thereof, to wit: Arsenic, corrosive sublimate, hydro-cyanic acid, opium, morphine, strychnine, cocaine, or aconite, except in the manner following: It shall first be learned, by due inquiry, that the person to whom delivery is made is aware of the poisonous character of the substance, and that it is desired for a lawful purpose, and the box, bottle or other package shall be plainly labeled with the name of the substance, the word "poison". the name of

the person or firm dispensing the substance, and before a delivery shall be made of any of the foregoing substances there shall be recorded in a book kept for that purpose the name of the article, the quantity delivered, the purpose for which it is alleged to be used, the date of delivery, the name and address of the purchaser and the name of the dispenser, which book shall be preserved for at least one year and shall at all times be open to inspection by the proper officers of the law: *Provided, however,* That the foregoing provision shall not apply to articles dispensed upon the order of persons believed by the dispenser to be lawfully authorized practitioners of medicine or dentistry: And, *Provided, also,* That the record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale; but the box, bottle or other package containing such substance when sold at wholesale shall be properly labeled with the name of the substance, the word "poison" and the name and address of the manufacturer or wholesaler.

Session Laws 1905, p. 324.

Sec. 16. Penalties. Whoever, not being licensed as a pharmacist, shall conduct or manage any drug store, pharmacy or other place of business for the compounding, dispensing, or sale at retail of any drugs, medicines or poisons, or for the compounding of physicians' prescriptions, contrary to the provisions of section 1 of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars; and each week such drug store or^a pharmacy or other place of business is so unlawfully conducted shall be held to constitute a separate and distinct offense.

Whoever, not being licensed as a pharmacist or assistant pharmacist, shall compound, dispense or sell at retail, any drug, medicine, poison, or pharmaceutical preparation, either upon a physician's prescription or otherwise, and whoever, being the owner or manager of a drug store, pharmacy or other place of business, shall cause or permit any one not licensed as a pharmacist or assistant pharmacist to dispense, sell at retail, or compound any drug, medicine, poison, or physicians' prescription, contrary to the provisions of section one of this act shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

* * *

Whoever shall sell or deliver to any person any poisonous substance specified in section thirteen of this act without labeling the same and recording the delivery thereof in the manner prescribed in section thirteen, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

Session Laws 1905, p. 326.

PATENT MEDICINES.

Sec. 4. Board of pharmacy may condemn proprietary medicines. * * * The board shall have the power to examine any patent or proprietary medicine, and condemn same, in case it is found to contain deleterious matter which might produce an effect other than that claimed by such patent or proprietary medicine.

^a So in Laws.

Sec. 12. Enforcement. It shall be the duty of the county attorney to take charge of and prosecute any violation of any of the provisions of this act.

Session Laws, 1905, p. 322 and 324.

ADULTERATION OF DRUGS.

6916. Improper labeling and filling of prescriptions a misdemeanor or a felony. Every apothecary, druggist or person carrying on business as a dealer in drugs or medicines, or person employed as clerk or salesman, by such person, who, in putting up any drugs or medicines, or making up any prescription, or filling any order for drugs or medicines, willfully, negligently, or ignorantly omits to label the same, or puts an untrue label, stamp, or other designation of contents, upon any box, bottle, or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor, or if death ensues is guilty of a felony. (*Rev. Stat., 1887, p. 744.*)

Code, 1908, vol. 2, p. 606.

4747. A misdemeanor. Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them with a fraudulent intent to offer the same or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, or keeps or offers for sale the same, as unadulterated or undiluted, is guilty of a misdemeanor.

4748. Sale of unwholesome products a misdemeanor. Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug, or medicine, knowing the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drank, with intent to permit the same to be eaten or drank, is guilty of a misdemeanor. (*Rev. Stat., 1887, p. 744.*)

Code, 1901, vol. 4, chap. 216, p. 76.

Sec. 29. Standards. The State Board of Dairy, Food and Oil Commissioners shall have authority from time to time to establish standards of strength and purity not designated in this act, said standards to be in harmony with the standards authorized by the United States Department of Agriculture or by the United States Pharmacopœia, as the case may be.

Session Laws, 1905, p. 62.

[The exact limitations of the power thus conferred seem uncertain as the duties of the Dairy, Food and Oil Commissioners as defined by the law do not include any specific or implied reference to drugs other than this section may involve. This section may only be intended to cover such substances as honey, spices and other flavoring agents.]

ILLINOIS.

The law regarding adulteration of drugs, effective July 1, 1907, differs materially from the Federal law. It is administered by the State board of pharmacy. The State attorneys are charged with the enforcement of certain provisions regarding adulteration and misbranding of drugs; ignorance of violation of these is a bar to conviction.

Cocaine, preparations containing cocaine, etc., may be sold only upon original prescription.

REGISTERED PHARMACISTS.

Sec. 19. *Conduct of drug stores; proviso.* It shall be unlawful for any person, not a registered pharmacist within the meaning of this act, to open or conduct any pharmacy, dispensary, drug store, apothecary shop, or store, for the purpose of retailing, compounding or dispensing drugs, medicines or poisons, and any person violating the provisions of this section shall be liable to a penalty of not less than twenty nor more than one hundred dollars for every such violation: *Provided, however*, that nothing in this act will prevent any person or persons owning a drug store or pharmacy who shall employ and place in active and personal charge of the same a registered pharmacist, and that nothing herein contained shall apply to nor in any manner interfere with the practice of any physician, or prevent him from supplying to his patients such articles as may seem to him proper; nor with the exclusively wholesale business of any wholesale druggist: *Provided*, that nothing contained in this act shall apply to the sale of patent or proprietary preparations when sold in original and unbroken packages.

Sec. 20. *Compounding and dispensing drugs.* It shall be unlawful for the proprietor of any drug store or pharmacy to allow any person in his employ, except a registered pharmacist or registered assistant pharmacist, to compound, recommend, dispense, or sell at retail, drugs, medicines or poisons, or except an apprentice under the immediate supervision of a registered pharmacist as hereinafter provided. Any person violating the provisions of this section shall be liable to a fine of not less than twenty nor more than one hundred dollars for each and every such offense. *Laws 1901, p. 238.*

Revised Statutes (Hurd) 1906, chap. 91, p. 1362.

Sec. 4. *Qualifications for practice of pharmacy; proviso.* Registered pharmacists, by examination, must be persons not less than 21 years of age, of good moral character and temperate habits, and who have had four years' practical experience in compounding drugs in drug stores where the prescriptions of medical practitioners are compounded, or physicians holding certificates from the State Board of Health, and have passed a satisfactory theoretical and practical examination before the State Board of Pharmacy hereinafter mentioned. The said board, may, in their discretion, grant certificates of registration to such per-

sons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: * * *

Actual time of attendance, but not to exceed two years, at any reputable school of pharmacy, college of pharmacy or department of pharmacy of a university, shall be accredited on the above required service under a registered pharmacist: *Provided*, that applicants are able to show by proper certificate from the school of pharmacy, college of pharmacy or department of pharmacy of a university which they have attended that their school work was satisfactory.

The State Board of Pharmacy shall make rules to establish a uniform and reasonable standard of educational requirements to be observed by schools and colleges of pharmacy or pharmacy departments of universities, and said board may determine the reputability of schools, colleges and departments of pharmacy by reference to their compliance with such rules.

Sec. 8. Board of Pharmacy may refuse registration. The Board of Pharmacy may refuse registration, or renewal of certificates to, or may suspend the certificates of registered pharmacists, or assistant pharmacists, who are proven to be so addicted to the excessive use of stimulants or narcotics as to render them unsafe to handle or sell drugs, medicines and poisons, or who are proven not to be of good moral character.

Laws 1907, pp. 379-383.

Sec. 12. Itinerant vendors of drugs. Any itinerant vendor of any drug, nostrum, ointment or appliance of any kind intended for the treatment of disease or injury, who shall, by writing or printing, or any other method, profess to the public to cure or treat disease or deformity by any drug, nostrum or application, shall pay a license of one hundred dollars (\$100) per month into the treasury of the board, to be collected by the board in the name of the people of the State of Illinois, for the use of said board. And it shall be lawful for the State Board of Health to issue such license on application made to said board, said license to be signed by the president of the board and attested by the secretary with the seal of the board; but said board may, for sufficient cause, refuse said license. And such itinerant vendor who shall, by writing, or printing, or any other method, profess to cure or treat disease or deformity by any drug, instrument or appliance without a license so to do, shall be deemed guilty of a violation of this section, and upon conviction shall be subject to the penalties hereinafter provided.

Revised Statutes, (Hurd) 1906, chap. 91, p. 1360.

SALE OF POISONS.

Sec. 62. Labels; penalty. Every druggist or other person who shall sell and deliver any arsenic, strychnine, corrosive sublimate, prussic acid or other substance or liquid usually denominated as poisonous, without having the word "poison" written or printed upon a label attached to the phial or parcel in which such drug is contained, or shall sell and deliver any drug or medicine other than upon the prescription of a physician, without having the name of such drug or medicine printed or written upon a label attached to the phial or parcel containing the same, shall be fined not exceeding \$25. (*Laws 1853, p. 215.*)

Sec. 63. Records; penalty. If any druggist or other person sells or gives away any arsenic, strychnine, corrosive sublimate or prussic acid without the written prescription of a physician, and fails to keep a record of the date of such sale or gift, the article, and amount thereof sold or given away, and the

person to whom delivered, he shall be fined not exceeding \$50 for each neglect. Whoever purchases any such poison and gives a false or fictitious name, shall be punished in the same manner.

Revised Statutes (Hurd), 1906, chap. 38, p. 687.

Sec. 30. *Drugs, medicines and poisons to be labeled.* No person shall sell at retail any drug, medicine or poison without affixing to the box, bottle, vessel or package containing the same a label bearing the name of the article distinctly shown, with the name and place of business of the registered pharmacist from whom the article was obtained: *Provided*, nothing in this section shall apply to the sale of patent or proprietary medicines when sold in original packages, nor with the dispensing of physicians' prescriptions. Any person failing to comply with the requirements of this section shall be liable to a penalty of \$5 for any and every offense. (*Laws 1901, p. 242.*)

Sec. 32a. *Cocaine to be sold only on physician's prescription.* It shall not be lawful for any druggist or other person to retail, or sell, or give away any cocaine, hydro-chlorate, or any salts of, or any compound of cocaine, or any preparation containing cocaine, or any salts of, or any compound thereof, excepting upon the written prescription of a licensed physician or licensed dentist, licensed under the laws of the State, which prescription shall only be filled once, and must have written plainly upon it, the name and address of the patient: *Provided*, that the provisions of this section shall not apply to sales at wholesale by any manufacturer or wholesale dealer, who shall sell to the retail druggist, or other person so sold, as original packages only, when such manufacturer or wholesale dealer shall have affixed to each box, bottle or package containing such cocaine, hydro-chlorate, or salts or compounds of cocaine, or preparations containing cocaine, a label specifically setting forth the proportion of cocaine contained therein.

Sec. 32b. *Penalty.* Any druggist or other person who shall retail or sell any cocaine, hydro-chlorate, or salts or compounds of cocaine, or any preparation containing cocaine, or salts or compounds thereof, in violation of this act, and any druggist or other person who shall prescribe any cocaine, hydro-chlorate, or salts or compounds of cocaine, or any preparation containing cocaine, or salts or compounds thereof, to any person addicted to the habitual use of cocaine, or any preparation or compound thereof, in any form, shall, for the first offense, be fined the sum of not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense not less than two hundred dollars nor more than one thousand dollars; and if the person so offending shall have a license as a physician, dentist or pharmacist, such license shall be revoked. (*Laws 1903, p. 249.*)

Revised Statutes (Hurd), 1906, chap. 91, p. 1365.

ADULTERATION OF DRUGS.

Sec. 14. *Manufacture, sale, etc., of adulterated drugs and medicines prohibited.* No druggist or other person shall manufacture, compound, sell or offer for sale or cause to be manufactured, compounded, sold or offered for sale any medicine or preparation under or by a name recognized in the United States Pharmacopœia or National Formulary for internal or external use, which differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of such manufacture, compounding, sale or offering for sale. Nor shall any druggist or other person manufacture, compound, sell or offer

for sale or cause to be manufactured, compounded, sold or offered for sale, any drug, medicine, chemical or pharmaceutical preparation, the strength or purity of which shall fall below the professed standard of strength or purity under which it is sold. Nor shall any druggist or other person being requested by means of a prescription, or in any manner, to sell, furnish or compound any drug, medicine, chemical or pharmaceutical preparation, substitute or cause to be substituted therefor, without notification to the purchaser, any other drug, medicine, chemical or pharmaceutical preparation. Any person violating any provision of this section upon conviction shall be liable to all the costs of the action and all the expenses incurred by the State Board of Pharmacy in connection therewith, and for the first offense, shall be fined not less than ten dollars nor more than one hundred dollars, and for each subsequent offense shall be fined not less than seventy-five dollars nor more than one hundred and fifty dollars. The State Board of Pharmacy is hereby empowered to employ an analyst or chemist expert, whose duty it shall be to examine into any claimed adulteration, substitution or alteration, or other violation hereof, and report upon the result of his investigation, and, if such report justify such action, the board shall cause the offender to be prosecuted.

Approved June 3, 1907. Laws 1907, pp. 382-383.

Sec. 9i. *Mixing drugs so as to impair potency.* No person shall, except for the purpose of compounding in the necessary preparation of medicine, mix, color, stain or powder, or order or permit any other person to mix, color, stain or powder any drug or medicine with any ingredient or material, so as to affect injuriously the quality or potency of such drug or medicine, with intent to sell the same, or shall sell or offer for sale any such drug or medicine so mixed, colored, stained or powdered. (*Laws 1883, p. 176.*)

Sec. 9j. *Compound must be sold under its true name.* No person shall mix, color, stain or powder any article of food, drink or medicine, or any other article which enters into the composition of food, drink or medicine, with any other ingredient or material, whether injurious to health or not, for the purpose of gain or profit, or sell, or offer the same for sale, or order or permit any other person to sell or offer for sale any article so mixed, colored, stained or powdered, unless the same be so manufactured, used or sold or offered for sale under its true and appropriate name, and notice that the same is mixed or impure is marked, printed or stamped upon each package, roll, parcel or vessel containing the same, so as to be and remain at all times readily visible, or unless the person purchasing the same is fully informed by the seller of the true name and ingredients (if other than such as are known by the common name thereof) of such article of food, drink or medicine, at the time of making sale thereof or offering to sell the same. (*Laws 1881, p. 75.*)

Sec. 9l. *Penalty.* Any person convicted of violating any provision of any of the foregoing sections of this act, shall, for the first offense, be fined not less than twenty-five dollars (\$25), nor more than two hundred dollars (\$200); for the second offense he shall be fined not less than one hundred dollars (\$100), nor more than two hundred dollars (\$200), or confined in the county jail not less than one month, nor more than six months, or both, at the discretion of the court; and for the third and all subsequent offenses, he shall be fined not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000), and imprisonment in the penitentiary not less than one year, nor more than five years.

Sec. 9m. *Exception.* No person shall be convicted under any of the foregoing sections of this act, if he shows to the satisfaction of the court or jury that he

did not know that he was violating any of the provisions of this act, and that he could not, with reasonable diligence, have obtained the knowledge. (*Laws 1881, p. 76.*)

Sec. 9n. State's attorneys to enforce act. The State's attorneys of this state are charged with the enforcement of this act, and it is hereby made their duty to appear for the people and to attend to the prosecution of all complaints under this act, in their respective counties, in all courts.

Revised Statutes (Hurd), 1906, chap. 38, p. 668.

Sec. 32. Adulteration prohibited; prosecution; penalty; analyst. No person shall add to or remove from any drug, medicine, chemical or pharmaceutical preparation, any ingredient or material for the purpose of adulteration or substitution, or which shall deteriorate the quality, commercial value, or medicinal effect, or which shall alter the nature or composition of such drug, medicine, chemical or pharmaceutical preparation so that it will not correspond to the recognized tests of identity or purity. Any person who shall thus adulterate or alter or cause to be adulterated or altered any drug, chemical, medicine or pharmaceutical preparation; or any person who shall sell or offer for sale or cause to be sold any such adulterated drug, chemical, medicine or pharmaceutical preparation; or any person who shall, without notification to the purchaser, substitute or cause to be substituted one material for another, shall be liable to prosecution under this act. If convicted, he shall be liable to all the costs of the action and all the expenses incurred by the board of pharmacy in connection therewith, and for the first offense be liable to a fine of not less than fifty dollars nor more than one hundred dollars, and for each subsequent offense a fine of not less than seventy-five nor more than one hundred and fifty dollars.

The board of pharmacy is hereby empowered to employ an analyst or chemist expert, whose duty it shall be to examine into the so-called adulteration, substitution or alteration, and report upon the result of his investigation; and, if said report justify such action, the board shall duly cause the prosecution of the offender, as provided in this law. The latest edition of the United States Pharmacopœia is hereby adopted as the standard in determining the recognized tests of identity and purity under this act. (*Laws 1901, p. 238.*)

Revised Statutes (Hurd), 1906, chap. 91, p. 1365.

ADULTERATION OF LIQUORS WITH DRUGS.

Sec. 8. Penalty. Whoever adulterates, for the purpose of sale, any liquor used or intended for drink, with cocculus-indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil wood, cochineal, sugar of lead, or any other substance which is poisonous or injurious to health; and whoever sells or offers or keeps for sale any such liquor so adulterated, shall be confined in the county jail not exceeding one year, or fined not exceeding \$1,000, or both. (*Revised Statutes, 1845, p. 175.*)

Revised Statutes (Hurd), 1906, chap. 38, p. 666

INDIANA.

The law regarding adulteration and misbranding of drugs, effective March 4, 1907, is similar to the Federal law. Its enforcement is under the jurisdiction of the State board of health. Prescriptions are exempt from the declaration requirements of the misbranding clause.

Cocaine, opium, and morphine are sold only upon original prescription.

REGISTERED PHARMACISTS.

Sec. 3. Qualifications for practice of pharmacy, proviso. * * *

For registered pharmacist:

First. He shall pass a satisfactory examination before said board (*of pharmacy*) and shall produce and file such evidence as is satisfactory to said board, of having served four years in a store or pharmacy where physicians' prescriptions are compounded, or that said applicant is a regularly licensed practicing physician.

Second. He shall be a graduate of a four year course in a school of pharmacy.

Third. He shall be a graduate of a full course in a school of pharmacy, which course must be satisfactory to said board of pharmacy, and if said course is for less than four years, in addition thereto, said applicant shall produce and file such evidence as is satisfactory to said board of having served in a store or pharmacy where physicians' prescriptions are compounded for a sufficient length of time to make such course and such service cover a period of four years, and such course of pharmacy shall not be less than two years: *Provided*, that nothing in this act shall require any pharmacist now holding a license under the laws of the State of Indiana, to register under this act excepting such pharmacist, upon the expiration of his present license, shall be required to reregister as provided by law. In the case of an applicant for license as a registered pharmacist, who is a graduate of a school of pharmacy of such standing and requirements as are satisfactory to the board of pharmacy, the actual time spent in attendance at such school shall be accepted as an equivalent for a term of service of equal length in a store or pharmacy where physicians' prescriptions are compounded.

For registered assistant pharmacist: He shall have served as a clerk for one year in a store or pharmacy in which physicians' prescriptions are compounded, and shall pass a satisfactory examination before said board. In the case of an applicant for license as a registered assistant pharmacist, who is a graduate of a school of pharmacy of such standing and requirements as are satisfactory to the board of pharmacy, the actual time spent in attendance at such school shall be accepted as an equivalent for six months of service in a store or pharmacy where physicians' prescriptions are compounded. Said board may, in its discretion, grant and issue a license, without examination, as registered pharmacist or as registered assistant pharmacist, to any person who shall produce to said board a certificate of registration of like tenor from another state subject to the conditions of this act.

SALE OF POISONS.

Sec. 8. *Retail sale of poisons by registered pharmacists only; exceptions; provisos.* On and after July 1, 1899, it shall be unlawful for any person to conduct a store or pharmacy in which is sold at retail, or to sell at retail, any chemical, drug or medicine which is poisonous, or which contains a poison; or to compound for sale at retail any physicians' prescription, unless there be in charge a registered pharmacist under the provisions of this act: *Provided, however,* That a registered assistant pharmacist may be left in charge during the temporary absence of the registered pharmacist, which temporary absence shall be construed in conformity with the ruling of the board of pharmacy: *And provided,* That nothing in this act shall apply to, nor in any manner interfere with the business of a regularly licensed physician in compounding for and supplying his patients with such medicines as may seem to him proper in his professional capacity as a physician: *And provided,* That nothing in this act shall apply to, nor in any manner interfere with the business of a general merchant in selling any of the following articles, to wit: Medicines of secret composition, and which are advertised to the general public, and popularly known as patent or proprietary medicines, providing said medicines are not poisonous. Also concentrated lye, sodium carbonate, sodium bicarbonate, tobacco, spices, perfumes, flavoring extracts, borax and the following articles in original and unbroken packages, bearing the label of a known pharmaceutical manufacturer, wholesale druggist, or of a registered pharmacist, to wit: Paregoric, hive syrup, spirit of camphor, tincture of arnica, epsom salt, quinine sulphate, compound cathartic pills, paris green, london purple, white hellebore, and such insecticides, disinfectants, dyestuffs and other chemicals as may be allowed by the board of pharmacy.

Acts, 1907, chap. 188, pp. 320-321.

9. Penalty. Any person violating any of the provisions of Section 8 of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars, nor less than five dollars for each offense.

Acts, 1899, p. 163.

Sec. 1. *Regulating sale of opium, morphine and cocaine.* It shall be unlawful for any person to sell, barter, trade or give away any opium, morphine, or cocaine to any person, except such person secure a written prescription from some licensed physician for same. Any physician issuing such a prescription shall date the same and show thereon the full and true name of the person to whom it is issued, and said physician shall sign the same, giving his full name and residence; the person selling, bartering, trading or giving away any opium, morphine or cocaine thereon shall write on said prescription the date of the filling of the same and the name of the person presenting same, and such prescription shall be cancelled by writing or stamping thereon the words "cancelled" and no second or other subsequent sale shall be made on said prescription. But nothing herein shall be construed to apply to wholesalers selling opium, morphine or cocaine in the original package to the retail dealer.

Sec. 2. Penalty. Any druggist violating this act shall be deemed guilty of a misdemeanor, and shall be fined in any sum not less than \$10.00 nor more than \$50.00, to which may be added imprisonment in the county jail not to exceed six (6) months for each separate offense.

Acts 1907, chap. 227, pp. 430-431.

ADULTERATION AND MISBRANDING OF DRUGS.

539. "*Drug*" defined; *adulteration* defined. * * * The term drug shall be deemed to include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. An article shall be deemed to be adulterated within the meaning of this section:

A. In case of drugs. * * * (2) If, when sold under or by a name not recognized in the United States Pharmacopoeia, but which is found in some other pharmacopoeia, or other standard work on materia medica, it differ materially from the standard of strength, quality or purity laid down in such work. (3) If its strength or purity fall below the professed standard under which it is sold.

Acts 1905, chap. 168, pp. 710.

Sec. 1. *Adulteration and misbranding of drugs, etc., unlawful; term "drug" defined.* It shall be unlawful for any person, firm or corporation, within this state, to manufacture for sale within this state, offer for sale therein, or sell within this state, any drug * * * which is adulterated or misbranded within the meaning of this act. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals.

Sec. 2. *When deemed to be adulterated.* For the purpose of this act an article shall be deemed as adulterated: In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity, as determined in the test laid down in the United States Pharmacopoeia or National Formulary, official at the time of investigation: Provided, That no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

Sec. 5. *Term "misbranded" defined.* The term "misbranded," as used herein, shall apply to all drugs, * * * or articles which enter into the composition of * * * drugs, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any * * * drug product which is falsely branded as to the state, territory or country in which it is manufactured or produced. That for the purpose of this act an article shall also be deemed to be misbranded: In the case of drugs:

First. If it be an imitation of or offered for sale under the name of another article;

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents differing in quality or quantity from such original contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, phenacetine, antipirine,^a

^a So in Statutes.

or any derivative or preparation of any such substance or substances contained therein: Provided, That the said requirements as to statement of contents shall not be operative until March 1, 1908: And, provided, That the requirements of this section shall not apply in the case of medicinal prescriptions written by licensed physicians resident in the State of Indiana.

Sec. 6. Establishing guaranty. No dealer shall be prosecuted under the provisions of this act for selling or offering for sale any article of * * * drugs, as defined herein, when same is found to be adulterated or misbranded within the meaning of this act, in the original, unbroken package in which it was received by said dealer, when he can establish a guarantee, signed by the wholesaler, jobber, agent or other party residing in the United States from whom he purchased such article, or if a proper printed guarantee of the manufacturer with his address be upon the package or container, to the effect that the same is not adulterated or misbranded in the original unbroken package in which said article was received by said dealer, within the meaning of this act, designating it, or within the meaning of the food and drugs act, enacted by the Senate and House of Representatives of the United States of America in Congress assembled June 30th, 1906. Said guarantee to afford protection shall contain the name and address of the party or parties making the sale of such articles to such dealer, or of the manufacturer thereof as herein specified, and in such case said party or parties shall be amenable to the prosecution, fines and other penalties which would attach in due course to the dealer, under the provisions of this act.

Sec. 7. Enforcement of law the duty of State board of health. It shall be the duty of the state board of health to enforce the laws of the state governing food and drug adulteration, and the chemist of the state board of health appointed by said board shall be the state food and drug commissioner. The state board of health shall make all necessary investigations and inquiries in reference to the manufacture and sale of * * * drugs, and for these purposes the state, county, city and town health officers shall be food and drug inspectors, subordinate to the state board of health. The state board of health shall adopt such rules as may be necessary to enforce this act, and shall adopt rules regulating minimum standards for * * * drugs, defining specific adulteration and declaring the proper methods of collecting and examining drugs * * * , and the violation of said rules shall be punished, on conviction, as set forth in section 10 of this act. Every person offering or exposing for sale or delivering to a purchaser any drug * * * included in the provisions of this act shall furnish to any inspector or other officer or agent appointed hereunder, who shall apply to him for the purpose and shall tender to him the value of the same a sample sufficient for the purpose of the analysis of any such drug * * * which is in his possession. Whoever hinders, obstructs or in any way interferes with any inspector, or other officer or agent appointed hereunder, in the performance of his duty, shall, upon conviction, be fined in any sum not exceeding \$100.

Sec. 8. Appropriation for enforcement of act. The sum of \$15,000 is hereby appropriated annually from the treasury of the State of Indiana to be expended by the state board of health for the purpose of meeting expenses incurred in the enforcement of this act, including the salaries of the state food and drug commissioner, chemists, inspectors and clerks, the cost of collection of samples, purchase of laboratory supplies, aid in prosecuting offenders against this act, publication and distribution of bulletins and other expenses incident to the enforcement of this law, all payments to be paid out by certificates issued by the state board of health and attested by the secretary, and on presentation

of said certificates the auditor of state shall draw his warrants for the amount certified on the state treasurer, who shall pay the same from the appropriation for the enforcement of this act, and the appropriation herein provided for shall be available at the taking effect of this act: Provided, however, That nothing herein contained shall be considered to repeal or in anywise affect the appropriations heretofore made for the establishment and maintenance of the state laboratory of hygiene, by an act of the General Assembly entitled "An act to establish a state laboratory of hygiene, providing an appropriation for its establishment and maintenance, forbidding the teaching of adulteration, prescribing penalties, repealing all conflicting acts, and declaring an emergency," approved February 25, 1905.

Sec. 10. *Violations; penalty.* Except as elsewhere provided in this act, any person, persons, firm or corporation violating any of the provisions of this act, shall upon conviction for the first offense, be punished by a fine of not less than \$10.00 nor more than \$30.00; for the second offense by a fine of not less than \$25.00 nor more than \$100.00; and for the third and subsequent offenses, by a fine of \$100.00 and imprisonment in the county jail for not less than thirty nor more than ninety days.

Sec. 11. *Prosecution of violations of act, etc.* Whenever the state board of health, the state food and drug commissioner or other authorized officer of the state board of health shall furnish evidence to district prosecutors, said prosecutors shall prosecute all persons violating any of the provisions of this act, and such cases may be brought before police judges or justices of the peace: Provided, That the powers and jurisdiction of such police judges and justices of the peace and the practice in such cases shall be the same as in other prosecutions before such officers for crimes and misdemeanors, who shall have jurisdiction to hear and determine actions arising for violation of the provisions of this act, and to hold for court or to impose the penalties imposed therein, subject to appeal as the law shall direct.

Sec. 12. *Effect.* An emergency exists for the immediate taking effect of this act; therefore, this act shall be in force from and after its passage.

Sec. 13. *Repeal.* All acts and parts of acts in conflict with the provisions of this statute are hereby repealed.

Acts 1907, chap. 104, pp. 153-160.

ADULTERATION OF LIQUORS WITH POISONS.

552. *Penalty.* Whoever uses any poison in the manufacture or preparation of any intoxicating liquor, or knowingly sells, or offers for sale, in any quantity, any intoxicating liquor so manufactured or prepared, shall, on conviction, be imprisoned in the State prison not less than one year nor more than seven years, and fined not exceeding five hundred dollars.

Acts 1905, chap. 168, p. 715.

IOWA.

The law regarding adulteration and misbranding of drugs, effective July 4, 1907, is similar to the Federal law. The enforcement of the law is under the supervision of the pharmacy commissioners.

Cocaine, alpha and beta eucaine, etc., are sold only upon original prescription.

Wood alcohol is prohibited in the manufacture of preparations intended for use of man or domestic animals, either for internal or external use, or for cosmetic purposes, or for inhalation, or for perfumes.

REGISTERED PHARMACISTS.

2588. *Compounding medicines, poisons, etc.; labels; penalty.* No person not a registered pharmacist shall conduct the business of selling at retail, compounding or dispensing drugs, medicines or poisons, or chemicals for medicinal use, or compounding or dispensing physicians' prescriptions as a pharmacist, nor allow any one who is not a registered pharmacist to so sell, compound or dispense such drugs, medicines, poisons or chemicals, or physicians' prescriptions, except such as are assistants to and under the supervision of one who is a registered pharmacist, and physicians who dispense their own prescriptions only; but no one shall be prohibited by anything contained in this chapter from keeping and selling proprietary medicines and such other domestic remedies as do not contain intoxicating liquors or poisons, nor from selling concentrated lye or potash having written or printed on the package or parcel its true name and the word "poison," sales of which need not be registered. Whoever violates either provision of this section, for the former shall pay five dollars for each day of its violation, to be recovered in an action in the name of the State, brought by the county attorney under the direction of the commission, and for the latter shall be guilty of a misdemeanor, and punished accordingly. In actions or prosecutions under this chapter it need not be proven that the defendant has not a pharmacist's certificate, but such fact shall be a matter of defense.

Code 1897, chap. 18, p. 897.

2589b. *Qualifications for practice of pharmacy.* No person shall be eligible to take this examination until he has passed his twenty-first birthday and has presented to the commission his own affidavit and that of his employer or employers, affirming that he has had not less than four years practical experience (including the actual number of weeks he has spent in a reputable college of pharmacy as hereinafter defined) as clerk under the supervision of a registered pharmacist in a drug store or pharmacy in which physicians' prescriptions are compounded. Provided, however, that graduates of reputable pharmaceutical schools and colleges whose entrance and graduation requirements are equivalent to those prescribed by the American Conference of Pharmaceutical Faculties, for the year 1905, and whose course of study consists of two

years of not less than thirty-six (36) weeks each, shall be eligible to take the examination without proof of experience as hereinbefore defined. Applicants who are graduates of a junior course, consisting of not less than thirty-six (36) weeks in pharmaceutical schools and colleges whose course consists of or is equivalent to the requirements above specified, shall be allowed one year's credit on store experience. If such applicant passes the required examination, he shall be granted a certificate of registration. Pharmacists thus registered shall have the sole right to keep and sell all medicines and poisons, except intoxicating liquors.

2590a. Assistants' certificate. If the applicant has passed his eighteenth birthday and has had at least two years practical experience as hereinbefore defined (including actual number of weeks spent in a reputable college of pharmacy as defined herein) and has presented to the commission his own affidavit and that of his employer or employers, affirming that he has had such experience, he shall upon passing a satisfactory examination, be granted an assistant's certificate to be exchanged for full registration when he shall have reached the age of twenty-one (21) years, and upon satisfactory proof that he has had since the taking of the examination, two additional years of practical experience in a drug store as defined herein. *Laws 1906, chap. 115, p. 81-82.*

Code, Supplement 1907, chap 18, p. 597.

2595. Penalty for false representation in attempting to procure certificate. If any person shall procure or attempt to procure a certificate of registry for himself or another by means of false representations or device, or without being a registered pharmacist shall conduct a place for retailing, compounding or dispensing drugs, medicines or chemicals, or for compounding or dispensing physicians' prescriptions, or shall use or exhibit the title of registered pharmacist, shall be guilty of a misdemeanor, and each several day a place shall be so used shall be held to be a separate and several offense.

2596. Revocation of certificate. When a registered pharmacist has been convicted of a violation of the provisions of this chapter, in addition to the other penalties provided by law, the commission, in its discretion, may revoke his certificate of registry.

Code 1897, chap 18, p. 900.

SALE OF POISONS.

2593. Schedule of poisons; record of sales must be kept; violations, penalty. No person shall sell at retail any poisons enumerated in the following schedule, to-wit: Acids, hydrochloric, nitric, and sulphuric, arsenic, chloral hydrate, chloroform, ammoniated mercury, atropine, arsenate of copper, aconitine, benzaldehyde, bromine, cyanide of potassium, cobalt, corrosive-sublimate, dionin, ether sulphuric, hyoscine, morphine, kermes mineral, cantharides, cotton root, croton oil, carbolic acid, digitalis, denatured alcohol, ergot, hydrocyanic acid, nux vomica, opium and its preparations, (excepting those containing less than two grains to the ounce), oils of bitter almonds, savin and pennyroyal, oxalic acid, phosphorus, strychnine and its salts, veratrum, and wood alcohol; without affixing to the bottle, box, or other package containing the poison, a label bearing the name of the article and the word poison distinctly shown, with the name and place of business of the registered pharmacist from whom the article was obtained, nor to sell or deliver such poison unless upon due inquiry it be found that the party receiving it is aware of its character and represents it to be used for proper purposes, nor sell or deliver the poisons heretofore

enumerated, without entering same in a book kept for that purpose, the date of sale, the name and address of purchaser, the name of the poison, the purpose for which it was represented to be required, and the name of the dispenser, which book shall be open for inspection by the proper authorities and preserved for at least five years, provided that nothing in this section shall apply to the sale of patent medicines, or to drugs used in the filling of prescriptions from physicians, veterinary surgeons or dentists; provided that it shall not be necessary to keep a record in said book of sales of denatured alcohol and wood alcohol, when it is ascertained they are to be used for mechanical purposes; provided however, that nothing herein contained shall be construed to permit or authorize the sale of any of the poisons herein named where the sale thereof is otherwise prohibited or regulated by law. The obtaining of any such poisons by any person under a false name or statement shall be deemed a violation of the provisions of this act. Any person violating any of the provisions of this act shall be adjudged guilty of a misdemeanor and be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not more than thirty days. *Approved March 27, 1907. (Acts and Resolutions 1907, chap. 142, p. 144.)*

Code, Supplement of 1907, chap. 18, p. 598.

4976. *Sale of poisons without label.* Violation of the statutory provision as to labeling poisons sold constitutes negligence rendering the vender liable for damages proximately resulting from such violation.

Code 1907, chap. 10, p. 1081.

2596a. *Sale of cocaine and certain drugs.* No person, firm or corporation shall sell, exchange, deliver or have in his possession with intent to sell, exchange or expose or offer for sale or exchange any coca (Erythroxyton Coca), cocaine, alpha, or beta eucaine or derivatives of any of them, or any preparation containing coca, cocaine, alpha or beta eucaine or derivatives of any of them, or cotton-root, ergot, oil of tansy, oil of savin or derivatives of any of them, except upon the original written prescription of a registered physician or veterinarian or licensed dentist for medical, dental or veterinary purposes, and no such prescription shall be refilled, Provided that nothing in this act shall prevent the sale thereof to a wholesale or retail dealer in drugs, nor to a registered physician or veterinarian or licensed dentist. (*Acts and Resolutions 1907, chap. 143, p. 145.*)

2596b. *Violation of act; penalty.* Any one found guilty of violating the provisions of section [2596a] of this act, for the first offense, shall pay a fine of not less than twenty-five dollars, and not more than one hundred dollars and costs of prosecution. For the second offense and each subsequent offense, he shall pay on conviction thereof a fine of not less than one hundred dollars and not more than three hundred dollars, or imprisonment in the county jail not to exceed three months. Any clerk, employee or agent violating or aiding in the violation of section [2596a] shall be charged and convicted as principal.

Code, 1907, chap. 18, p. 599.

ADULTERATION AND MISBRANDING OF DRUGS.

2592. *Pharmacist responsible for quality of goods; adulteration a misdemeanor.* Registered pharmacists shall be responsible for the quality of all drugs, chemicals and medicines which they may sell or dispense, except those

sold in the original packages of the manufacturer, and those known as patent medicines. If any such pharmacist shall knowingly adulterate or cause to be adulterated any drugs, chemicals or medical preparations by him kept for sale or sold, he shall be guilty of a misdemeanor. (*Laws 1880, p 73.*)

Code, 1897, chap. 18, p. 899.

4999-A-32. *Manufacture or sale of adulterated drugs prohibited.* No person, firm or corporation, by himself, officer, servant or agent, or as the officer, servant or agent of any other person, firm or corporation, shall manufacture or introduce into the state or solicit orders for delivery, or sell, exchange, deliver, or have in his possession with the intent to sell, exchange or expose, or offer for sale or exchange, any drug which is adulterated or misbranded within the meaning of this act. Provided, that none of the penalties set forth in this act shall be imposed upon any common carrier for introducing into the state, or having in its possession, any adulterated or misbranded drugs, where the same were received by said carrier for transportation in the ordinary course of its business and without actual knowledge of the adulteration or misbranding thereof.

4999-A-33. *Drug defined.* The term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals, or for the destruction of parasites.

4999-A-34. *Adulteration defined.* For the purposes of this act, a drug shall be deemed to be adulterated

First: If, when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation: Provided, that no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

4999-A-35. *Misbranded defined.* The term "misbranded," as herein used, shall apply to all drugs the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein, which shall be false or misleading in any particular and to any drug which is falsely branded as to the state, county or territory in which it is manufactured or produced. For the purposes of this act, a drug shall also be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if the package shall fail to bear a statement on the label showing the name and the exact quantity or proportion of any alcohol, morphine, opium, heroin, chloroform, cannabis indica, chloral hydrate, acetanilide, or any derivative or preparation of any such substances contained therein. The state-

ment herein required shall be plainly printed upon the outside wrapper and also upon a label affixed to the package in type "eight point caps;" provided, that in case the size of the package will not permit the use of eight point caps, the size of the type may be reduced proportionately. There shall be such a contrast between the color of the label and the color of the ink used in printing the label heretofore required, that the printing thereon shall be easily and plainly legible.

4999-A-36. *Drugs or preparations containing wood or denatured alcohol—sale prohibited.* No person, firm or corporation shall sell, offer, or expose for sale, or have in his possession, any preparation or product intended for use of man or domestic animals, either for internal or external use, or for cosmetic purposes, or for inhalation, or for perfumes, which contains methyl (wood) alcohol, crude or refined, or denatured alcohol.

4999-A-37. *Bulletins.* The pharmacy commissioners shall, from time to time, with the approval of the executive council, issue a printed bulletin, showing the results of inspections, analyses and prosecutions undertaken under this act, together with such general information as may be deemed suitable. Such bulletins shall be printed in such numbers as may be directed by the executive council, and shall be issued to the newspapers of this state and to all interested persons.

4999-A-38. *Enforcement.* It is hereby made the duty of the pharmacy commissioners to enforce the provisions of this act.

4999-A-39. *Penalty.* Any person, firm or corporation, or agent thereof, who refuses to comply, on demand, with any of the requirements of this act, or who shall violate any of its provisions, or who shall obstruct or hinder the said pharmacy commissioners, in the discharge of any duty imposed by this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars.

4999-A-40. *Goods exempt.* All goods purchased or received by either wholesale or retail dealers of this state prior to July first, nineteen hundred and seven (1907) shall be exempt from the provisions of this act to April first, nineteen hundred and nine (1909). The having in possession by any person who manufactures or exposes for sale, any adulterated or misbranded drug, within the meaning of this act, shall be prima facie evidence of having in possession with intent to sell in violation of its provisions: Provided, that any manufacturer, wholesaler or jobber may keep goods specifically set apart in his stock for sale in other states, which might otherwise be in violation of the provisions of this act. *Acts and Resolutions, 1907, chap. 176, pp. 176-178.*

Code, 1907, chap. 10-B., pp. 1092-1094.

THROWING OF DRUGS, ETC., AS SAMPLES.

4999-A-42. *Distribution of samples unlawful.* That it shall be unlawful for any person, firm, company or corporation, either in person or by agent, to deposit any sample of any drugs or medicine upon any porch, lawn, in any vehicle or any other place where such drugs or medicine might be picked up by children or other persons.

4999-A-43. *Violation.* Any person, firm, company, corporation, or agent thereof violating the provisions of this act shall be guilty of a misdemeanor. *Acts and Resolutions, 1907, chap. 182, p. 182.*

Code, Supplement 1907, chap. 10-B, p. 1904.

ITINERANT VENDORS OF DRUGS.

Sec. 2594. *License required; penalty.* Any itinerant vendor of any drug, nostrum, ointment, or appliance of any kind for the treatment of any disease or injury, and all those who by any method publicly profess to treat or cure diseases, injury, or deformity, shall pay to the treasurer of the commission of pharmacy an annual fee of \$100, upon the receipt of which the secretary of the commission shall issue a license for one year from its date; \$2,000 annually of the money arising from the license fund, or so much as may be needed, shall be devoted to defraying the expenses of the commission, and any balance remaining shall be paid into the state treasury. Said commission shall, on the first day of January of each year, make a verified and itemized statement in writing to the auditor of state, of all receipts and expenditures of money coming into their hands by virtue of their office. Any violation of this section shall be a misdemeanor, and any person shall, upon conviction thereof, pay a fine of not less than \$100, nor more than \$200. In actions or prosecutions under this chapter, it need not be proven that the defendant has not a license, but such fact shall be a matter of defense.

Code, 1897, p. 899.

KANSAS.

The law regarding adulteration and misbranding of drugs, effective February 16, 1907, is similar to the Federal law. The enforcement of the law is under the jurisdiction of the State board of health, which is authorized to act in harmony with the United States Department of Agriculture. The standards of quality and purity are those adopted by the United States Department of Agriculture.

Prescriptions are exempt from declaring the quantity or proportion of alcohol, morphine, etc. No provision is made for selling United States Pharmacopœia and National Formulary products deviating from the standards.

The State board of health, November 18, 1907, write that they are cooperating with the board of pharmacy in the enforcement of both laws and think that within a short time no one except the legally licensed pharmacists will be allowed to handle drugs in this State.

Cocaine, morphine, and chloral hydrate are sold only on prescription.

REGISTERED PHARMACISTS.

7235. *Conduct of drug store.* It shall hereafter be unlawful for any person within the state of Kansas to open or conduct any pharmacy, or store for retailing, dispensing or compounding medicines or poisons unless such person be a registered pharmacist within the meaning of this act, or shall employ a registered pharmacist to conduct the same. And it shall be unlawful for any person to compound and sell at retail any medicines or poisons, or to compound or dispense any physicians' prescriptions, unless such person be a registered pharmacist, or a registered assistant pharmacist, within the meaning of this act, except as hereinafter provided. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every such offense. (*Laws, 1885, p. 247.*)

General Statutes 1905, p. 1472.

7233. *Qualifications of registered pharmacists.* Any person desiring to become a registered pharmacist under the provisions of this act shall within ninety days after this act shall take effect, forward to said board his affidavit, properly sworn to before the clerk of the district court of the county where such person proposes to engage in the business, showing that such applicant was at the time of the taking effect of this act, and ever since has been engaged in the business of preparing and dispensing medicines and physicians' prescriptions within the state of Kansas, and that he has five years' experience in such business, two years of which experience shall have been in the state of Kansas

as a clerk or proprietor, and such affidavit shall be accompanied with the clerk's certificate, showing that he is acquainted with the applicant and knows him to be a person of good moral character and worthy of belief. And such applicant shall in addition to such affidavit and certificate, present to said board the affidavit of two creditable witnesses substantiating in each material particular the affidavit of such applicant, and in addition thereto showing that such applicant is not in the habit of using intoxicants as a beverage, which affidavit shall show the age, residence and occupation of such witnesses. The board of pharmacy, if satisfied with such proof, shall upon the presentation of such proof and upon receipt of a fee of two dollars, register such applicant as a registered pharmacist, and shall thereupon issue to such applicant a certificate of registration, which certificate shall constantly be exposed conspicuously in the pharmacy to which it applies. Persons not availing themselves of the provisions of this section within the time specified may appear before said board for examination as provided by law. The board may register as registered pharmacists, without examination, graduates of recognized schools of pharmacy; Provided, said board shall be satisfied with the moral fitness and sobriety of such graduate; And Provided Further, that all persons holding certificates by examination as registered pharmacists issued within two years prior to the taking effect of this act, shall be entitled to registration under this act, and at the end of sixty days after the taking effect of this act, any certificate issued before this act took effect shall be no longer of any validity. (*Laws 1885, chap. 150; amended Laws 1887, chap. 174, p. 257.*)

General Statutes, 1905, chap. 99, pp. 1473-4.

7250. *Certificates may be revoked.* Any person who shall procure, or attempt to procure, registration for himself or for another under this act by making or causing to be made any false representation, and any registered pharmacist who shall be in the habit of being intoxicated, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be liable to a penalty of not less than twenty-five nor more than one hundred dollars; and name of the person so fraudulently registered shall be stricken from the register. (*Laws, 1885, chap. 150, p. 252.*)

General Statutes, 1905, chap. 99, p. 1477.

7244. *Does not apply to practitioner of medicine.* Nothing herein contained in this act shall apply to any practitioner of medicine who does not keep open shop for retailing, dispensing or compounding of medicines or poisons, nor prevent him from administering or supplying to his patients such articles as he may deem fit and proper. And it is also provided that in rural districts, where there is no registered pharmacist within five miles, it shall be lawful for retail dealers to procure license from the board of pharmacy at a fee of two dollars and fifty cents annually, to sell the usual domestic remedies and medicines not including any articles enumerated in the schedules A and B of this act. (*Laws, 1885, chap. 150, p. 250.*)

General Statutes, 1905, chap. 99, p. 1475.

SALE OF POISONS.

7245. *Restrictions; schedules; labels; records; penalty; proviso.* Pharmacists registered as herein provided shall have the right to keep and sell, under such restrictions as herein provided, all medicines and poisons authorized by the National, American, or United States dispensatory pharmacopoeia as of recognized medicinal utility; *Provided*, That nothing herein contained shall be con-

strued so as to shield an apothecary or pharmacist who violates or in anywise abuses this trust for the legitimate and actual necessities of medicines, from the utmost rigor of the law relating to the sale of intoxicating liquors; and upon conviction of any violation of the prohibitory liquor law his name shall be stricken from the register. It shall be unlawful for any person, on and after the passage of this act, to retail any articles enumerated in schedules A, B, C, except as follows:

Schedule A: Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, chloroform, strychnine, morphine, and all other poisonous vegetable alkaloids and their salts, essential oil of bitter almonds, opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce.

Schedule B: Aconite, belladonna, colchicum, conium, nux vomica, henbane, cantharides, creosote, digitalis, and their pharmaceutical preparations, croton oil, chloral hydrate, sulphate of zinc, sugar of lead, mineral acids, carbolic acid, oxalic acid, and all other virulent poisons.

Schedule C: Oil of savin, oil of tansy, ergot and its preparations, cotton-root and its preparations, and all other active emmenagogues or abortives.

Articles enumerated in schedules A and B shall not be sold without distinctly labeling the box, vessel or paper in which the said poison is contained, and also the outside wrapper or cover, with the name of the article, the word "Poison," and the name and place of business of the seller. Nor shall it be lawful for any person to sell or deliver any poison enumerated in schedules A and B, unless upon due inquiry it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for a legitimate purpose; nor shall it be lawful for any proprietor or owner of any drug store or pharmacy, or any registered pharmacist, to sell or deliver any articles included in the schedules A and B, without, before delivering the same to the purchaser, causing an entry to be made in a book kept for that purpose, stating the date of sale, the article sold, the quantity thereof, the purpose for which it is represented by the purchaser to be required, the name of the dispenser, and the name and address of the purchaser, signed by himself; such book to be always open for inspection by the proper authorities, and to be preserved for at least five years. No articles enumerated in schedule C shall be sold except on the prescription of a legally qualified physician. The provisions of this section shall not apply to the sales of poisons to practicing physicians and photographers, and to the dispensing of poisons in not unusual doses or quantities upon the prescriptions of licensed practitioners of medicine. All prescriptions of practicing physicians shall be retained by the dispenser. Any person procuring from any pharmacist articles enumerated in schedules A, B and C, under fraudulent representations, shall be deemed guilty of a misdemeanor, and be liable to a fine of not less than twenty-five nor more than one hundred dollars. (*Laws, 1885, p. 250.*)

. General Statutes, 1905, pp. 1475-6.

2346. Labels; sale to minors; penalty. Every person who shall sell or deliver to any other any arsenic, corrosive sublimate, prussic acid, or any other substance or liquid usually denominated poisonous, without having the word "poison" plainly written or printed on a label attached to the vial, box, vessel or package containing the same; or who shall sell or deliver any tartar emetic, without having the true name written or printed on a label and attached to the vial, box, vessel or package containing the same; or who shall sell or deliver any such substance or liquid to any minor without a written permission from the guardian of such minor specifying the kind of drug that such minor is

authorized to purchase, shall on conviction be adjudged guilty of a misdemeanor, and punished by a fine not exceeding fifty dollars.

2347. Physicians not required to label. So much of the preceding section as requires the word "poison" or the name of the drug sold or delivered, to be labeled on the box, vial, or other package containing the same, shall not extend to any practicing physician who shall deliver any of the articles therein mentioned with a prescription for the use of the article.

General Statutes, 1905, p. 484.

2714. Sale of morphine, cocaine, etc., upon prescription only. Any person, company or corporation who shall sell, trade or give to any other person, any morphine, cocaine or chloral except upon the prescription of a physician shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days nor more than ninety days, either or both, in the discretion of the court.

Sec. 2. Effect. This act shall take effect and be in force from and after its publication in the official state paper. *Laws, 1901, chap. 175, p. 308.*

Approved February 22, 1901. General Statutes, 1905, p. 495.

ADULTERATION AND MISBRANDING OF DRUGS.

Sec. 1. Unlawful to manufacture adulterated or misbranded drugs and medicines. It shall be unlawful for any person to manufacture within the state of Kansas any article * * * drugs, medicines or liquors which is adulterated or misbranded, or which contains any poisonous or deleterious substance, within the meaning of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed three hundred dollars, or be imprisoned one year in the county jail, in the discretion of the court, and for each subsequent offense, on conviction thereof, shall be fined not less than five hundred dollars, or be imprisoned for one year in the county jail, or shall receive both such fine and imprisonment, in the discretion of the court.

Sec. 2. Unlawful to keep for sale adulterated drugs and medicines. It shall be unlawful for any person to sell, keep for sale or offer for sale within the state of Kansas any article of * * * drug or liquor which is adulterated or misbranded, within the meaning of this act, and any person who shall sell, keep for sale or offer for sale any article of * * * drug or liquor which is adulterated or misbranded, within the meaning of this act, shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined in a sum not to exceed fifty dollars, or be imprisoned in the county jail not exceeding one year, or be both fined and imprisoned, in the discretion of the court.

Sec. 3. State board of health shall make uniform rules and regulations. The State Board of Health is authorized and directed to make and publish uniform rules and regulations not in conflict herewith, which rules and regulations shall be those adopted and promulgated by the United States Department of Agriculture in so far as they are applicable to and not in conflict with the provisions of this act, which rules and regulations shall include the collection and examination of specimens of * * * medicines, drugs, liquors and drinks manufactured, kept for sale, offered for sale or sold in the state of Kansas. Any person who shall violate any of the rules and regulations so made and published in the official state paper shall be deemed guilty of a

misdemeanor, and on conviction shall be punished by a fine not exceeding fifty dollars, or imprisonment in the county jail not more than six months, or both, in the discretion of the court.

Sec. 4. Examination of samples. The examination of specimens of drugs shall be made at the University of Kansas, and such examinations shall be under the immediate supervision and direction of the dean of the school of pharmacy. * * * That the University of Kansas and the Kansas State Agricultural College shall employ such additional chemists and assistants as are necessary to properly and expeditiously analyze such drug * * * products as are sent to them by the state food inspectors, for the purpose of determining from such examinations whether such articles are adulterated or misbranded, within the meaning of this act; and if it shall appear from any examination that any of such specimens is adulterated or misbranded, within the meaning of this act, the secretary of the State Board of Health shall at once certify the facts to the county attorney of the county in which such sample was taken, with a copy of the results of the analysis of the examination of such article, duly authenticated by the analyst or officer making such examination, under the oath of such analyst or officer.

Sec. 5. Prosecution of violations of act. It shall be the duty of each county attorney to whom the secretary of the State Board of Health shall report any violations of this act, or to whom any health officer of any county or city, or any other person, shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the state, without delay, for the enforcement of the provisions of this act. After judgment of the court, notice of such adulteration or misbranding shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

Sec. 6. Term "drug" defined. The term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use in force at the time the drug is prepared, sold, or offered for sale, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals, whether simple, mixed, or compound.

Sec. 7. "Adulteration" defined. For the purpose of this act an article shall be deemed to be adulterated—

In case of drugs: *First*, if, when a drug is sold or dispensed under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs in composition, or standard of strength, quality, or purity, recognized by the United States Pharmacopœia official at the time of sale or when dispensed, or if it differs in composition or standard from that recognized by the National Formulary. *Second*, if its strength or purity fall below the professed standard or quality under which it is sold.

Sec. 8. Term "misbranded" defined. The term "misbranded," as used herein, shall apply to all drugs, liquors, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food, liquor, or drug product which is falsely branded as to the state in which it is manufactured or produced. That for the purpose of this act an article shall also be deemed to be misbranded—

In case of drugs: *First*, if it be an imitation of or offered for sale under the name of another article. *Second*, if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents

shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaïne, chloroform, cannabis indica, chloral hydrate, phenacetin, acetanilid, or any derivative or preparation of any such substance, contained therein; provided, that drugs and medicines dispensed by or on the order of a physician's prescription, intended for immediate or temporary use, need not bear any statement on the package as to its contents.

Sec. 9. *Establishing a guaranty.* No dealer shall be deemed guilty under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party from whom he purchased such articles to the effect that the same is not adulterated or misbranded, within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach in due course to the dealer under the provisions of this act; provided, that this exemption shall not apply when such dealer knew or ought to have known that such drugs, liquors or foods so sold, offered or kept for sale were adulterated or misbranded, within the meaning of this act.

Sec. 10. *Definition of the word "person" as used in this act.* The word "person," as used in this act, shall be construed to include both the plural and singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission or failure of such corporation, company, society or association as well as that of the person.

Sec. 12. *State board of health will confer and cooperate with United States Department of Agriculture.* The secretary of the State Board of Health is authorized to confer and cooperate with the United States Department of Agriculture, in the enforcement of the national pure food law, as it may apply to food, liquor and drug products received in this state from other states, territories, or foreign countries.

Sec. 13. *Chief inspector has authority to secure information of violations and take samples.* For obtaining information regarding suspected violations of law, the chief food inspector or his duly appointed assistants shall have access to all places where any article of food or other article, the manufacture or sale of which is restricted, regulated or prohibited by this chapter, is stored or prepared for sale, or may be manufactured, kept for sale, or sold, and to places where food is or may be cooked, prepared, sold or kept for sale to or for the public, or distributed as a part of the compensation of servants and agents, including public and private hospitals, railroad camps, inns, boarding- and eating-houses, drinking-places, dining-cars, boats, and other places where any of said articles may be sold, and they may inspect any packages or receptacle found therein apparently containing any article of food or ingredient thereof, or any other article, the manufacture or sale of which is restricted, regulated or forbidden by this chapter, and may take samples therefrom for analysis, tendering payment therefor. Any person obstructing such entry or inspection, or failing upon request to assist therein, shall be guilty of a misdemeanor.

Sec. 14. *Standards of quality and purity are those adopted by United States Department of Agriculture.* The standards of quality, purity and strength for

food, liquors, drugs and drinks that have been or shall be adopted by the United States Department of Agriculture are hereby declared to be the standards of purity, quality and strength for foods, liquors, drugs and drinks in the state of Kansas, unless other standards are prescribed by the State Board of Health.

Sec. 15. Penalties. That any person who shall violate any of the provisions of this act for which no other penalty is prescribed herein shall on conviction be fined in a sum not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not more than three months, or both such fine and imprisonment, in the discretion of the court.

Sec. 16. That all acts and parts of acts in conflict herewith are hereby repealed.

Sec. 17. That this act shall take effect and be in force from and after its publication in the official state paper.

Approved February 14, 1907. Laws, 1907, chap. 266, pp. 420-426.

7234. Proprietor or conductor of drug store responsible for quality of drugs; penalty. Every proprietor or conductor of a drug store or pharmacy shall be held responsible for the quality of all drugs, chemicals and medicines he may sell or dispense; and should he knowingly, intentionally and fraudulently adulterate, or cause to be adulterated, such drugs, chemicals, or medical preparations he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be liable to a penalty not exceeding one hundred dollars, and in addition thereto his name be stricken from the register.

General Statutes, 1905, chap. 99, p. 1472.

KENTUCKY.

The law regarding adulteration and misbranding of drugs, effective January 1, 1909, is similar to the Federal law. Its enforcement is under the jurisdiction of the Kentucky State agricultural experiment station. Prescriptions and United States Pharmacopœia and National Formulary preparations are exempted from declaring alcohol, etc.

Cocaine and its salts are sold at retail only upon original prescription.

REGISTERED PHARMACISTS.

2619. *Compounding and vending drugs; penalty.* Except as in this act provided it shall hereafter be unlawful in the Commonwealth of Kentucky for any person who is not a registered pharmacist, within the meaning of this act, to vend at retail, compound or dispense any drug, medicine, chemical, poison, or pharmaceutical preparation for medical use, or compound and dispense physicians' prescriptions. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a fine of not less than twenty nor more than fifty dollars for each and every offense.

2620. *Compounding of prescriptions, etc.; penalty.* Any owner of a pharmacy, or retail drug store, who, not being a registered pharmacist, shall fail or neglect to place in charge of such pharmacy or drug store a registered pharmacist, or any such proprietor who shall by himself, or any other person, permit the compounding or dispensing of prescriptions, or the vending at retail of drugs, medicine, poisons, or pharmaceutical preparations in his store or place of business, except by or in the presence and under the immediate supervision of a registered pharmacist, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a fine of not less than twenty-five nor more than one hundred dollars, and each week that he shall cause or permit such pharmacy or retail drug store to be so conducted or managed shall constitute a separate and distinct offense, and render him liable to separate prosecution and punishment therefor. *Laws 1898, p. 164.*

Statutes (Carroll), 1903, chap. 85, p. 1007.

2628. *False representation to secure registration.* Any person who shall procure, or attempt to procure, registration for himself or for another under this act, by making or causing to be made any false representations, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be liable to a penalty of not less than twenty-five nor more than one hundred dollars; and the name of the person so fraudulently registered shall be stricken from the register. Any person not a registered pharmacist as provided in this act, who shall take, use or exhibit the title of registered pharmacist, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a penalty of not less than fifty dollars nor more than two hundred dollars. Any

registered pharmacist who shall be in the habit of being intoxicated shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty of not less than twenty-five nor more than fifty dollars for the first offense; and upon conviction for the second offense, in addition to such fine, his name shall be stricken from the register, and his certificate of registration revoked by the Board.

General Statutes, 1903, chap. 85, p. 1010.

2631. *Dispensing drugs; exceptions.* Any person, or persons, not a registered pharmacist, may open, own or conduct a drug store or pharmacy, if he or they keep constantly in charge of the same a registered pharmacist; but shall not himself or themselves sell or dispense drugs or medicines, except proprietary or patent medicines in original packages.

2632. *Shall not interfere with sale of domestic remedies or patent or proprietary medicines in rural districts.* Nothing in this act shall be construed so as to apply to, or in any manner interfere with, the sale of the usual non-poisonous domestic remedies and medicines, and patent or proprietary medicine by county ^a stores in small places or rural districts. Nothing in this act shall apply to, or in any manner interfere with, the business of any licensed practicing physician, or prevent him from supplying to his patients such articles as may seem to him proper, or with his compounding his own prescriptions.

General Statutes, 1903, chap. 85, p. 1011.

SALE OF POISONS.

2630. *Labels; register of sales; penalty.* No person shall sell at retail any poisons, except as herein provided, without affixing to the bottle, box, vessel, or package containing same, a label printed or plainly written, containing the name of the article, the word "poison," and the name and place of business of the seller, with the common name of two or more readily accessible antidotes, nor shall he deliver poison to any person without satisfying himself that such poison is to be used for legitimate purposes. A poison in the meaning of this act, shall be any drug, chemical or preparation, which, according to standard works on medicine or materia medica, is liable to be destructive to adult human life in quantities of sixty grains or less. It shall be the further duty of any one selling or dispensing poisons, which are known to be destructive to adult human life in quantities of five grains or less, before delivering them, to enter in a book kept for that purpose the name of the seller, the name and residence of the buyer, the name of the article, the quantity sold or disposed of, and the purposes for which it is said to be intended, which book of registry shall be ^a for at least two years, and shall at all times be open to the inspection of the coroner of the court in which the same may be kept. Oil of tansy, oil of savin, ergot, and its preparations, cotton root, and its preparations, and all other active emmenagogues or abortives, or emmenagogue preparations, patent or otherwise, shall be sold at retail or dispensed only upon the written prescription of a legally qualified physician. The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities, or doses, on physicians' prescriptions, nor to the sale to agriculturists, or horticulturists, of such articles as are commonly used by them as insecticides. Every person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and upon conviction

^a So in Statutes.

tion thereof shall pay a fine of not less than ten dollars. (*Laws 1898, p. 171, as amended 1902.*)

2632. Exceptions. Nothing in this act shall be construed so as to apply to, or in any manner interfere with, the sale of the usual non-poisonous domestic remedies and medicines, and patent or proprietary medicine, by county ^a stores in small places or rural districts. Nothing in this act shall apply to, or in any manner interfere with, the business of any licensed practicing physician, or prevent him from supplying to his patients such articles as may seem to him proper, or with his compounding his own prescriptions. (*Laws 1898, p. 173.*)

2634. Enforcement of pharmacy act; disposition of fines. All prosecutions under this act shall be in the name of the Commonwealth of Kentucky, in any court having jurisdiction. It shall be the duty of the Kentucky Board of Pharmacy to investigate all complaints of disregard, non-compliance with, or violations of the provisions of this act, and to bring all such cases to the notice of the county attorney of the county where such person is doing business, and it shall be the duty of such county attorney to diligently prosecute to effect any such violations. All penalties collected under the provisions of this act, after payment of all costs, including the commission allowed by law to the various officers, shall inure one half to the Kentucky Board of Pharmacy, and one half to the school fund of the school district in which the offense was committed. (*Laws 1898, p. 173.*)

2635A. The sale of cocaine restricted; penalty. Cocaine or its salts shall be sold at retail or dispensed only upon the written prescription of a legally qualified physician or dentist, and such prescription shall not be refilled. Each prescription, containing cocaine or its salts, filled by a registered pharmacist, shall have written upon its face the name of the patient, the date it is filled, and the prescription file of each registered pharmacist shall be open to the inspection of the members of the Kentucky Board of Pharmacy, or its authorized inspector. Cocaine or its salts shall be sold at wholesale only to pharmacists registered under this act, and to legally qualified physicians and dentists. Every person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall pay a fine of not less than fifty dollars. Any physician or dentist who shall prescribe, buy for or sell, or dispense to any person for any purpose other than legitimate use, or otherwise deal in cocaine, or its salts than as herein provided, shall thereby render himself amenable to the penalties hereinbefore in this section provided. Any registered pharmacist who violates any of the provisions of this section or who by any subterfuge sells or dispenses cocaine or its salts otherwise than as provided in this section, shall, in addition to paying the fine imposed, on second conviction forfeit his certificate as a registered pharmacist and his name shall be stricken from the register. (*Laws 1902, p. 83.*)

Statutes (Carroll), 1903, chap. 85, p. 1012.

1276. Sale of poison to minors; fine. If any person shall sell or deliver to any person under the age of fifteen years, without the consent of his parent or guardian, or upon the written prescription of a physician, any poisonous drug or medicine, he shall be fined one hundred dollars.

Statutes (Carroll), chap. 36, 1903, p. 571.

^a So in Statutes.

ADULTERATION AND MISBRANDING OF DRUGS.

Sec. 1. *Manufacture and sale of adulterated and misbranded drugs forbidden.*

It shall be unlawful for any person, persons, firm or corporation within this State to manufacture for sale, produce for sale, expose for sale, have in his or their possession for sale or to sell any * * * drug which is adulterated or misbranded within the meaning of this act; and any person or persons, firm State to manufacture for sale, produce for sale, expose for sale, have in his or their possession for sale or sell any * * * drug which is adulterated or misbranded within the meaning of this act shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned not to exceed fifty days or both such fine and imprisonment: *Provided*, That no * * * drug shall be deemed misbranded or adulterated within the provisions of this act when intended for shipment to any other State or country, when such article is not adulterated or misbranded in conflict with the laws of the United States; but if said article shall be in fact sold or offered for sale for domestic use or consumption within this State, then this proviso shall not exempt said article from the operations of any of the other provisions of this act.

Sec. 5. *Term "drug" defined.* The term drug, as used in this act, shall include all medicines and preparations recognized in the latest revisions of the United States Pharmacopœia or National Formulary for internal or external use, and any substance intended to be used for the cure, mitigation or prevention of diseases either of man or other animal, and shall include paris green and all other insecticides and fungicides.

Sec. 6. *When deemed to be adulterated; proviso.* For the purpose of this act, an article of drug shall be deemed to be adulterated:

First. If, when a drug is sold under or by the name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the tests laid down in the United States Pharmacopœia or National Formulary official at the time of investigation. *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that made by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If the strength or purity fall below the professed standard of quality under which it is sold.

Third. If in putting up any drug, medicine or preparation, proprietary or otherwise, used in medical practice, or if in making up a prescription or in filling an order for drugs, medicines or preparations, proprietary or otherwise, one article is substituted or dispensed for a different article for or in lieu of the article prescribed, ordered and demanded, or if a greater or less quantity of any ingredient specified in such prescription, order or demand, is used than that prescribed, ordered or demanded, or if it deviates from the terms of the prescription, order or demand by substituting one drug for another. *Provided*, That except in the case of physician's prescriptions nothing herein shall be deemed or construed to prevent or impair or in any manner affect the right of the druggist or pharmacist, or other person to recommend the purchase of an article other than that ordered, required or demanded, but of a similar nature, or to sell such article in lieu of an article ordered, required or demanded, with the knowledge and consent of the customer.

Sec. 7. "Misbranded" defined; proviso. For the purpose of this act, an article of drug shall be deemed to be misbranded:

First. If the package or label bears any statement, design or device regarding such article of drug or regarding any ingredient or substance contained therein which shall be false or misleading in any particular, or if it is falsely branded as to State, territory or country in which it is manufactured or produced.

Second. If it be an imitation of or offered for sale under the name of another article, or if it be labeled, branded, or in any (way) represented or sold so as to deceive or mislead the purchaser or consumer as to the quality, purity or medicinal value.

Third. If the contents of the package as originally put up, or the contents of the package, box, bottle, phial, can or other container, sold or exposed for sale, delivered, given away, shipped or offered for shipment shall have been removed in whole or in part, and other contents shall have been placed in such package or box, phial, can or other container, or if when a package or container has been once emptied and new contents placed therein all original labels, marks, brands and identifying marks are not entirely removed or effaced and new labels, marks and brands truthfully describing the new product or products affixed. *Provided*, That such new contents shall not be like or similar to said original contents.

Fourth. If the package, box, bottle, phial, can or other container shall fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative, or any preparation of any such substances contained therein. *Provided*, That nothing in this paragraph shall be construed to apply to the dispensing of prescriptions written by a regularly licensed practicing physician, veterinary surgeon or dentist and kept on file by the dispensing pharmacist or to such drugs as are recognized in the United States Pharmacopoeia and the National Formulary, and which are sold under the name by which they are recognized; and, *Provided further*, That this provision shall not be construed as repealing or in conflict with any statute which prohibits the sale of certain drugs except upon a prescription of a physician; and, *Provided further*, That nothing in this act shall be construed as repealing any acts regulating the practices of medicine or pharmacy not in conflict herewith: *Provided further*, That no prescription shall be knowingly refilled except for the person for whom it was written.

Sec. 8. Enforcement of law; establishment of standards, etc.; provisos. It shall be the duty of the Director of the Kentucky Agricultural Experiment Station, or under his direction, the head of the division of food inspection of the said station, to make or cause to be made examinations of samples of * * * drugs manufactured or on sale in Kentucky at such time and place and to such extent as he may determine. He shall also make, or cause to be made, analysis of any sample of * * * drugs which the State Board of Health or the State Board of Pharmacy may suspect of being adulterated or misbranded, and of any sample of * * * drug furnished by any Commonwealth's, county or city attorney of this State. And the said director may appoint such agent or agents as he may deem necessary, who shall have free access at all reasonable hours for the purpose of examining into places wherein any * * * drug product is being produced, manufactured, prepared, kept or offered for sale, for the purpose of determining as to whether or not any of the provisions of this act are being violated, and such agent or agents upon tendering the market price of any article may take from any person, firm or other corporation, a sample of any article desired for examination.

The Director of said Experiment Station is hereby empowered to adopt and fix the methods by which the samples taken under the provisions of this act shall be analyzed or examined, and to adopt and fix standards of purity, quality or strength, when such standards are necessary or are not specified or fixed herein or by statute. *Provided*, That such standards shall be published for the information and guidance of the trade. *Provided further*, That for the purpose of uniformity, when such standards so fixed differ from the legally adopted standards of the United States Department of Agriculture, the director of said station shall arrange for a conference between the proper food control representatives of the United States Department of Agriculture and the director of said station and the representatives of the trade to be affected, for the purpose of arriving, if possible, at a uniform state and national standard. *Provided, further*, That in the case of final dispute the validity of such standards adopted by the director of said station shall be determined by the Courts under the rules of evidence. And *Provided, further*, That when the standard or nomenclature for any food or food product has been determined by the Supreme Court of the United States such standard or nomenclature shall govern in the enforcement of the provisions of this act. *Provided, further*, That all rulings pertaining to sanitation under this act shall be collaborated in connection with the State Board of Health. And *Provided further*, That at the regular annual meetings of the Kentucky Pharmaceutical Association and the Kentucky State Medical Association each of said associations shall elect one representative, which representatives, together with the director of said station shall make and establish all rules and regulations for the governing and carrying out of the provisions of this act relating to drugs.

Sec. 9. Violation of act; examination of samples; provisos. Whenever any article shall have been examined and found to be adulterated or misbranded in violation of this act, the Director shall certify the facts to the Commonwealth's Attorney of the district, or to the county attorney of the county, or the city attorney of any city or town, in which the said adulterated or misbranded * * * drug product was found, together with a statement of the results of the examination of said article of food or drug duly authenticated by the analyst under oath and taken before some officer of this Commonwealth authorized to administer an oath having a seal. And it shall be the duty of every Commonwealth's Attorney, county attorney and city attorney, to whom the director of said station shall report any violations of this act or to whom the State Board of Health, or the State Board of Pharmacy, or to whom the chief health officer of any county, city or town shall report any such violations, to cause proceedings to be commenced against the party so violating the act, and the same prosecuted in manner as required by law. *Provided, however*, That in case of the first charge or finding the manufacturer or dealer shall be notified of the findings and be given a hearing within fifteen days before a report is made to the Commonwealth's, county or city attorney as herein provided. *Provided, further*, That where more than one sample of the same brand of product has been taken and examined, the first finding or charge shall be construed to apply to all samples so taken, and notice and hearing shall apply to all such samples.

Sec. 10. Annual report of examination of samples shall be made; provisos. Said station shall make an annual report to the Government upon adulterated * * * drug products in addition to the reports required by law which shall not exceed one hundred and fifty pages, and such annual reports shall be submitted to the General Assembly at its regular session, and said station may issue from time to time a bulletin giving the results of the inspections and of all analyses of samples taken or submitted for examination under this act together

with the names of the parties from whom the samples were taken, or where the inspections were made, and as far as possible the name of the manufacturers, the number of samples found to be adulterated, the number found not adulterated, and other information which may be of interest to the manufacturers or dealers in * * * drug products or to the consumers. *Provided, however,* That before such publication is made the manufacturer of the article and the dealer shall be furnished a true copy of the facts to be published regarding the article at least thirty days before the publication and hearing given the dealer and manufacturer, and any statements or explanations made by such manufacturer shall be included in the same place and along with the publication made regarding the article. And, *provided further,* That if at the hearing of the manufacturer or dealer, as provided by section 9 hereof said manufacturer shall produce the affidavit of a competent analytical chemist controverting the finding of said station or its director or chemist, as the case may be, and affirmatively showing that there is neither adulteration or misbranding of such article under the provisions of this act, then there shall be no publication of either the name of the manufacturer or dealer or of the name of the brand of the article until after a trial and a verdict of guilty as herein provided. And, *provided further,* That where prosecution is made for violation of any of the provisions of this act, no official publication shall be made of the result of the inspection and analysis until the matter has been finally adjudicated, and in case of appeal, by the court of last resort.

Sec. 11. *Providing for expense of enforcing act; proviso.* Said experiment station shall receive seven dollars and fifty cents (\$7.50) for the analysis or examination of any sample of * * * drug taken or submitted in accordance with this act, and expenses for procuring samples of food or drugs and in making inspections into the condition of and wholesomeness and purity of the food produced, manufactured or sold in food factories, grocery stores, bakeries, slaughtering houses, dairies, milk depots or creameries, and all other places where foods are produced, prepared, stored, kept or offered for sale; for studying the problems connected with the production, preparation and sale of foods; for expert witnesses attending grand juries and courts; clerk hire and all other expenses necessary for carrying out the provisions of this act. *Provided,* The total expense from all sources shall not exceed in any one year thirty thousand dollars (\$30,000.00).

The Board of Control of said experiment station shall furnish to the Auditor of Public Accounts an itemized statement of the expenditures of money under this act. The expenditures reported to the Auditor shall be paid by the Commonwealth to the treasurer of the experiment station upon the written request of the Board of Control of the said experiment station, and the Auditor for the payment of the same is directed to draw his warrant upon the Treasurer as in all other claims against the Commonwealth.

Sec. 12. *Dealer must file copy of label upon request.* When any manufacturer shall offer any article of * * * drug for sale in the State he shall file with the director of the said station, when requested by him, the name of the brand, the name of the product, the place of its manufacture or preparation, and a true copy of all labeling used thereupon. Failure to so file within thirty days shall be punished as provided in section 1 of this act.

Sec. 13. *Guaranty shall protect dealer.* In all prosecutions under this act, the courts shall admit as evidence a guaranty which has been made to the holder of the guaranty by any manufacturer or wholesaler residing in this State, to the effect that the product complained of is not adulterated or misbranded within the provisions of this act. And said guaranty, properly signed by the

wholesaler, jobber or manufacturer or other party residing within this State from whom the holder of the guaranty may have purchased the article or articles complained of, and containing the full name and address of the party or parties making the sale of such article to the holder of the guaranty, and in the absence of any proof that the article or articles complained of were adulterated or misbranded after they had been received by the holder of the guaranty, shall be a bar to prosecution of the holder of such guaranty under the provisions of this act.

Sec. 14. *Repeal.* All acts or parts of acts inconsistent herewith are hereby repealed, but this said act shall not be construed to repeal Chapter 48 of the Acts of the General Assembly of 1906 entitled, "An Act to regulate the sale of concentrated commercial feeding stuffs, defining same and fixing penalties for violations thereof."

So much of this act as relates to drugs and liquors shall not take effect until on and after January 1, 1909.

Approved March 13, 1908. Acts, 1908, chap. 4, pp. 10-22.

LOUISIANA.

The law, effective July 12, 1906, empowers the state board of health to regulate the traffic in drugs in so far as the same may affect the public health.

The food and drug regulations of the board of health resemble the Federal law and regulations in many respects. The declaration requirement is very comprehensive. Prescriptions are exempt from the declaration requirement.

Cocaine or synthetic substitutes therefor may not be sold at retail except upon original prescriptions. Opium, cocaine, and chloral hydrate may be sold only to physicians, pharmacists, veterinarians, and dentists.

REGISTERED PHARMACISTS.

Sec. 1. *Who may compound medicines.* It shall hereafter be unlawful for any other than a registered pharmacist to compound medicines, drugs or chemicals, or to institute or conduct any apothecary or drug store, or pharmacy shop for compounding drugs, medicines or chemicals, or for any person to be employed therein, or placed in charge thereof, for the purpose of compounding drugs or chemicals under prescriptions or otherwise.

Sec. 2. *Qualifications necessary to become registered pharmacist.* Any person twenty-one years of age, presenting an affidavit setting forth a practical experience of four years in the manipulating and compounding of physicians' prescriptions in drug stores under the supervision of a registered pharmacist, shall be entitled to registration after passing a satisfactory examination before the State Board of Pharmacy; and any person eighteen years of age shall be entitled to registration as a qualified assistant after having two years' apprenticeship service under a registered pharmacist, and having passed a satisfactory examination before the State Board of Pharmacy. A qualified assistant shall have the right to act as clerk or salesman in a drug store, and assume charge thereof for not more than twenty-four consecutive hours during the absence of the registered pharmacist thereof. It shall be the duty of all registered pharmacists, who take into their employ an apprentice for the purpose of becoming a pharmacist, to report to the Board of Pharmacy such facts regarding his schooling and preliminary qualifications the Board of Pharmacy may require for the purpose of registration. The State Board of Pharmacy shall furnish the proper blanks for this purpose, and issue a certificate as a registered apprentice at a cost of not more than one dollar. Every registered pharmacist and qualified assistant, after being duly notified by the secretary of said Board of Pharmacy shall apply for a renewal of said certificate quadrennially and pay therefor to the treasurer of the State Board of Pharmacy the sum of one dollar. Any registered pharmacist or qualified assistant failing to apply for a renewal of certificate quadrennially shall have his or her certificate revoked by the State Board of Pharmacy, and shall cease to have authority to

carry on the practice of pharmacy until he or she shall have paid to the treasurer of the State Board of Pharmacy the re-registration fee. (*As amended by Act 144, 1902.*)

Code (Wolff), 1904, vol. 2, p. 1232.

Sec. 3. Exceptions. ————; provided, that nothing contained in this act shall in any manner whatever interfere with the business of any registered practitioner of medicine, nor in any way prevent him from administering or supplying his patients with such drugs and medicines as he may deem fit and proper, nor shall it interfere with the making and dealing in proprietary remedies, popularly called patent medicines, nor prevent storekeepers from dealing in and selling the commonly-used standard medicines and poisons, if all such standard medicines and poisons included in this section, conform in all respects to the requirements of section seven. Nor shall this act apply to any planter furnishing medicines to hands in his employment or leasing lands from him. *Laws 1888, p. 74-75.*

Revised Laws (Wolff) 1904, vol. 2, p. 1232.

REGULATIONS AS TO LABELING.

Sec. 7. Drugs and poisons. All pharmacists, druggists or apothecaries, shall label all bottles, vials, jars, boxes, parcels, packages, or other receptacles, or coverings, or wrappings of drugs, medicines or chemicals sold or dispensed by them, with a label in a legible writing or printed letters, giving the name of the proprietor of the store, the name of the physician prescribing, or shop and the place of sale of said drug, medicine or chemical; and in case the medicine, drug or chemical be of a nature poisonous to the human system or to animals, said label shall have printed thereon a skull and cross bones, with the word "Poison" in large, heavy lettering. All prescriptions shall have in addition thereto, a number, the name of the person actually and personally compounding the same, the directions for its use internally or externally, and the date of its compounding.

Sec. 8. Penalty. Any person offending against any provisions of this act, shall be deemed guilty of a misdemeanor against the State of Louisiana, and shall be prosecuted before any court of criminal jurisdiction, and if adjudged guilty, shall pay a fine of not less than fifty dollars (\$50), nor more than one hundred dollars (\$100), and in default of payment thereof, shall be imprisoned in the parish jail for not more than thirty (30) days. *Laws 1888, p. 76.*

Revised Laws (Wolff), 1904, vol. 2, p. 1234-5.

SALE OF POISONS.

Sec. 1. Unlawful to sell or furnish cocaine, except upon the written prescription of a physician. It shall be unlawful in this State to sell, give, barter or exchange at retail, any cocaine, "crown" or concoction in which cocaine is the principal ingredient, except upon the written prescription, each time, of an authorized practicing physician, other than a physician owning, controlling or in any manner connected with the store or individual offering cocaine, "crown" or concoction in which cocaine is the principal ingredient for sale, gift, barter or exchange and at wholesale, except to duly licensed and registered druggist.

Sec. 2. Penalty. Every violation hereof be a misdemeanor and punishable upon conviction by a fine not exceeding twenty-five dollars nor less than five

dollars, or imprisonment not exceeding thirty days or both at the discretion of the court.

Approved July 8, 1908. Acts, 1908, Act No. 200, p. 295.

Sec. 1. Refilling prescriptions. No prescription shall be refilled which contains any of the following drugs, viz: Opium, or its derivatives, Cocaine, or its derivatives, chloral hydrate, chloroform, hyoseyamus, cannabis indica, acetanilid, sulphonal, trional, isopral, hedonal, veronal.

Sec. 2. Signature of physician required. (a) No prescription shall be refilled, or copy given, which contains any of the drugs mentioned in Sec. 1, or when the words "Do not refill" are written on the prescription above the signature of the prescribing physician.

(b) No prescription shall be filled by any druggist unless signed by a registered physician qualified under the laws of this State to practice medicine. Prescriptions of the traveling public, where the authenticity of the prescription is unquestioned, are exempt from this clause.

Sec. 3. Prescriptions for external use. All prescriptions for external use may be refilled, excepting prescriptions containing cocaine.

Sec. 4. Sale of opium, etc. The sale of opium, or its derivatives, paregoric excepted, cocaine, or its derivatives, and chloral hydrate in tablet form or otherwise, is prohibited, except to physicians, pharmacists, veterinary surgeons and dentists.

Sec. 5. Sale of patent medicines. Patent medicines, household remedies, and compounds for the destruction of vermin, which contain ingredients of a poisonous character, may be sold without a physician's prescription to persons of full age and sound mind, and personally known to the vendor. These articles shall always be labeled "Poison".

Sec. 6. Standard for poison label. All medicines or compounds, or mixtures of medicines, whether in the form of fluids, powders, pills, capsules, troches, wafers, or in any form, either fluid or solid, which may now be used, or may hereafter be adopted for dispensing or selling, that contain a lethal dose in ten of the doses recommended, shall have a poison label printed in the substances in the order of their relative potency.

Sec. 7. Sale of carbolic acid. The sale of carbolic acid in ten per cent solution of glycerine or alcohol is permissible without registration, provided same is labelled in accordance with rules governing the sale of poisons.

Sec. 8. Sale of abortifacients. It shall be unlawful to sell, expose for sale, advertise for sale, or barter or give away: Caulophyllum, Cotton Root, Ergot, Oil of Savine, Ruta, Tansy, Apiol, European Oil of Pennyroyal, or their compounds, or any other abortifacient without a written prescription of a duly registered physician or veterinarian.

Sec. 9. Druggists to register sale of poisonous substances. All druggists and all other persons dealing in or selling poisonous substances, shall keep a special book, open at all times to the proper authorities, in which they shall register the name, age, residence and profession of the person to whom any poisonous substance is sold, the use it is intended for, also the date of sale, the quantity sold, whether sold upon a personal acquaintance with the buyer, or upon a physician's prescription.

Sec. 10. Form of poison label. A poison label as used in these Regulations, shall be construed to mean, one printed in red ink, with a skull and cross bones symbol, and the antidote for the poison that the label indicates.

ADULTERATION AND MISBRANDING OF DRUGS.

Sec. 1. *Authorizing State Board of Health to provide rules for regulation of pure drugs, etc.* The State Board of Health for the State of Louisiana is hereby authorized and empowered in order to further carry into effect Art. 297 of the Constitution of 1898, to revise the sanitary code provided for by Section 3 of Act 192 of 1898, and to incorporate therein rules and regulations governing the manufacture, sale and inspection of * * * drugs within the State in so far as the same may affect the public health; to fix standards of purity; to provide for the collection of samples and the entering of premises for this purpose, to provide for the establishment of a laboratory for the analysis of * * * drugs and water; to employ an analyst and assistants; and fix and pay their compensation; and to do all other acts as may be requisite and proper to carry this Act into effect.

U. S. Pharmacopœia and National Formulary adopted as standard. Provided, that as a standard of purity and strength for drugs, chemicals and medicines, the said Board shall adopt the United States Pharmacopœia and the National Formulary as to all drugs, chemicals and medicines therein contained and treated of; and the Board shall renew said adoption as often as new or revised edition of the said Pharmacopœia and National Formulary are issued.

Sec. 2. *State Board of Health to revise sanitary code.* The power to further revise and amend said sanitary code, is hereby conferred on said State Board of Health for the State of Louisiana, provided that any revisions or amendments adopted by said Board, shall before going into effect, be promulgated in the same manner as is required by existing law for the sanitary code.

Sec. 3. *Penalty.* Any person violating any of the provisions of said sanitary code, shall on conviction by any court of competent jurisdiction, be fined not less than ten nor more than two hundred dollars for the first offense; not less than twenty-five nor more than four hundred dollars for the second offense; not less than fifty nor more than five hundred dollars, or imprisonment for not less than ten days nor more than six months, or both in the discretion of the court, for each subsequent offense.

Sec. 6. *Effect.* This act shall take effect from and after its promulgation, and all laws and parts of laws inconsistent or in conflict with the provisions of this Act be, and the same are hereby repealed.

Promulgated July 12, 1906. Acts, 1906, Act No. 98, pp. 163-165.

(In harmony with the above act, No. 98, the State Board of Health has promulgated rules and regulations which apparently constitute the only basis of action against the adulteration and misbranding of drugs, there being nothing specific relating to these points in the law. These rules and regulations embody the Federal food and drugs act of June 30, 1906, and the rules and regulations made thereunder and consequently are not incorporated in this bulletin.)

MAINE.

The law regarding adulteration and misbranding of drugs, effective January 1, 1908, is similar to the Federal law. Its enforcement is under the jurisdiction of the director of the Maine Agricultural Experiment Station and the rules and regulations are, where possible, to conform to those adopted for the enforcement of the National law. Prescriptions are exempt from declaring the amount of alcohol, morphine, etc.

Cocaine is sold upon prescription only.

Wood alcohol is prohibited in the manufacture of remedies intended for internal use.

REGISTERED PHARMACISTS.

11. *Compounding and vending of drugs.* No store shall be kept open for the sale of medicines or poisons, or for compounding physicians' prescriptions, nor shall drugs or medicines be exposed or displayed for sale in any store, except as otherwise provided herein, unless the same is placed and kept under the personal control and supervision of a registered apothecary or qualified assistant, but such store may be under the charge of a qualified assistant during the temporary absence of such registered apothecary.

12. *Penalty.* Whoever engages in or is found in charge of or carrying on a business, or displays any drugs, medicines, drug store fittings or furnishings, or any sign recognized as peculiar to a drug store to give the appearance of an apothecary store, or claims to be or represents himself to be an apothecary, contrary to the provisions of this chapter, shall be subject to a penalty of fifty dollars a month for the first offense, and one hundred dollars a month for each and every subsequent offense, whether for continuance in said business or for engaging anew therein in violation of the provisions of this chapter. The county attorney in each county upon complaint made by any one of said commissioners shall prosecute all violations of the provisions of this chapter.

13. *Pharmacy law shall apply to women; exemptions.* The provisions of this chapter shall apply to women who enter upon and carry on the business of apothecaries. This chapter shall not apply to physicians who prepare and dispense their own medicines, nor to the sale of non-poisonous domestic remedies and patent or proprietary preparations usually sold by grocers and others.

14. *Any person may conduct drug store provided a registered pharmacist is given full charge of compounding and dispensing.* Any person may enter upon the business of an apothecary without the certificate required by this chapter; provided, he does not personally do the duties of an apothecary, but employs a duly registered apothecary who has sole charge of compounding, putting up and dispensing medicines and drugs under the provisions hereof. *Laws 1899, Public, p. 106.*

SALE OF POISONS.

17. *Record; labels; penalty.* Whoever sells arsenic, arsenious acid, atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, Fowler's solution, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, laudanum, McMunn's elixir, morphia or any of its salts, sugar of lead, oil of savin, oil of tansy, opium, Parson's vermin exterminator, phosphorus, prussic acid, rough on rats, strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, crystals of carbolic acid or a strong solution of carbolic acid, without the written prescription of a physician, shall keep a record of such sale, the name and quantity of the article sold, and the name and residence of the person or persons to whom it was delivered, which record shall be made before the article is delivered, and shall at all times be open to inspection by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except to dentists or on the prescription of a physician. Whoever neglects to keep or refuses to show to said officers such record shall be punished by a fine not exceeding fifty dollars. Whoever sells any of the poisonous articles named in this section without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper, upon which shall be printed in large letters the word "poison," and also the word "antidote," and the name and place of business of the vendor. The name of an antidote, if there be any, for the poison sold, shall also be upon the label. Every neglect to affix such label to such poisonous article sold before the delivery thereof to the purchaser shall be punished by a fine not exceeding fifty dollars. Whoever purchases poisons as aforesaid and gives a false or fictitious name to the vendor shall be punished by fine not exceeding fifty dollars. But nothing in this section shall be construed to apply to wholesale dealers or to manufacturing chemists in their sales to retail trade, nor to the general merchant, nor to a firm or corporation in trade, who may sell in unbroken packages prepared by the manufacturers, Paris green, London purple or other poisonous preparations or compounds used for the destruction of bugs, beetles, insects, slugs, grubs, caterpillars or worms. Upon each and every package so sold shall be printed in large letters the word "poison." Every neglect to affix such label with the word "poison" thereon to such poisonous article before the delivery thereof to the purchaser shall be punished by fine not exceeding fifty dollars. *Laws 1899, Public, p. 107.*

Revised Statutes, 1903, chap. 30, p. 348.

Sec. 21. *Wood alcohol must be marked "poison."* Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, shall affix to the vessel containing the same and shall deliver therewith a label bearing the words "Wood Alcohol, Poison" in red letters of not less than one-fourth inch in height. Whoever violates the provisions of this section shall pay a fine of not less than fifty dollars nor more than two hundred dollars.

Sec. 22. *Use of wood alcohol in drug products prohibited.* Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, shall be punished by a fine of not less than two hundred dollars or by imprisonment for not more than thirty days, or by both fine and imprisonment.

Approved March 20 1907. *Laws 1907, chap. 74, p. 75.*

ADULTERATION AND MISBRANDING OF DRUGS.

15. *Substitutions in prescriptions; penalty.* Whoever, engaged in the business of an apothecary, knowingly uses any drugs or ingredients in preparing or compounding a written prescription of any physician different from those named in the prescription, shall upon conviction be fined not less than five, nor more than one hundred dollars. (*Laws 1899, Public, p. 107.*)

Revised Statutes, 1903, chap. 30, p. 347.

Sec. 1. *Adulterated or misbranded drugs unlawful.* It shall be unlawful for any person within this state to manufacture, sell, transport, or offer for sale or transportation, any * * * drug which is adulterated or misbranded within the meaning of this act.

Sec. 2. *Term "drug" defined.* The term "drug," as used in this act, shall include all medicines and preparations recognized in the United States pharmacopœia or national formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

Sec. 3. *Adulteration defined.* For the purposes of this act an article shall be deemed to be adulterated:

In case of drugs:

First. If when a drug is sold under or by a name recognized in the United States pharmacopœia or national formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States pharmacopœia or national formulary official at the time of investigation: Provided, that no drug defined in the United States pharmacopœia or national formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box or other container thereof although the standard may differ from that determined by the test laid down in the United States pharmacopœia or national formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

Sec. 4. *Term "misbranded" defined.* The term "misbranded," as used herein, shall apply to all drugs, * * * the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular and to any food or drug product which is falsely branded as to the state, territory, or country in which it is manufactured or produced.

For the purpose of this act an article shall also be deemed to be misbranded:

In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or, except in the case of a physician's prescription compounded by a physician or a registered pharmacist, if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide or any derivative or any preparation of any such substances contained therein.

Sec. 5. *Director of Maine Agricultural Experiment Station shall make rules and regulations for enforcement of act, etc.* The director of the Maine Agri-

cultural Experiment Station shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of * * * drugs manufactured, sold, transported, or offered for sale or transportation within this state, or which may be submitted for examination by any health, food or drug officer of any town, city or county within this state. The said director may also adopt or fix standards of purity, quality or strength when such standards are not specified or fixed by law and shall publish them together with such other information concerning * * * drugs as may be of public benefit. Such rules, regulations and standards shall, where possible, conform to and be the same as the rules and regulations adopted from time to time for the enforcement of act of congress approved June thirtieth, nineteen hundred and six, and known as "The Food and Drugs Act."

Sec. 6. *Analysis of samples.* The director of the Maine Agricultural Experiment Station shall analyze, or cause to be analyzed, samples of * * * drugs on sale in Maine, and at such times and to such extent as said director may determine. And said director, in person or by deputy, shall have free access at all reasonable hours to any place wherein * * * drugs are offered for sale, and upon tendering the market price of any such article may take from any person samples for analysis. The results of all analysis of * * * drugs made by said director shall be published by him in the bulletins or reports of the experiment station, together with the names of the persons from whom the samples were obtained, and the names of the manufacturers thereof.

Sec. 7. *Violators of law shall have opportunity to be heard.* When the said director becomes cognizant of the violation of any of the provisions of this act he shall cause notice of such fact, together with a copy of the findings, to be given to the party or parties concerned, including those from whom the sample was obtained, and to the party, if any, whose name appears upon the label as manufacturer, packer, wholesaler, retailer or other dealer. The parties so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed as aforesaid. Notices shall specify the date, hour and place of the hearing. The hearing shall be private and the parties interested therein may appear in person or by attorney. If the party whose name appears upon the label resides without the state he shall be entitled to reasonable notice by mail at such address as may, with due diligence, be obtained.

Sec. 8. *Violations of act; penalty.* Any person who adulterates or misbrands, within the meaning of this act, any * * * drugs, or any person who sells, transports, offers or exposes for sale or transportation any adulterated or misbranded * * * drugs, shall be punished by a fine not exceeding one hundred dollars for the first offense and not exceeding two hundred dollars for each subsequent offense. Trial justices and municipal and police courts are hereby vested with original jurisdiction concurrent with the supreme judicial and superior courts, to try, and, upon conviction, to punish, for offenses against the provisions of this act.

Sec. 9. *Establishing a guaranty.* No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

Sec. 10. *Director of Maine agricultural experiment station to enforce law.* The director of the Maine Agricultural Experiment Station shall diligently enforce all the provisions of this act, and when after due hearing he is convinced that the provisions of this act have been violated he shall, in his discretion prosecute all offenses against the same.

Sec. 11. *Appropriation.* There shall be appropriated annually from the state treasury the sum of three thousand dollars in favor of the Maine Agricultural Experiment Station, and the same may be expended in the inspection and analysis of food and drugs. So much of said appropriation shall be paid by the treasurer of state to the treasurer of said experiment station as the director of said station may show by his bills has been expended in performing the duties required by this act. Such payment shall be made quarterly upon the order of the governor and council, who shall draw a warrant for that purpose.

Sec. 12. *Word "person" defined.* The word "person" as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

Laws 1907, chap. 124, pp. 137-142.

MARYLAND.

The provisions of the law, effective June 1, 1902, regarding adulteration of drugs are of a general character and no official seems to be charged with their enforcement.

Cocaine, morphine, chloral hydrate, etc., may be sold only on prescription (with certain exceptions) and prescribing to habitués is restricted. The board of pharmacy is charged with the enforcement of the antinarcotic law.

Wood alcohol is prohibited in medicinal remedies intended for internal use and is also forbidden in the manufacture of flavoring extracts, essences, etc.

REGISTERED PHARMACISTS.

Sec. 2. Conduct of pharmacies. No person on or after the first day of July following the passage of this Act shall open, conduct or keep a pharmacy in this State, either as a principal or agent, unless such person shall have obtained a pharmacist's certificate, as hereinafter provided, and no pharmacy shall be at any time left in charge of any person who is not a certified pharmacist, a certified acting pharmacist or a certified assistant pharmacist, to compound prescriptions or sell or dispense poisonous drugs, and providing, that in the case of a certified assistant pharmacist, he shall not be left in charge of any pharmacy in this State for a period of more than twenty-four hours and then acting only in the temporary absence of a certified acting pharmacist, regularly and continuously employed in that pharmacy; it shall, however, be lawful for physicians and dentists to compound and dispense their own prescriptions, but unlawful for any person, dealer or firm not a certified pharmacist, a certified acting pharmacist or certified assistant pharmacist to compound a physician's prescription. Any person violating this section shall, upon conviction, be deemed guilty of a misdemeanor, and fined not more than one hundred dollars for each offense.

Laws 1906, chap. 585, p. 1143.

Sec. 142. Definition of "Pharmacy." Every store or shop where drugs, medicines or chemicals are sold at retail, displayed for sale at retail, where physicians' prescriptions are compounded, which has upon it or in it as a sign the words "Pharmacist," "Pharmacy," "Apothecary," "Drug Store," "Druggist," or any of these words or exhibits the characteristic show bottles or globes filled with colored liquids, shall be considered a pharmacy within the meaning of this subtitle.

Sec. 147. Qualifications for practice of pharmacy. Any person who is actively engaged as owner or manager, or is and has been so engaged as clerk for five years or more, and has reached the age of twenty-one years, in compounding drugs and dispensing physicians' prescriptions in one of the counties of this

State, and who shall, on or before the first day of July, 1902, forward to the Maryland Board of Pharmacy an affidavit to that effect, together with a fee of one dollar, shall be entitled to registration as pharmacist and to a certificate of such registration. Any person who has had four years' continuous active experience in a pharmacy where physicians' prescriptions are daily compounded, and has reached the age of twenty-one years, who, after examination by the Maryland Board of Pharmacy shall be by it deemed competent, shall be registered as pharmacist and be given a certificate of such registration; such person shall make application to the secretary ten days before any of the meetings of the board, and shall pay to the board a fee of five dollars. Any person over the age of eighteen who is employed as a clerk or assistant in a pharmacy in this State, and has been actively engaged for one year in a pharmacy where physicians' prescriptions are daily compounded, and shall, on or before the first day of July, 1902, forward to the Maryland Board of Pharmacy an affidavit to that effect, together with a fee of fifty cents, shall be entitled to registration as assistant pharmacist and a certificate of such registration. Any person who has had two years of continuous active experience in a pharmacy where physicians' prescriptions are daily compounded, and has attained the age of eighteen years, who, after examination by the Maryland Board of Pharmacy shall by it be deemed competent, shall be registered as assistant pharmacist and be given a certificate of such registration; such persons shall make application to the secretary of the board ten days before any of its stated meetings, and pay to the board a fee of three dollars.

Sec. 151. *Physician to have same privileges as registered pharmacist.* Nothing in this sub-title shall prevent regularly licensed physicians of the State of Maryland from selling and compounding drugs and medicines as a pharmacist.

Sec. 152. *Talbot County excepted.* This sub-title shall repeal and supersede all prior acts and parts of acts pertaining to the practice of pharmacy in this State, but shall not apply to Talbot county.

Sec. 153. *Exceptions.* Nothing, however, in this sub-title shall be construed as preventing general merchants of the counties of the State or of Baltimore city from selling such drugs and medicines as have heretofore been handled by the general merchants of the State of Maryland, or any registered physician of this State from personally compounding and dispensing drugs and medicines.
Laws 1902, p. 276 et seq.

Public General Laws, 1904, vol. 1, p. 1250 et seq.

SALE OF POISONS.

Sec. 362. *Label.* It shall be unlawful for any person, to retail any of the following poisons: arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnine and all other poisonous vegetables, alkaloids and their salts, essential oil of bitter almonds, opium and its preparations, aconite, belladonna, colchicum, conium nux vomica, herbane^a savine, ergot, cotton-root, cantharides, creosote, digitalis and their pharmaceutical preparations, cotton^a oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid and oxalic acid, without distinctly labeling the box, vessel or paper in which the said poison is contained with the name of the article and the word "Poison" and the name and place of business of the seller.

Sec. 363. *Record; exception.* Nor shall it be lawful for any registered pharmacist or other persons to sell any of the poisons in section 362 enumerated with-

^a So in Statutes.

out causing any entry to be made in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities or doses, upon the prescription of practitioners of medicine. Any violation of the provisions of sections 362 and 363 shall make the offender liable to a fine of not less than five dollars and not more than one hundred dollars. *Laws 1902, p. 843.*

Public General Laws, 1904, vol. 1, pp. 896-897.

Sec. 1. *Sale of cocaine, morphine, etc.* It shall be unlawful for any person, firm or corporation to sell, furnish or give away any cocaine, eucaïne, opium, morphine, heroin, chloral hydrate, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts or compounds, except upon the original written order or prescription of a lawfully authorized practitioner of medicine, dentistry, or veterinary medicine, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, or if ordered by a practitioner of veterinary medicine shall state the kind of animal for which ordered, and shall be signed by the person giving the prescription, or order. Such written order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the articles ordered or prescribed, and it shall not be again compounded or dispensed, except upon the written order of the original prescriber for each and every subsequent compounding or dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person, but the original shall at all times be open to inspection by the prescriber and proper authorized officers of the law.

Provided, however, that the above provisions shall not apply to paregoric and laudanum, or to bonafide proprietary medicines containing codeine, or not more than two grains of opium, or not more than two-fifths grain of morphine, or not more than one-fourth grain of heroin, or not more than ten grains of chloral hydrate, in one fluid ounce, or if a solid preparation, in one avoirdupois ounce. Provided also that the above provisions shall not apply to preparations containing opium and recommended and sold in good faith for diarrhœa and cholera, each bottle or package of which is accompanied by specific directions for use, and a caution against habitual use, nor to powder of ipecac and opium commonly known as Dover's Powder, nor to liniments or ointments when plainly labeled "for external use only."

And provided further that the above provision shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers to retail druggists, general merchants, or qualified physicians, or to each other, nor to sales at retail by retail druggists, general merchants, to regular practitioners of medicine, dentistry or veterinary medicine, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such preparations, nor to sales to hospitals, colleges, scientific or public institutions.

Sec. 2. *Regulating prescribing of certain drugs for habitual users of the same.* It shall be unlawful for any practitioner of medicine, dentistry, or veterinary medicine to furnish or prescribe for the use of any habitual user of the same any cocaine, heroin, alpha or beta eucaïne, opium, morphine, chloral hydrate, or any salt or compound of any of the foregoing substances, or any preparation containing any of the foregoing substances or their salts or compounds. And it shall also be unlawful for any practitioner of dentistry to prescribe any

of the foregoing substances for any person not under his treatment in the regular practice of his profession, or for any practitioner of veterinary medicine to prescribe any of the foregoing substances for the use of any human being.

Provided, however, that the provisions of this section shall not be construed to prevent any lawfully authorized practitioner of medicine from furnishing or prescribing in good faith for the use of any habitual user of narcotic drugs who is under his professional care such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purposes of evading the provisions of this act.

Sec. 3. Violations of act; penalty. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction for the first offense shall be fined not less than \$25.00 nor more than \$50.00, and upon conviction for a second offense shall be fined not less than \$50.00 nor more than \$100.00, and upon conviction of a subsequent offense shall be fined not less than \$100.00 nor more than \$200.00, and shall be imprisoned in jail for not more than six months and if a licensed pharmacist, physician, dentist or veterinary surgeon, his license shall be revoked, half of the fines to go to the Maryland Board of Pharmacy for prosecuting this law. It shall be the duty under this act of all judges of the courts having criminal jurisdiction in this state, at every regular term thereof, to charge all regularly impaneled grand juries to diligently inquire into and investigate all cases of the violation of the provisions of this act and to make a true presentment of all persons guilty of such violations. It shall be the duty of the Maryland Board of Pharmacy to cause the prosecution of all persons violating the provisions of this act. No prosecution shall be brought for the sale of any patent or proprietary medicine containing any of the drugs or preparations hereinbefore mentioned until the Maryland Board of Pharmacy shall certify that such medicine contains any of the said drugs or preparations in excess of the maximum percentages hereinbefore mentioned.

Laws 1906, chap. 523, pp. 1003-1006.

ADULTERATION OF DRUGS.

Sec. 135. Fraud a misdemeanor; penalty. Any person or corporation engaged in the business of selling drugs, medicines, chemicals or preparations for medicinal use or of compounding or dispensing physicians' prescriptions, who shall, in person or by his or its agents or employes, or as agent or employe of some other person, knowingly sell or deliver to any person a drug, medicine, chemical preparation for medicinal use, recognized or authorized by the latest edition of the United States pharmacopœia, or prepared according to the private formula of some individual or firm, other or different from the drug, medicine, chemical or preparation for medicinal use, recognized or authorized by the latest edition of the United States pharmacopœia, or prepared according to the private formula of some individual or firm, ordered or called for by such person, or called for in a physician's prescription, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by not less than one month nor more than twelve months' imprisonment, or by both, and any person so convicted shall forfeit the right to practice pharmacy under any certificate or registration issued under the laws of this State. (*Laws 1902, p. 148.*)

Public General Laws, 1904, vol. 1, p. 824.

Sec. 196. *Substitution of wood alcohol for ethyl alcohol; penalty.* Any person, firm or corporation engaged in the business of making, manufacturing, compounding or dispensing drugs, medicines, medicinal or chemical preparations for human consumption, who shall in person or by his, their or its agents or employes, make, mix, manufacture, compound, dispense, sell, or deliver to any person, any drug, medicine, medicinal or chemical preparation, intended for internal use, wherein ethyl, or grain alcohol usually enters as part of, or is in anywise employed in the making, mixing or manufacture, compounding or preparation of such drug, medicine, medicinal or chemical preparation; and who shall, in the making, mixing, manufacturing or compounding of such drug, medicine or medicinal or chemical preparation, substitute or use, in part or in whole, methyl, or wood alcohol, in place and stead of ethyl, or grain alcohol, or who shall in any manner put or introduce methyl, or wood alcohol, into such drug, medicine, medicinal or chemical preparation, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by not less than three months nor more than twelve months imprisonment, or by both, in the discretion of the court. (*Laws 1904, p. 817.*)

Public General Laws, 1904, vol. 1, p. 845.

Sec. 134. *Prohibition of use of wood alcohol in essences, etc.; penalty.* No person, firm or corporation engaged in making, manufacturing, compounding and selling extracts, essences or other fluids commonly used for the purpose of flavoring articles of food or drink shall use or employ, or permit to be used or employed by his, their or its agents or employes,^a the making, manufacture or compounding of such flavoring extracts, essences or fluids any methyl, or wood alcohol; nor shall any person, firm or corporation, his, their or its agents or employes, sell, or offer for sale at wholesale or retail, any flavoring extract, essence or other fluid commonly used for flavoring articles of food or drink when the same contains any methyl, or wood alcohol; and any person, firm or corporation, his, their or its agents, employes or officers, violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by not less than three months nor more than twelve months' imprisonment, or by both, in the discretion of the court. (*Laws 1904, p. 659.*)

Public General Laws, 1904, vol. 1, p. 1248.

^a So in Laws.

MASSACHUSETTS.

The law regarding adulteration of drugs was enacted prior to the Federal law. The definition of "adulteration" is very comprehensive. The enforcement of this law is under the jurisdiction of the State board of health.

Patent medicines are required to declare the quantity of morphine, alcohol, etc. The law dealing with the misbranding of patent medicines became effective March 1, 1908.

The law forbids the sale of cocaine, eucaine, etc., and of proprietary remedies containing same.

Wood alcohol is prohibited in the manufacture of remedies intended for internal use.

REGISTERED PHARMACISTS.

Sec. 18. *Pharmacists must be registered; penalty.* Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist. Every registered pharmacist engaged in the business of pharmacy shall cause his name to appear on every sign indicating or advertising his place of business and on every label used for medicinal preparations compounded in his place of business. No unregistered copartner shall hereafter be actively engaged in the business of pharmacy; but this provision shall not apply to those engaged in the business at the time of the enactment hereof.

Sec. 23. *Sale of alcohol, drugs, etc.; exceptions.* The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, (*Note: These sections prescribe the manner in which alcoholic liquors shall be sold under sixth class license.*) section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist, who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder. *Revised Laws, 1902, vol. 1, chap. 76, p. 687.*

Acts and Resolves, 1908, chap. 525, pp. 365-366.

SALE OF POISONS.^a

2. *Label; record; penalty; exemptions.* Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words *Poison* and *Antidote*, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician.

Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such records or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

Revised Laws, 1902, vol. 2, chap. 213, p. 1802.

1. *Wood alcohol must be labeled as a poison.* Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, shall affix to the vessel containing the same and shall deliver therewith a label bearing the words "Wood Alcohol, Poison", in black letters of uncondensed Gothic type not less than one fourth of an inch in height. Whoever violates the provisions of this section shall pay a fine of not less than fifty dollars nor more than two hundred dollars.

2. *Wood alcohol prohibited in drugs for internal use.* Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, shall be punished by a fine of not less than two hundred dollars or by imprisonment for not more than thirty days, or both such fine and imprisonment.

Acts 1905, chap. 220, p. 149.

^a See also acts regarding the sale of cocaine.

Sec. 1. Sale of proprietary medicines containing cocaine or substitutes prohibited. It shall be unlawful for any person, firm or corporation to manufacture any so-called catarrh powder or catarrh cure, or any patent or proprietary preparation containing cocaine, or any of its salts, or alpha or beta eucaine, or any of their salts, or any synthetic substitute for the aforesaid.

Sec. 2. Sale, etc., of cocaine, etc., forbidden. It shall be unlawful for any person, firm or corporation to sell, exchange, deliver, expose for sale, give away or have in his possession or custody with intent to sell, exchange, deliver, or give away, in any street, way, square, park or other public place, or in any hotel, restaurant, liquor saloon, barroom, public hall, place of amusement, or public building any cocaine or any of its salts, or any alpha or beta eucaine, or any of their salts, or any synthetic substitute for the aforesaid, or any preparation containing any of the same.

Sec. 3. Unlawful to sell proprietary medicine containing cocaine, etc., after due notification of same. It shall be unlawful for any pharmacist or other person employed or serving in a pharmacy, drug store or apothecary shop, to the proprietor of which a written notice has been sent by registered mail by an officer or employee of the state board of health stating that any patent or proprietary medicine or article, naming the same, contains cocaine or any of its salts, or any alpha or beta eucaine, or any of their salts, or any synthetic substitute for the aforesaid, thereafter to sell any such medicine or article.

Sec. 4. Violations; penalty. Whoever violates any provision of this act shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year in a county jail or house of correction, or by both such fine and imprisonment.

Approved March 27, 1908. Acts, 1908, chap. 307, pp. 267-268.

PATENT MEDICINES.

Sec. 1. Quantity of alcohol, etc., must be declared; proviso. Upon every package, bottle or other receptacle holding any proprietary or patent medicine, or any proprietary or patent food preparation, which contains alcohol, morphine, codeine, opium, heroin, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances, shall be marked or inscribed a statement on the label of the quantity or proportion of each of said substances contained therein. The size of type in which the names of the above substances shall be printed on the labels as above, shall not be smaller than eight point (brevier) caps: *provided*, that in case the size of the package will not permit the use of eight point cap type the size of the type may be reduced proportionately. The provisions of section 19 of chapter 75 of the Revised Laws, so far as they are consistent herewith, shall apply to the manner and form in which such statements shall be marked or inscribed.

Sec. 2. Establishing a guaranty. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber or manufacturer residing in this Commonwealth, from whom he purchases such articles, to the effect that the same is not misbranded within the meaning of this act, designating it. Such guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer; and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

Sec. 3. Repeal. Section two of chapter three hundred and eighty-six of the acts of the year 1906 is hereby repealed.

Sec. 4. Effect. This act shall take effect on the first day of March in the year 1908.

Approved March 29, 1907. Acts, 1907, chap. 259, pp. 203-204.

Sec. 1. Free distribution of harmful drugs, etc., prohibited. No person shall distribute, deliver or give away in any public street or highway or from house to house or place to place, any bottle, box, envelope or package containing any liquid, medicine, pill, powder, tablet or other article which is composed of any drug, poison or other ingredient or substance which may be in any way injurious or harmful to any child or other person who may taste, eat, drink or otherwise use the same.

Sec. 2. Penalty. Whoever violates the provisions of this act shall be punished by a fine of not less than fifty nor more than one hundred dollars.

Acts, 1907, chap. 180, pp. 137-138.

ADULTERATION OF DRUGS.

Sec. 16. Prohibition; employee not liable. No person shall manufacture, offer for sale or sell, within the Commonwealth, any drug or article of food which is adulterated within the meaning of section eighteen; but no employee, other than a manager or superintendent, shall be punished for a violation of this section unless such violation was intentional on the part of the said employee. (*As amended, Acts, 1903, chap. 367, p. 337.*)

Sec. 17. Definition of "drug." The term "drug" as used in sections sixteen to twenty-seven, inclusive, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. * * *

Sec. 18. Adulteration defined. A drug shall be deemed to be adulterated: 1. If, when sold under or by a name recognized in the United States pharmacopœia, it differs from the standard of strength, quality or purity prescribed therein, unless the order therefor requires an article inferior to such standard or unless such difference is made known or so appears to the purchaser at the time of the sale. 2. If, when sold under or by a name not recognized in the United States pharmacopœia but which is found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality or purity prescribed in such work. 3. If its strength, quality or purity falls below the professed standard under which it is sold.

Sec. 20. Samples for analysis to be furnished on demand. Whoever offers or exposes for sale or delivers to a purchaser any drug or article of food shall, upon application of an inspector, analyst or other officer or agent of the state board of health and upon tender to him of the value thereof, furnish a sample sufficient for the analysis of any such drug or article of food which is in his possession. *Laws 1882, p. 206 et seq.*

Sec. 21. Portion of sample to be reserved. Before such sample is analyzed, a portion thereof shall be reserved and sealed by the analyst; and, upon a complaint against any person, such reserved portion shall, upon application, be delivered to the defendant or his attorney. *Laws 1884, p. 269.*

Sec. 26. Penalty. Whoever, for the purpose of sale, fraudulently adulterates any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing it to be adulterated, shall be punished by a fine of not more than four hundred dollars or by imprisonment for not more than one year; and such adulterated drugs and medicines shall be forfeited and destroyed under the direction of the court.

Sec. 27. Provision as to changes in standard. If the standard of strength or purity of any drug has been raised since the issue of the last edition of the

United States pharmacopœia, no prosecution relative to it shall be maintained until such change of standard has been published throughout the commonwealth. *Laws 1884, p. 268.*

Revised Laws, 1902, vol. 1, chap. 75, pp. 659-662.

Sec. 4. Powers and duties of State board of health. Said board shall take cognizance of the interests of health and life among the citizens of the commonwealth, make sanitary investigations and inquiries relative to the causes of disease, and especially of epidemics, the sources of mortality and the effects of localities, employments, conditions and circumstances on the public health, and relative to the sale of drugs and food and the adulterations thereof; and shall gather such information relative thereto as it considers proper for diffusion among the people. * * *

Sec. 5. Appointment of inspectors and chemists; penalty for hindering inspector. In the performance of its duties relative to the sale of drugs and food it may appoint inspectors, analysts and chemists, and may remove them. Such inspectors shall have the same power and authority relative to drugs and food as is given by sections forty-two and fifty-two of chapter fifty-six, relative to milk, to the inspectors named therein. Whoever hinders, obstructs or in any way interferes with any such inspector, analyst or other officer appointed under the provisions of this section, while in the performance of his official duty, shall be punished by a fine of not more than fifty dollars for the first offense and of not more than one hundred dollars for each subsequent offense.

Revised Laws, 1902, vol. 1, chap. 75, pp. 657-658.

ADULTERATION OF MEDICINAL LIQUORS.

[The following special provision is made relative to the quality of liquors sold by druggists for medicinal purposes under sixth class liquor licenses:]

Sec. 17. Medicinal liquors must be free from adulteration. "Third, That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless it is of good standard quality and is free from any adulteration prohibited in the Pharmacopœia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food." (*Laws 1896, p. 217.*)

Revised Laws, 1902, vol. 1, chap. 100, p. 840.

Sec. 1. Adulteration of liquor with drugs, penalty. Whoever, for the purpose of sale, adulterates any liquor used or intended for drink with Indian cockle, vitriol, grains of paradise, opium, alum, cochineal, capsicum, copperas, laurel water, logwood, Brazil wood, sugar of lead or any other substance which is poisonous or injurious to health, and whoever knowingly sells any such liquor so adulterated shall be punished by imprisonment in the state prison for not more than three years, and the articles so adulterated shall be forfeited. (*Laws 1855, p. 754.*)

Revised Laws, 1902, vol. 2, chap. 213, p. 1802.

MICHIGAN.

The law, effective in 1905, is entirely different from the Federal act. The clause regarding adulteration is very comprehensive; there is no misbranding clause. Its enforcement is under the jurisdiction of the State board of pharmacy.

Morphine, cocaine, and eucaïne are sold at retail upon original prescription only, with certain exceptions.

REGISTERED PHARMACISTS.

Sec. 10. *Qualifications for practice of pharmacy.* Except as specified in section seven of this act no person shall be granted a certificate as a registered druggist until he shall have made written application to said board setting forth in an affidavit that he is at least eighteen years of age, and has had not less than two years' practical experience in pharmaceutical work where drugs, medicines and poisons were dispensed and retailed and prescriptions compounded, and furnished satisfactory evidence to the board that he has completed the equivalent to tenth grade work in the public schools, and shall have paid such fees as shall have been fixed by the board, not exceeding three dollars, and shall have passed an examination satisfactory to said board for the granting of such certificate. A registered druggist may be employed for the purpose of dispensing, compounding or retailing drugs, medicines and poisons, in any pharmacy, drug store or place in which drugs, medicines and poisons are compounded or retailed under the management and supervision of a registered pharmacist and during his temporary absence therefrom.

Sec. 14. *Conduct of drug store, etc.; can supervise only one store.* It shall be unlawful for any one but a registered pharmacist under this act, who shall conform to the rules and regulations of the State Board of Pharmacy to take, use and exhibit the titles "pharmacist," "druggist," and "pharmacy" and "drug store," to have charge of, engage in or carry on for himself or for another, the dispensing, compounding, or sale of drugs, medicines or poisons, anywhere within the State, but no registered pharmacist shall have personal supervision of more than one pharmacy or drug store at the same time.

Sec. 15. *Who may conduct pharmacy.* Except as prescribed by the provisions of this act, it shall not be lawful for any person to practice as a registered pharmacist, registered druggist, or advertise himself by sign or otherwise to be such, or to engage in, conduct, carry on, or be employed in the dispensing, compounding or retailing of drugs, medicines or poisons within this State; *Provided*, This section and the preceding section shall not be construed as precluding any person from owning a drug store or pharmacy if all of the pharmaceutical work in the same shall be under the personal supervision and direction of a registered pharmacist.

Sec. 21. *Violations of act defined; penalty.* Any person who shall attempt to procure, or who shall procure a certificate or registration for himself, or for any other person, under this act by making or causing to be made any false representations; any licensed pharmacist who shall permit the compounding and

dispensing of prescriptions of medical practitioners in his store or place of business by any person or persons not licensed or registered under the provisions of this act; any person not licensed by said board who shall prepare or dispense a medical prescription or physician's prescription or dispense, give or sell, at retail poisons or medicines, except under the immediate supervision of a duly licensed pharmacist whose certificate, license or registration is displayed in the place where the same is furnished, prepared, dispensed or sold; any person not licensed by said board, who shall open, conduct or have charge of any pharmacy or drug store which is not under the direct supervision of a registered pharmacist for retailing, dispensing or compounding medicines or poisons; any person who shall fraudulently represent himself to be licensed; any person who knowingly refuses to permit any member of said board of inspectors of pharmacy employed by said board to enter a pharmacy or drug store for the purpose of lawfully inspecting the same; any person who directly or indirectly prevents or attempts to prevent the lawful inspection of any place in which drugs, medicines or poisons are retailed, or dispensed or physicians' prescriptions compounded; any person whose license or certificate of registration has expired or has been duly revoked or suspended by said board, and who refuses to surrender his certificate or license to said board; any person who holds a license or certificate or registration and who fails to display the same as hereinabove provided; or any person who shall violate any of the provisions of this act, in relation to retailing, compounding and dispensing of drugs, medicines and poisons, for which violation no other penalty is hereinbefore imposed, shall, for such offense, be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished in accordance with the terms of the general penal clause of this act as hereinafter set forth.

Public Acts, 1905, chap. 332, pp. 522-524.

SALE OF POISONS.

Sec. 23. *Labeling by retailers; schedules.* It shall be unlawful for any person or persons licensed under the provisions of this act to sell at retail or furnish any of the poisons named in the schedules hereinafter set forth without affixing or causing to be affixed to the bottle, box, vessel or package a label containing the name of the article and the word poison distinctly shown, together with the name and place of business of the seller all printed in red ink, and the name of such poison printed or written thereupon in plain legible characters, except when sold in the original package of the manufacturer, which conform to the requirements for the wholesale dealers, as hereinafter set forth. The following are the schedules.

SCHEDULE "A."

Arsenic, cyanide of potassium, hydrocyanic acid, strychnia, and all poisonous alkaloids and their salts, oil of bitter almonds containing hydrocyanic acid, opium and its preparations, except paregoric and such others as contain less than two grains of opium to the ounce.

SCHEDULE "B."

Aconite, belladonna, cantharides, colchicum, conium, cotton-root, digitalis, ergot, hellebore, henbane, phytolacca, strophanthus, oil of tansy, veratrum veride, and other pharmaceutical preparations, arsenical solutions, carbolic acid, chloral hydrate, chloroform, corrosive sublimate, creosote, croton oil, min-

eral acids, oxalic acid, Paris green, salts of lead, salts of zinc, white hellebore, or any drug, chemical or preparation which, according to standard works on medicine or materia medica, is liable to be destructive to adult human life in quantities of sixty grains or less.

Sec. 24. Records. Every person licensed under the provisions of this act who shall give, sell or dispose of at retail any poisons included under schedule "A" shall before delivering the same, make or cause to be made, an entry in a book to be kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and quantity of the poison, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least five years after the last entry. Nor shall any such person deliver any such poison without satisfying himself that the purchaser is aware of its poisonous character and that the said poison is to be used for a legitimate purpose: *Provided, however,* That the foregoing portions of this section shall not apply to the dispensing of medicines or poisons on the physician's prescriptions.

Sec. 25. Labeling by wholesale dealers. Wholesale dealers in drugs, medicines, pharmaceutical preparations, or chemicals shall affix or cause to be affixed to every bottle, box, parcel or outer enclosure of an original package containing any of the articles enumerated in Schedules "A" and "B" of this act, a suitable label or brand in red ink with the word "poison" upon it.

Sec. 26. Giving of false name by purchaser; penalty. The giving a false or fictitious name to the apothecary, druggist or other person from whom such poison was purchased, shall be deemed a misdemeanor, and the person or persons guilty thereof shall, upon conviction thereof, be liable to a fine not exceeding fifty dollars.

Sec. 30. Physicians exempt. Nothing in this act shall be construed to interfere with or preclude any legally practicing physician from prescribing, dispensing, compounding or giving any medicines or poisons to his patients in the regular course of his practice as such physician.

Public Acts, 1905, chap. 332, pp. 525-527.

Sec. 18. Exceptions to foregoing provisions. Nothing in this act shall apply to the practice of a practitioner of medicine, who is not the proprietor of a store for the dispensing or retailing of drugs, medicines and poisons, or who is not in the employ of such proprietor, and shall not prevent practitioners of medicine from supplying their patients with such articles as they may deem proper, or to the sale of Paris green, white hellebore and other poisons for destroying insects, or any substance for use in the arts, or the manufacture and sale of proprietary medicines, or to the sale by merchants of ammonia, bicarbonate of soda, borax, camphor, castor oil, cream of tartar, dye stuffs, essence of ginger, essence of peppermint, essence of wintergreen, non-poisonous flavoring essence or extracts, glycerine, licorice, olive oil, sal ammoniac, saltpetre, sal soda, and sulphur, except as herein provided: *Provided, however,* That in the several towns of this State, where there is no registered pharmacist within five miles, physicians may compound medicines, fill prescriptions, and sell poisons, duly labeling the same as required by this act, and merchants and drug dealers may sell any drugs, medicines, chemicals, essential oils, and tinctures which are put up in bottles, boxes, packages, bearing labels securely affixed, which labels shall bear the name of the pharmacist putting up the same, the dose that may be administered to persons three months, six months, one year, three years, five years, ten years, fifteen and twenty-one years of age, and if a poison, the name

or names of the most prominent antidotes; and to the sale by such merchant of copperas, borax, blue vitriol, saltpetre, pepper sulphur, brimstone, Paris green, liquorice, sage, senna leaves, castor oil, sweet oil, spirits of turpentine, glycerine, glauber salts, epsom salts, cream of tartar, bi-carbonate of soda, sugar of lead and such acids as are used in coloring and tanning, paregoric, essence of pepper-mint, essence of ginger, essence of cinnamon, hive syrup, syrup of ipecac, tincture of arnica, syrup of tolu, syrup of squills, spirits of camphor, sweet spirits of nitre, quinine, and all other preparations of cinchona bark, tincture of aconite, and tincture of iron, or quinine pills, and to the sale of carbolic acid, laudanum, sugar of lead, oxalic acid, duly labeling and registering the same as required by this act; and to the sale of any patent or proprietary medicines.

Public Acts, 1905, chap. 332, p. 523.

Sec. 32. *Penalty.* Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than one hundred dollars and costs of prosecution, or imprisonment in the county jail for not less than ten days, nor more than ninety days, or both such fine and imprisonment in the discretion of the court.

Public Acts, 1905, chap. 332, p. 527.

Sec. 9. *Sale of certain narcotic drugs restricted; penalty; exceptions; proviso.* Any person registered under the provisions of this act who shall give, sell, furnish, or offer for sale, directly or indirectly, any morphine, its salts and its derivatives, cocaine, eucaine or any of their respective salts, except to or upon the order of legally practicing physicians, dentists, veterinary surgeons, original prescriptions which shall not be refilled or a copy thereof given to any person, shall be guilty of a misdemeanor, and upon conviction of same shall be punished by a fine or imprisonment or both, as hereinafter provided: *Provided*, That the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers, to retail druggists or legally practicing physicians, or to each other, or to druggists and pharmacists if sold in original packages only, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry or veterinary medicine, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such preparations, nor to sales to hospitals, colleges, scientific or public institutions, nor to morphine when sold by retail druggists and pharmacists in original packages of not less than one-eighth ounce or in the pill or tablet form. (*Public Acts 1905, chap. 332, p. 521.*)

Approved June 27, 1907. Amended, Public Acts, 1907, chap. 279, p. 365.

ADULTERATION OF DRUGS.

Sec. 16. *Quality prescribed.* Unless otherwise prescribed for, or specified by the customer, all pharmaceutical preparations, sold or dispensed in a pharmacy, dispensary, store or place, shall be of the standard strength, quality and purity established by the latest edition of the United States Pharmacopœia.

Sec. 17. *Proprietor responsible for quality.* Every proprietor of a wholesale or retail drug store, pharmacy, or other place where drugs, medicines, or chemicals are compounded, dispensed or sold, shall be held responsible for the quality and strength of all drugs, chemicals or medicines sold or dispensed by him, except those articles or preparations known as patent or proprietary medicines.

Public Acts, 1905, chap. 332, p. 523.

5313. Adulteration prohibited; penalty. No person shall add to or remove from any drug, medicine, chemical, pharmaceutical preparation, any ingredient or material for the purpose of adulteration or substitution, which shall deteriorate the quality, commercial value or medicinal effect, or which shall alter the nature or composition of such drug, medicine, chemical, or pharmaceutical preparation, so that it will not correspond to the recognized tests of identity or purity. Any person who shall thus willfully adulterate or alter, or cause to be adulterated or altered, or shall sell or offer for sale, any such drug, medicine, chemical, or pharmaceutical preparation, or any person who shall substitute, or cause to be substituted, one material for another, with the intention to defraud or deceive the purchaser, shall be guilty of a misdemeanor, and be liable to prosecution under this act. If convicted he shall be liable to all the costs of the action, and for the first offense be liable to a fine of not less than ten dollars nor more than one hundred dollars, and for each subsequent offense, a fine of not less than twenty-five dollars nor more than one hundred and fifty dollars. On complaint being entered the board of pharmacy is hereby empowered to employ an analyst or chemist, whose duty it shall be to examine into the so-called adulteration, substitution, or alteration and report upon the result of his investigation; and if said report shall be deemed to justify such action the board shall duly cause the prosecution of the offender, as provided in this act. (*Laws 1885, p. 137.*)

Compiled Laws, 1897, vol. 2, chap. 134, p. 1670.

11427. Mixing or coloring drugs so as to affect quality. No person shall, except for the purpose of compounding in the necessary preparation of medicine, mix, color, stain or powder, or order or permit any other person to mix, color, stain or powder any drug or medicine with any ingredient or ingredients or materials so as to affect injuriously the quality or potency of such drug or medicine, with intent to sell the same, or shall sell or offer for sale any such drug or medicine so mixed, colored, stained or powdered.

11428. Adulterated articles labeled to show true character. No person shall mix, color, stain or powder any article of food, drink, or medicine, or any article which enters into the composition of food, drink, or medicine, with any other ingredient or material, whether injurious to health or not, for the purpose of gain or profit, or sell or offer the same for sale, or order or permit any other person to sell or offer for sale any articles so mixed, colored, stained and powdered, unless the same be so manufactured, used or sold, or offered for sale under its true and appropriate name, and notice that the same is mixed or impure is marked, printed or stamped upon each package, roll, parcel or vessel containing the same, so as to be and remain at all times readily visible, or unless the person purchasing the same is fully informed by the seller of the true name and ingredients (if other than such as are known by the common name thereof), of such article of food, drink or medicine at the time of making sale thereof or offering to sell the same.

11430. Penalty. Any person convicted of violating any provision of any of the foregoing sections of this act shall be fined not more than fifty dollars or imprisoned in the county jail not exceeding three months.

Compiled Laws, 1897, vol. 3, pp. 3409-3410.

11406. Penalty for fraudulent adulteration. If any person shall fraudulently adulterate, for the purpose of sale, any drug or medicine, in such manner as to render the same injurious to health, he shall be punished by imprisonment in

the county jail not more than one year, or by fine not exceeding four hundred dollars, and such adulterated drugs and medicines shall be forfeited and destroyed.

Compiled Laws, 1897, vol. 3, p. 3404.

Sec. 22. *Adulteration a misdemeanor; forfeiture of goods.* Any person licensed under the provisions of this act who shall knowingly, wilfully, or fraudulently falsify or adulterate any drug, medical substance, or preparation, authorized or recognized in the United States Pharmacopœia, or used or intended to be used in medical practice, or shall knowingly or wilfully or fraudulently offer for sale, sell or give away or cause the same to be sold or given away, shall be guilty of a misdemeanor, and on conviction thereof shall be punished as hereinafter prescribed; and all drugs, medical substance, or preparations so falsified or adulterated shall be forfeited to and be destroyed by the Michigan Board of Pharmacy or its duly authorized representative.

Public Acts, 1905, chap. 332, p. 525.

Sec. 4. *Powers of State board of pharmacy.* The State Board of Pharmacy shall have the power:

To make such by-laws, rules and regulations not inconsistent with the laws of the State, as may be necessary for the protection of the public health and the lawful performance of its powers;

To investigate all complaints as to quality and strength of all drugs and medicines, and to take such action as said board may deem necessary to prevent the sale of such as do not conform to the standard and tests prescribed in the latest edition of the United States Pharmacopœia;

To employ an attorney to assist in the enforcement of the provisions of this act and assist in the prosecution of any one charged with violating any of its provisions;

To employ an inspector of pharmacies and one other person as the said board may deem necessary and shall authorize at a salary not to exceed one thousand two hundred dollars per annum, who, besides the members of the board, may inspect during business hours all pharmacies, dispensaries, stores or places in which drugs, medicines, and poisons are compounded, dispensed or retailed;

* * * * *

To investigate all alleged violations of the provisions of this act or any other law of this State regulating the dispensing or sale of drugs, medicines or poisons, or the practice of pharmacy, which may come to its attention and whenever there appears reasonable cause therefor to bring the same to the attention of the proper prosecuting authorities.

Public Acts, 1905, chap. 332, p. 520.

ADULTERATED LIQUORS.

(5403) **Sec. 25. *Adulterating liquors with drugs.*** If any person shall adulterate any spirituous, or alcoholic liquors used or intended for drink, by mixing the same in the manufacture or preparation thereof, or by process of rectifying, or otherwise, with any deleterious drug, substance, or liquid, which is poisonous or injurious to health, except as hereinafter provided, or if any person shall sell, or offer to sell, any wine, or spirituous, or alcoholic liquors, or shall import into this state, any wine, or spirituous, or intoxicating liquors and sell, or offer for sale such liquors; knowing the same to be adulterated, or shall sell, or offer

to sell any spirituous or intoxicating liquors from any barrel, cask, or other vessel containing the same, and not branded as hereinafter provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, nor less than fifty dollars, and shall be imprisoned in the jail of the county not more than six months, nor less than ten days.

(5404) **Sec. 26. Labeling.** It shall be the duty of every person or persons, engaged in the manufacturing and sale of malt, spirituous, or alcoholic liquors, or in rectifying or preparing the same in any way, to brand on each barrel, cask, or other vessel containing the same, the name or names of the person, company, or firm manufacturing, rectifying or preparing the same, and also these words, "pure and without drugs or poison."

Compiled Laws, 1897, vol. 2, pp. 1706-1707.

MINNESOTA.

The law regarding adulteration of drugs, some parts of which were enacted as early as 1885, differs materially from the Federal law. There is no special provision for its enforcement.

Cocaine and chloral hydrate are sold only upon original prescription.

REGISTERED PHARMACISTS.

2330. Qualifications for practice of pharmacy; proviso. To be entitled to examination by the board as a pharmacist, the applicant must be twenty-one years old and have had four years' practical experience in drug stores where physicians' prescriptions are usually compounded; if he be a graduate of a school of pharmacy whose course includes twelve months of laboratory work, but two years' such experience shall be required. If upon examination the board finds him qualified, he shall be entitled to registration as such pharmacist; provided, that upon payment of the fee of ten (\$10) dollars, any person over twenty-one years of age who has had fifteen years or more practical experience in a drug store where physicians' prescriptions are usually compounded, and who has been a bona fide resident of this state for the year last past, may be entitled to be registered and receive a certificate authorizing him to practice as a registered pharmacist without examination; *provided, however*, that application for registration under the provisions of this act shall be made to said board within ten days from and after the enactment of this law.

Laws, 1907, chap. 346, p. 483.

2330. Qualifications. To be entitled to examination by the board as a pharmacist, the applicant must be 21 years old and have had four years practical experience in drug stores where physicians' prescriptions are usually compounded; if he be a graduate of a school of pharmacy whose course includes twelve months of laboratory work, but two years such experience shall be required. If upon examination the board finds him qualified, he shall be entitled to registration as such pharmacist.

2331. Assistants; disqualifying habits. An applicant for a certificate as assistant shall be 18 years old, and have had two years' practical experience in drug stores where physicians' prescriptions are usually compounded. If upon examination the board finds him qualified, he shall be registered. His certificate shall entitle him to act as an assistant to a registered pharmacist and to compound and dispense drugs and medicines during the temporary absence of the registered pharmacist.

2335. Drugs, etc., defined; exceptions as to sale. Drugs, medicines, and poisons, for the purposes of this subdivision, shall include all substances commonly kept in drug stores and used in compounding medicines or sold for medicinal purposes. Nothing in the subdivision, however, shall prevent a physician from compounding prescriptions for use in his practice or furnishing to his patients such articles as he deems proper, or interfere with the making or

vending of proprietary medicines, with any exclusively wholesale business, or with the sale by general retail dealers of the following articles: Alum, blue vitriol, borax, carbonate of ammonia, carbonate of soda, castor oil, copperas, epsom salts, glauber salts, glycerine, gum arabic, gum camphor, licorice, logwood, rolled sulphur, saltpetre, senna leaves, sublimed sulphur, water of ammonia, or paris green in sealed packages distinctly labeled "Paris Green, Poison." Nor shall any dealer whose shop is more than a mile from a drug store be thus prevented from selling any commonly used medicine or poison which has been put up for such sale by a registered pharmacist.

2336. *Wrongful labeling; penalty.* A person engaged in the drug business, either on his own behalf or in the employ of another, who, in putting up drugs, medicines, or prescriptions, wilfully, negligently or ignorantly omits to label the package or receptacle, labels it untruly, substitutes an article different from the one ordered, or deviates from the terms of the order or prescription as to quantity or in any other manner, shall be guilty of a misdemeanor.

Revised Laws, 1905, chap. 35, p. 462.

2340. *Sales by others prohibited; penalty.* No person, not a registered pharmacist or a dealer employing and keeping such a pharmacist in active charge of his place of business shall retail, compound or dispense drugs, medicines or poisons, or keep or conduct a place for retailing, compounding, or dispensing drugs, medicines, or poisons, or falsely assume or pretend to the title of a registered pharmacist. No registered pharmacist or other person shall permit the compounding or dispensing of prescriptions or the vending of drugs, medicines or poisons, in his place of business, except under the supervision of a registered pharmacist or assistant. Every person violating any provision of this section shall be guilty of a misdemeanor, except in cases where the death of a human being results from such violation, when the person offending is guilty of a felony.

Revised Laws, 1905, chap. 35, p. 464.

SALE OF POISONS.

2337. *Labeling of poisons; penalty.* No person, otherwise than on a physician's written prescription, shall sell at retail aconite, belladonna, digitalis, or nux vomica, or their preparations, the oils of bitter almonds, cedar, pennyroyal, savin, or tansy, arsenic or any of its preparations, mercury or opium, or any of their poisonous preparations, carbolic acid, chloral hydrate, chloroform, cocaine, creosote, croton oil, cyanide of potassium, hydrocyanic acid, lead acetate, morphine, the mineral acids, oxalic acid, strychnine, wood alcohol, or any other commonly recognized poison, without affixing to the package or receptacle containing the same a label conspicuously bearing the word "Poison," and the name and business address of the seller, and satisfying himself that such poison is to be legitimately used. Any person who fails to comply with any requirement of this section shall be guilty of a misdemeanor. (*Laws 1885, p. 183, as amended 1891 and 1899.*)

2338. *Sale of poisons; record; penalties.* No person, either on his own behalf or while in the employ of another, except upon the written prescription of a physician, shall sell or give away arsenic or its preparations (other than paris green), aconite, belladonna or nux vomica, or their preparations, cocaine, cyanide of potassium, hydrocyanic acid, morphine, mercury or its poisonous preparations, opium or the tincture thereof, the oils of pennyroyal, savin, or tansy, or strychnine, without first recording, in a book kept for the purpose, the name and

address of the person to whom and the amount and kind of poison delivered. Every person who shall violate any provision of this section, give a false name to be recorded as aforesaid, or, having custody of any such record book, shall refuse to produce it on demand for the inspection of any officer, shall be guilty of a misdemeanor.

Revised Laws, 1905, chap. 35, p. 463.

Sec. 1. *Labeling of wood alcohol.* No person, by himself, his servant or agent, or as the servant or agent of another person or persons, shall sell, exchange, deliver or have in his custody or possession with intent to sell, exchange or deliver, or expose or offer for sale, exchange or delivery, any wood alcohol, or substance commonly known as wood alcohol, unless each package, bottle, cask, can or receptacle containing the said wood alcohol shall be plainly marked, stamped, branded or labeled on the outside and face of each package, bottle, cask, can or receptacle of the capacity of less than one gallon, in legible type not smaller than large primer, and on the outside and face of each said package, bottle, cask, can or receptacle of the capacity of one gallon or more, in legible letters of not less than one inch in length, the letters and words "wood naphtha," "poison."

Sec. 2. *Penalty.* Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and be punished by a fine of not less than fifty dollars and not more than one hundred dollars, for each and every offense, or by imprisonment in the county jail for not less than thirty days, or more than ninety (90) days.

General Laws 1905, chap. 35, p. 56.

COCAINE.

Sec. 1. *Regulation of sale of cocaine.* No person shall sell or give away any cocaine, hydro chlorate or any salts or compound of cocaine, or preparation containing cocaine except upon the written prescription of a physician or dentist licensed under the laws of the state. No prescription containing cocaine shall be filled more than once and each shall have written plainly upon it the name and address of the patient and be filed and preserved by the pharmacist who shall not give a copy thereof to the patient. This section shall not be so construed as to apply to sales at wholesale, in original packages, by any manufacturer or wholesale dealer, to a retail druggist, licensed physician or dentist when such vendor shall have affixed to each receptacle containing any such drug a label in the English language specifically setting forth the proportion of cocaine contained therein.

Sec. 2. *Penalty.* Any person who shall sell or give away any of the articles mentioned in the preceding section, in violation of this act, and any person who shall prescribe any of such articles to any one addicted to the habitual use of cocaine or any preparation or compound thereof in any form, shall be punished by a fine of not less than \$50 nor more than \$100 or by imprisonment in the county jail for not less than (30) days nor more than (90) days, and if the person so offending shall be a licensed physician, dentist, pharmacist or assistant pharmacist, in addition to the penalty above described, such offender's license shall be revoked.

Sec. 3. *Records may be examined.* Upon complaint being made of a violation of the provisions of this act, the county attorney of the county where the offense is alleged to have been committed shall prosecute such complaint and to that

end is hereby authorized to examine the books of any manufacturer or wholesale dealer within the state for the purpose of tracing the sales of any of the articles herein mentioned.

Laws, 1905, chap. 42, p. 62.

ADULTERATION OF DRUGS.

2339. *Proprietor or manager of store responsible for quality of drugs sold.* Every proprietor or manager of a place where drugs are sold shall be responsible for the quality of all drugs, chemicals, and medicines sold by him, except proprietary medicines and other articles sold in the original packages of the manufacturers. Every person who, by himself or through another, shall willfully adulterate any drug, medicinal substance or preparation authorized or recognized by the United States Pharmacopoeia, or used or intended to be used in medical practice, or shall mix with any such article any foreign or inert substance for the purpose of weakening its medicinal power and effect or of cheapening it, or who shall sell the same knowing it to be so adulterated or mixed, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of \$50. (*Laws 1885, p. 183, as amended 1895 and 1899.*)

Revised Laws, 1905, chap. 35, p. 463.

4993. *Adulteration a misdemeanor.* Every person who, with intent that the same may be sold as unadulterated or undiluted, shall adulterate or dilute wine, milk, distilled spirits, or malt liquor, or any drug, medicine, food, or drink, for man or beast; or shall offer for sale or sell the same as unadulterated or undiluted, or without disclosing to or informing the purchaser that the same has been adulterated or diluted; or shall manufacture, sell, expose, or offer for sale, as such article of food or drink, any substance in imitation thereof, without disclosing the imitation by a suitable and plainly visible mark or brand; or with intent that the same may be used as food, drink, or medicine, shall sell, offer or expose for sale, any article whatsoever which to his knowledge has become spoiled, tainted, or for any cause unfit to be used as food, drink, or medicine, where special provision has not otherwise been made by statute for its punishment, shall be guilty of a misdemeanor, and be punished by a fine of not less than twenty-five dollars, or by imprisonment in the county jail for not less than thirty days. (*Laws, 1901, chap. 117, p. 124.*)

Revised Laws, 1905, chap. 99, p. 1051.

ADULTERATION OF LIQUORS PROHIBITED.

1759. *Liquor—prohibited ingredients.* No person shall make, brew, distill, sell or serve, in any form, any adulterated, spirituous, fermented or distilled liquor, and any such liquor shall be deemed adulterated if it contains any of the following named substances: cocculus indicus, chloride of sodium, copperas, opium, extract of logwood, cayenne pepper, picric acid, Indian hemp, strychnine, arsenic, alum, tobacco, salts of zinc, copper or lead, methyl, alcohol or derivatives therefrom, amyl alcohol, coal-tar dye, or any poisonous or injurious ingredient. Every violation of the provisions of this section shall be deemed a misdemeanor, and the first offense hereunder shall be punished by a fine of not less than twenty-five dollars or not less than ten days imprisonment, and any subsequent offense by a fine or imprisonment which shall be not less than double the minimum herein prescribed for the first offense hereunder. (*Gen. Laws, 1901, chap. 115, p. 122.*)

Revised Laws, 1905, chap. 21, p. 353.

DISTRIBUTION OF SAMPLES.

Sec. 1. *Indiscriminate distribution prohibited.* No person, or persons, either directly or indirectly, by agent or otherwise, shall scatter, distribute or give away any samples of any medicine, drugs or medical compounds, salve or liniment of any kind unless the same is delivered into the hands of an adult person, or mailed to such persons through the regular mail service.

Sec. 2. *Penalty.* Any person violating any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one hundred (\$100) dollars, or by imprisonment in the county jail for a term not to exceed ninety days.

Laws, 1905, chap. 33, p. 52.

4763. *Penalty.* Whoever is convicted of a misdemeanor for which no punishment is prescribed by any statute in force at the time of conviction and sentence, shall be punished by imprisonment in the county jail for not more than three months, or by a fine of not more than one hundred dollars.

Revised Laws, 1905, chap. 93, p. 1013.

MISSISSIPPI.

The law regarding adulteration of drugs, effective November 1, 1892, differs materially from the Federal law; the definition of adulteration is somewhat similar; there is no misbranding clause. No special provision is made for enforcing the law. County and municipal authorities may appoint inspectors.

Cocaine may be sold on prescription only.

REGISTERED PHARMACISTS.

3667. License. Every person who desires to practice pharmaceutics must obtain a license to do so as hereinafter provided; but this section shall not apply to physicians who hold a diploma and who have been regularly licensed by the laws of this state to practice medicine, and are regularly in the practice of medicine, nor to those now holding a license to practice pharmaceutics, the same having been recorded as required by law.

3671. Qualifications. Every person who desires to practice pharmaceutics must apply, in writing, to the board of pharmaceutical examiners for a license to do so; and, unless exempted by the provisions of this chapter, must appear before the board and be examined by it touching his learning and skill in pharmaceutics; and if he be found to possess sufficient learning and skill therein, and to be of good moral character, the board shall immediately issue to him a license to practice pharmaceutics, which shall be signed by each member of the board who attends the examination and approves of the issuance of the license.

Code 1906, chap. 109, p. 1029.

SALE OF POISONS.

1323. Restrictions. It shall not be lawful for any apothecary, druggist, or other person to sell or give away any article belonging to the class of medicines usually denominated poisons, except in compliance with the two following sections.

1324. Record; label. Every druggist, apothecary, or other person, who shall sell or give away, except on the written prescription of a physician, any article of medicine belonging to the class usually known as poisons, shall be required to register in a book kept for that purpose, the name, place of residence, age, sex, and color of the person obtaining such poison, the quantity sold, the purpose for which it was required, the day and date on which it was obtained, and the name and place of abode of the person for whom the article is intended; and he shall carefully mark the word "poison" upon the label or wrapper of each package.

1325. Arsenic to be mixed with soot or indigo. A druggist, apothecary, or other person shall not sell or give away, except to physicians, any quantity of arsenic less than one pound without first mixing soot or indigo therewith in the proportion of one ounce of soot or half an ounce of indigo to the pound of arsenic.

1327. Penalty. Any person who shall violate the provisions of either of the three preceding sections, on conviction, shall be fined not exceeding five hundred dollars, or confined in the county jail thirty days, or both.

1328. *Not to be sold to minors.* A druggist, apothecary, or other person shall not sell or give away any poison to any minor, and for so doing he shall be punished as for a misdemeanor.

Code 1906, chap. 28, p. 470.

COCAINE.

1083. *Sale of cocaine restricted; penalty.* No druggist, apothecary, physician or other person shall sell or give away cocaine in any quantity whatever, except to regularly licensed physicians or dentists, or upon prescriptions of such physicians, which shall not be used more than once or refilled, but this shall not interfere with the use of the same by such physicians or dentists in their practice.

Any person violating this section shall, upon conviction before any court of competent jurisdiction, be fined not less than ten dollars nor more than five hundred dollars, or imprisoned in the county jail not less than one month nor more than six months, or by both such fine and imprisonment. (*Laws 1900, chap. 107, p. 145.*)

Code 1906, chap. 28, p. 419.

1291. *Morphine and cocaine; sale of regulated; scarlet wrapper and label, etc.* If any druggist or other person whosoever shall sell, offer for sale, or give away any sulphate or other preparation of morphine, or cocaine, in any bottle, vial, envelope, or other package without having the same wrapped in a scarlet paper or envelope, and labeled with a scarlet label, lettered in white letters, plainly naming the contents of the bottle, vial, envelope, or package, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten dollars nor more than fifty dollars. (*Laws 1886, p. 87.*)

Code 1906, chap. 28, p. 464.

ADULTERATION OF DRUGS.

1028. *Penalty.* If any person shall manufacture, sell, or keep or offer or exhibit for sale any adulterated food or drug, as defined by law; or if any person shall manufacture, sell, or keep or offer or exhibit for sale any candy, confection, or sweetmeat, in making which any preparation of lime or other deleterious substance is used, he shall, upon conviction, be fined not exceeding five hundred dollars, or be imprisoned in the county jail not more than six months, or both.

* Code 1906, chap. 28, p. 407.

2280. *"Drug" defined.* * * * the term "drug" includes all medicines for external or internal use.

2282. *Adulteration defined.* A drug shall be deemed adulterated: (a) If, when sold under a name recognized in the United States pharmacopœia, it differ from the standard of strength, quality, or purity laid down therein; (b) If, when sold under a name not recognized in said pharmacopœia, but which is found in some other pharmacopœia or other standard work on materia medica, it differ from the standard of strength, quality, or purity laid down in such work; or (c) If its strength, quality, or purity fall below the professed standard under which it is sold.

2292. *Adulterated drugs forfeited.* If any person shall sell, keep, or offer for sale any adulterated food or drug, the whole of the adulterated article shall be forfeited to the county.

Code 1906, chap. 53, pp. 701-702.

MISSOURI.

The law regarding adulteration and misbranding of drugs, effective June 15, 1907, is similar to the Federal law. Prescriptions are exempt from declaring the amount of alcohol, morphine, etc. It is administered by the dairy and food commissioner.

Cocaine and preparations containing cocaine are sold only upon original prescription.

REGISTERED PHARMACISTS.

3036. *Conduct of drug stores.* It shall be unlawful for any person not a registered pharmacist, within the meaning of this chapter, to conduct any pharmacy, drug-store, apothecary shop or store, for the purpose of retailing, compounding or dispensing medicines or poisons for medical use, except as hereinafter provided.

3037. *Registered pharmacists, only, to compound or dispense prescriptions.* It shall be unlawful for the proprietor of any store or pharmacy to allow any person, except a registered pharmacist, to compound or dispense the prescriptions of physicians or to retail or dispense poisons for medical use, except as an aid to and under the supervision of a registered pharmacist. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be liable to a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense. (*Amended Laws 1901, p. 143.*)

3045. *Making false representations, etc.* Any person who shall procure or attempt to procure registration for himself or for another under this chapter, by making or causing to be made false representations, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be liable to a penalty of not less than twenty-five nor more than one hundred dollars, and the name of the person so fraudulently registered shall be stricken from the register. Any person not a registered pharmacist, as provided for in this chapter, who shall conduct a store, pharmacy, or place of retailing, compounding or dispensing drugs, medicines or chemicals for medicinal use, or for compounding or dispensing physicians' prescriptions, or who shall take, use or exhibit the title of "registered pharmacist," shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a penalty of not less than one hundred dollars, except as provided in section 3040. *Laws, 1881, p. 132.*

3043. *What druggists may sell.* Apothecaries, registered as herein provided, shall have the right to keep and sell, under such restrictions as herein provided, all medicines and poisons authorized by the National, American or United States pharmacopœia, as of recognized medical utility, except intoxicating liquors, which shall only be sold by druggists and pharmacists, as prescribed by section 3047 of this chapter.

1831. *Physician shall not prescribe while in state of intoxication.* If any physician, while in a state of intoxication, shall, without a design to effect death, administer any potion, drug or medicine, or do any other act to another person which shall produce death of such other, he shall be deemed guilty of manslaughter in the third degree. (*Revised Statutes 1879, p. 220.*)

Annotated Statutes, 1906, chap. 15, p. 1269.

SALE OF POISONS.

2263. *Label; penalty.* Every person who shall sell or deliver to any other any arsenic, corrosive sublimate, prussic acid or any other substance or liquid usually denominated poison, without having the word "poison" plainly written or printed on a label and attached to vial, box, vessel or package containing the same, or who shall sell or deliver any tartar emetic, without having the true name written or printed on a label and attached to the vial, box, vessel or package containing the same, or who shall sell or deliver any such substance or liquid to any minor, without a written permission from the parent or guardian of such minor, specifying the kind of drug that such minor is authorized to purchase, shall on conviction be adjudged guilty of a misdemeanor, and punished by fine not exceeding one hundred dollars.

2265. *Physicians' prescriptions excepted.* So much of section 2263 as requires the word "poison," or the name of the drug sold or delivered, to be labeled on the box, vial or other package containing the same, shall not extend to any practicing physician who shall deliver any of the articles therein mentioned with a prescription for the use of the articles. (*Revised Statutes 1879, par. 1595.*)

Annotated Statutes, 1906, vol. 2, chap. 15, p. 2267.

3044. *Schedules; conditions; penalty.* It shall be unlawful for any person to retail any poisons enumerated in schedules "A" and "B," except as follows: Schedule "A"—arsenic and its preparations, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, and all other poisonous vegetable alkaloids and their salts, and the essential oil of bitter almonds. Schedule "B"—opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce; aconite, belladonna, colchicum, conium, nux vomica, henbane, sayin, ergot, cotton root, cantharides, creosote, veratrum, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, corrosive sublimate, red precipitate, white precipitate, mineral acids, carbolic acid, oxalic acid, without labeling the box, vessel or paper in which the said poison is contained, and also the outside wrapper or cover, with the name of the article, the word "poison," and the name and place of business of the seller. Nor shall it be lawful for any person to sell or deliver any poisons enumerated in schedules "A" and "B," unless upon due inquiry it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for legitimate purposes. Nor shall it be lawful for any registered pharmacist to sell any poisons included in schedule "A" without, before delivering the same to the purchaser, causing an entry to be made in a book kept for that purpose, stating the date of sale, name and address of purchaser, the name of poison sold, the purpose for which it was represented by the purchaser to be required, and the name of the dispenser—such book to be always open for inspection by the proper authorities, and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poison in not unusual quantities or doses upon the prescriptions of practitioners of medicine. Nor shall it be lawful for any licensed or registered druggist or pharmacist to retail, sell, or give away any

alcoholic liquors or compounds as a beverage. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five nor more than one hundred dollars.

3046. *Exceptions.* This chapter shall not apply to physicians putting up their own prescriptions, nor to the sale of proprietary medicines. *Laws 1881, p. 132.*

Annotated Statutes, 1906, vol. 2, chap. 23, p. 1744.

3044-1. *Sale of cocaine restricted.* It shall not be lawful for any druggist or other person to retail or sell or to give away any cocaine, hydro-chlorate or other salt of or any compound of cocaine, or preparation containing cocaine, or any salt(s) of or any compound thereof, excepting upon the written prescription of a licensed physician or a licensed dentist, licensed under the laws of the state, which prescription shall only be filled once: Provided, that the provisions of this section shall not apply to sales in the usual quantities at wholesale by any manufacturer or wholesale dealer when such manufacturer or wholesale dealer shall have affixed to the box, bottle or package containing such cocaine, hydro-chlorate or other salt or compound of cocaine or preparation containing cocaine, a label specifically setting forth the proportion of cocaine contained in any preparation.

3044-2. *Penalty.* Every person who shall be found guilty of violation of the provisions of this act, shall, for the first offense, be fined a sum of not less than ten dollars, nor more than fifty dollars, and for each subsequent offense not less than fifty dollars, nor more than two hundred dollars, or imprisonment in the county jail not exceeding ninety days, or either or both, in the discretion of the court. *Laws, 1905, p. 145-146.*

Annotated Statutes, 1906, vol. 2, chap. 23, p. 1745.

ADULTERATION AND MISBRANDING OF DRUGS.

3042. *Druggist responsible for quality of drugs; penalty.* Every registered pharmacist, apothecary or owner of any drug-store shall be held responsible for the quality of all drugs, chemicals and medicines he may sell or dispense, with the exception of those sold in original packages of the manufacturer, and also those known as "patent medicines", and should he knowingly, intentionally and fraudulently adulterate, or cause to be adulterated, such drugs, chemicals or medical preparations, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty not exceeding one hundred dollars, and in addition thereto, have his name stricken from the register.

Annotated Statutes, 1906, vol. 2, chap. 23, p. 1744.

2269. *Adulteration a misdemeanor.* Every person who shall fraudulently adulterate, for the purpose of sale, anything intended for food or drink, or any drugs or medicine, shall be deemed guilty of a misdemeanor. (*Gen. Stats., 1865, p. 821.*)

Revised Statutes, 1906, vol. 2, chap. 15, p. 1428.

2378. *Penalty.* Whenever any offense is declared by statute to be a misdemeanor, and no punishment is prescribed by that or any other statute, the offender shall be punished by imprisonment in a county jail not exceeding six months, or by fine not exceeding two hundred dollars, or by both such fine and imprisonment. (*Gen. Stats., 1865, p. 826.*)

Revised Statutes, 1906, vol. 2, chap. 15, p. 1461.

Sec. 1. *Prohibiting sale of adulterated drugs.* No person or persons, firm or association of persons, company or corporation shall, within this state, manufacture, produce, sell, offer or expose for sale, or have in his, their or its possession, with intent to sell, any * * * drug which is adulterated or misbranded within the meaning of this act, or cause or procure the same to be done by others.

Sec. 2. *Term "drug" defined.* The term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease in man or animals.

Sec. 3. *When drug deemed to be adulterated.* A drug shall be deemed to be adulterated within the meaning of this act: 1. If, when sold under or by a name recognized in the latest revised edition of the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality or purity prescribed therein. 2. If its strength, quality or purity fall below the professed standard under which it is sold: Provided, that no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Sec. 5. *Term "misbranded" defined.* The term "misbranded," as used in this act shall apply to all drugs * * * or articles which enter into the composition of drugs * * *, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any * * * drug product which is falsely branded as to state, territory or country, in which it is made, manufactured, produced or grown, or as to the person, firm or corporation by whom it is made, manufactured, produced or grown.

Sec. 6. *Misbranding includes imitations, etc.; proviso.* In the case of drugs an article shall also be deemed to be misbranded: 1. If it be an imitation of, or offered for sale under the name of, another article. 2. If the contents of the package, as originally put up, shall have been removed in whole, or in part, and other contents shall have been placed in such package. 3. If the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium heroin, cocaine, eucaine (alpha or beta), chloroform, cannabis indica, chloral hydrate, acetanilid, or any derivative or preparation of any such substance contained therein: Provided, that subdivision 3 of this section shall not apply to any drug prepared or sold on the prescription of a duly licensed physician, or prepared by a duly licensed pharmacist for immediate sale upon an order therefor.

Sec. 8. *Label; statement of contents.* If a statement of any of the ingredients of an article of food or drink, or of an article entering into food or drink, is required by law to be stated upon the label or package of such article or is stated upon the label of such article, whether required by law or not, such statement and the name and address of the manufacturer or vendor of the article shall be distinctly and conspicuously printed on the label or package in straight parallel lines of plain, uncondensed legible type, well spaced, on a plain ground. The statement of ingredients shall be clearly separated from and not interspaced or confused with other matter, shall specify each and every ingredient by its ordinary name and shall be in the English language. The letters of said type shall be as large as any printed matter on the label or

package (except the name of the compound, or chief article named therein which may be in larger type), and shall not be smaller than 8-point Gothic caps. Provided, that in case the size of the package does not allow the use of type of such size, then the size may, with the approval of the dairy and food commissioner, be proportionately reduced. The required label shall be firmly attached to or printed on the exterior of the package or envelope of the said article, on the top or side thereof, and in plain sight; but the dairy and food commissioner may, in writing, approve specific labels not strictly in accordance with the above provisions if it is his opinion that the information is set forth thereon clearly enough for the reasonable protection of the purchaser.

Sec. 9. *False label deemed misbranding.* Drugs or foods labeled in violation of the provisions of sections 5, 6, 7 and 8 shall be deemed to be misbranded within the meaning of this act.

Sec. 10. *Removing or altering label.* No person, firm, association of persons or corporation shall deface, erase or remove any label or mark provided for in this act with intent to mislead, deceive, or violate any of the provisions of this act, nor cause the same to be done by others.

Sec. 11. *Sample for analysis.* Every person, firm, association of persons or corporation manufacturing, offering or exposing for sale, or delivering to a purchaser, any drug or article of food included in the provisions of this act, upon application of any person or an inspector, analyst or other officer or agent of the state, and tender to such person, firm, association or corporation of the value thereof, shall furnish a sample for analysis of any such drug or article of food which is so in his or their possession.

Sec. 12. *Guaranty to afford protection.* No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty, as provided for in the national food and drug act approved June 30, 1906, or a guaranty, signed by the wholesaler, jobber, manufacturer or other party, residing in the state of Missouri, or who shall have filed in the office of the dairy and food commissioner a designation of the name and residence of some competent person being and continuing a resident of this state, process served on whom shall be valid and acceptable as personally served upon such party in any suit or proceeding under this act, from whom he purchased such articles, to the effect that the same are not adulterated or misbranded in the original unbroken packages, within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

Sec. 13. *Act, how construed.* When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent or other person acting for or employed by any person, corporation, firm or association, within the scope of his employment or office, shall, in every case, be deemed to also be the act, omission or failure of such employer.

Sec. 14. *Penalty.* Any person, firm, association or corporation who shall, within this state, manufacture or produce, offer or expose for sale, or shall sell or deliver, or have in his or their possession with intent to sell, any drug * * *, as defined in this act, which is adulterated or misbranded within the meaning of this act, or who shall fail or refuse, upon the application of a proper person, and the tender to him of the value thereof, to deliver to such person a sample, sufficient for analysis, of any drug or article of food in his or their possession, as required by this act, or who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, be

punished for every such offense by a fine not less than ten dollars nor more than five hundred dollars, or by imprisonment in the county jail not to exceed six months, or both such fine and imprisonment, and shall, in addition, be adjudged to pay all costs and expenses incurred in inspecting and analyzing such food or drug. All fines recovered under the provisions of this act shall be paid to the state treasurer.

Sec. 15. *Repeal.* All acts and parts of acts inconsistent with this act are hereby repealed.

Approved March 15, 1907. Laws 1907, pp. 238-242.

Sec. 10. *Duties of dairy and food commissioner.* It shall be the duty of the dairy and food commissioner to enforce all laws that now exist, or that may hereafter be enacted, regarding the production, manufacture or sale of dairy products, or the adulteration of any * * * drug, or the misbranding of the same; and personally, or by his assistants, inspect any * * * drug made or offered for sale in this state, which he may, through himself or his assistants, suspect or have reason to believe are impure, unhealthful, adulterated or misbranded, and to prosecute, or cause to be prosecuted, any person or persons, firm or corporation engaged in the manufacture or sale of * * * drugs, * * * contrary to the laws of this state. Said commissioner shall make rules and regulations for carrying out the provisions of this act, and such rules and regulations shall conform as nearly as practicable to the rules and regulations at present established and which may hereafter be established for the enforcement of the act of congress approved June 30, 1906, and known as the "Food and drugs act."

Sec. 11. *Samples must be purchased.* It shall be the duty of any officer entrusted with the enforcement of this act, when he is required thereto by any person, to purchase from the vendor of any article sold or exposed for sale a sample thereof, and submit it for analysis, in accordance with the provisions of this act: Provided, the person so requiring such purchase and analysis deposits with such officer, at the time such a demand is made, a sum of money sufficient to pay for such sample and analysis. If upon analysis such article is found to be adulterated, within the meaning of this act, such deposit shall be returned to him.

Sec. 12. *Powers of commissioner.* The dairy and food commissioner, his deputy, or any one by him appointed, is hereby authorized and empowered to enter during business hours, in the performance of his duties, any factory, store, salesroom, warehouse, laboratory, drug store, or any other place where * * * drugs are stored or exposed for sale, or place where they have reason to believe such * * * drugs are kept or offered for sale; and he may, in lawful manner, procure samples of the said articles of * * * drugs, or imitation thereof, suspected of being made or sold in violation of law, and cause the same to be analyzed or satisfactorily tested by the chemist of the state experiment station; and such analysis or test shall be recorded and preserved as evidence, and the certificate of such analysis or test, when sworn to by such chemist, shall be admitted as evidence of the facts therein contained in all prosecutions that may result from such violation; and it shall be the duty of said commissioner to make complaint of such violation in the proper county, and furnish the prosecuting attorney with the evidence thereof, and obtain a conviction for the offense charged. And in the discharge of his duties said commissioner, his deputy and assistants, shall have power to open any cask, tub, jar, bottle or package containing, or supposed to contain, any article of food or drugs, and examine, or cause to be examined, the contents thereof, and take therefrom

samples in the presence of at least one witness; and he shall, in the presence of such witness, mark or seal such samples, and shall tender at the time of taking, to the manufacturer or vendor of such food or drug, or to the person having the custody of the same, the value thereof; samples may be purchased in the open market or at [the] factory, and if in bulk, the marks, brands or tags upon the package, carton, wrapper or other container, and the accompanying printed or written matter shall be noted. The collector shall also note the names of the vendor and agent through whom the sale was actually made, together with the date of the purchase. Samples shall be divided into three equal parts; each part shall be labeled with identifying marks. One of the parts shall be delivered to the person from whom the purchase was made, or [if] a guaranty has been given, such part shall be delivered to the guarantor. One of the parts shall be sent to the chemist of the state experiment station and one part shall be held under seal by the commissioner. The parts of the sample so divided shall be sealed by the collector with a seal provided for that purpose. Any person who shall obstruct the commissioner, or any of his assistants, by refusing to allow him entrance to any place which he desires to enter in the discharge of his official duty, or refuse to deliver to him a sample of any article of food or drug made, sold, offered or exposed for sale by such person, when the same is requested, and when the value thereof is tendered, shall be guilty of a misdemeanor, punishable by a fine of not exceeding fifty (\$50) dollars for the first offense, and not exceeding five hundred (\$500) dollars, nor less than fifty (\$50) dollars, for each subsequent offense.

Sec. 13. *Prosecuting attorney shall render legal assistance.* It shall be the duty of the prosecuting attorney in any county or city in the state, when called upon by the commissioner or any of his assistants, to render any legal assistance in his power to execute the laws, and to prosecute cases arising under the provisions of this act.

Sec. 14. *Violators of law shall be given hearing.* When the examination shows that the provisions of this act have been violated, the said commissioner shall first cause notice of such fact, together with a copy of the findings, to be given to the party or parties from whom the sample was obtained, and to the party, if any, whose name appears upon the label as manufacturer, packer, wholesaler, retailer or other dealer. The parties so notified shall be given opportunity to be heard under such rules and regulations as may be prescribed as aforesaid. Notice shall specify [the] date, hour and place of the hearing. The hearing shall be private and shall take place at the office of the commissioner, and the parties interested therein may appear in person or by attorney. If the party whose name appears upon the label resides without the state he shall be entitled to reasonable notice by mail, at such address as may, with due diligence, be obtained. If, after such hearing, it appear that said food, drug or dairy product is adulterated or misbranded, or is a substitute or an imitation within the meaning of any law providing against the adulteration, misbranding, imitation or substitution of food, drugs and dairy products, said commissioner, or his deputy, or any person by him duly authorized, shall seize such goods and make complaint before any justice of the peace having jurisdiction in the city, village or township where such goods are seized; and thereupon such justice of the peace shall issue his summons to the persons from whom said goods were seized, directing him to appear not less than five nor more than ten days from the date of the issuing of said summons, and show cause why said goods should not be condemned and disposed of. If the said person from whom the said goods were taken or seized cannot be found, said summons shall be served upon the person then in possession of the goods. The said

summons shall be served at least five days before the time for appearance mentioned therein. If the person from whom said goods were seized cannot be found, and no one can be found in possession of said goods, and the defendant shall not appear on the return day, then said justice of the peace shall proceed in said cause in the same manner provided by law where a writ of attachment is returned not personally served upon any of the defendants, and none of the defendants appears upon the return day. Unless cause to the contrary thereof be shown, or if said goods shall be found, upon trial, to be in violation of any of the provisions of this act or other laws which may now exist, or which may be hereafter enacted, it shall be the duty of said justice of the peace to render judgment that said seized property be forfeited to the state of Missouri, and that said goods be destroyed, or sold by said commissioner, for any purpose other than to be used for food. The mode of procedure before said justice shall be the same, as near as may be, as in civil proceedings before justices of the peace. Either parties may appeal to the circuit court as appeals are taken from justice courts, but it shall not be necessary for the state to give appeal bond. The proceeds arising from such sales shall be paid into the state treasury and credited to the general fund: Provided, that if the owner or party claiming the property or goods declared forfeited can produce and prove a written guaranty of purity, signed by the wholesaler, jobber, manufacturer or other person residing in this state, from whom said articles were purchased, then the proceeds of the sale of such articles, over and above the cost of seizure, forfeiture and sale, shall be paid over to such owner or claimant, to reimburse him, to the extent, of such surplus, for his actual loss resulting from such seizure and forfeiture, as shown by the invoice.

Sec. 14a. Notice of judgment. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid. If an appeal be taken from the judgment of the court before such publication, notice of that fact shall accompany the publication.

Sec. 15. Information relative to adulteration of drugs, etc., shall be published. The commissioner shall make an annual report to the governor, on or before the first day of January of each year, which shall be printed and published. Such report shall cover the work of his office for the preceding year and shall show, among other things, the number of specimens of food products analyzed, and the report of the analyst upon each one when the analysis indicates the same to be contrary to law; the number of complaints entered against persons for violations of law relative to the adulteration and misbranding of food and drugs; the number of convictions had and the amount of fines imposed therefor; an account of the money received and expended by him and his assistants, together with such recommendations relative to the statutes in force as his experience may justify. The commissioner may also prepare, print and distribute a monthly bulletin containing the results of inspections, the results of analysis made, or caused to be made, with proper explanations of the same, and such other information as may come to him in his official capacity, relating to the adulteration and misbranding of foods and drugs and of dairy products, so far as he may deem of benefit and advantage to the public; also a brief summary of the work done during the month by the commissioner and his assistants in the enforcement of the laws of the state; but not more than ten thousand copies of each of the monthly bulletins shall be printed, which printing shall be done by the state printer and shall be paid for in the same manner as other state printing.

Sec. 16. Appropriations for enforcement of act. For the purpose of carrying into effect the provisions of this act and of the act entitled "An act to

create the office of state dairy commissioner, and to define his term of service, duties and powers," approved April 8, 1905, as amended by this act, there is hereby appropriated, out of the state treasury, chargeable to the general revenue fund, the sum of twenty-five thousand (\$25,000) dollars, or so much thereof as may be necessary for the payment of salaries and all expenses authorized by this act.

Sec. 16a. *Goods on hand.* All articles of * * * drugs in the hands of retailers and jobbers when this law goes into effect may be sold in the condition in which they are found, provided such articles are branded to the effect that the same were on hand July 1, 1907.

Sec. 17. *Repeal.* All laws in conflict or inconsistent with, or repugnant to the provisions of this act, are hereby repealed.

Approved March 22, 1907. Laws, 1907, p. 247.

2293. *Druggists, etc., exempt.* Nothing herein shall be so construed as to prevent druggists, physicians or persons engaged in the mechanical arts from mixing and adulterating liquors for medicinal or mechanical purposes, to be by them used in their business.

Revised Statutes, 1906, vol. 2, chap. 15, p. 1434.

MONTANA.

The law regarding adulteration of drugs, effective March 8, 1907, differs materially from the Federal law. It is the duty of the prosecuting attorneys to attend to the prosecutions of all complaints regarding the adulteration of drugs. The manner in which they are to obtain information is somewhat vague. Definition for "adulteration" is comprehensive; contains no misbranding clause. Prior provisions of the pharmacy law of 1895 penalizing mislabeling and substitution appear to still be in force.

REGISTERED PHARMACISTS.

640. *Compounding or vending drugs; in charge of pharmacy.* It shall hereafter be unlawful for any person other than a registered pharmacist, as hereinafter defined, to retail, compound or dispense drugs, medicines or pharmacal preparations, in the state of Montana, or to institute, conduct or manage a pharmacy, store or shop for the retailing, compounding or dispensing drugs, medicines or pharmacal preparations, in the state of Montana, unless such person shall be a registered pharmacist, as this act provides, or shall place in charge of said pharmacy, store or shop, a registered pharmacist, except as hereinafter provided.

649. *Penalty.* Any person who is not a registered pharmacist in the meaning of this act, who shall keep a pharmacy, store or shop for the compounding and dispensing of physicians' prescriptions or for the sale of drugs, medicines, or chemicals, and who shall not have in his employ in said pharmacy, store or shop, a registered pharmacist, in the meaning of this act, shall for each and every such offense, be liable to a fine of two hundred and fifty dollars.

Codes, 1895, vol. 1, p. 88 and 91.

651. *Conditions of sale by others than registered pharmacists; provisos.* Any proprietor of a pharmacy, or other person, who shall permit the compounding and dispensing of physicians' prescriptions, or the vending of drugs, medicines or pharmacal preparations, in his store or place of business, except by a registered pharmacist, in the meaning of this act, or under the immediate supervision of a registered pharmacist, or who, while continuing in the pursuit of pharmacy in the state of Montana, shall fail or neglect to procure his annual registration, or any person who shall willfully make any false representations to procure for himself, or for another, registration under this act, or who shall violate any other provision of this act, shall, for each and every offense, be liable to a fine of one hundred dollars; *Provided*, That nothing in this act shall interfere with the business of those merchants who keep on sale such poisons, acids and chemicals as are regularly used in agriculture, mining and the arts, when kept and sold for such purposes only, in sealed and plainly labeled packages; *Provided*, also, that nothing in this act shall in any manner interfere with the business of any physician in regular practice, nor prevent him from supply-

ing to his patients such articles as may seem proper, nor with exclusive wholesale business of any dealers, except as hereinafter provided; *Provided*, also, that nothing in this act shall in any manner interfere with the business of merchants in towns having less than five hundred inhabitants, in which there is no licensed pharmacy, to sell or vend such medicines, compounds and chemicals as are required by the general public.

Codes, 1895, vol. 1, p. 91.

SALE OF POISONS.

654. *Regulating sale of certain poisons; proviso.* It shall be unlawful for any person from and after the passage of this Act to retail any of the following named poisons, to-wit: Arsenic, and its preparations, corrosive sublimate, white and red precipitate, biniodide of mercury, cyanide of potassium, hydro-cyanic acid, strychnine, and all poisonous vegetable alkaloids and their salts, the essential oil of almonds; opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce; aconite, belladonna, colchicum, conium, nux-vomica, digitalis, and their pharmaceutical preparations; croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid, oxalic acid; wood alcohol; without labeling the box, bottle, vessel, paper or package in which said poison is contained, with the name of the article and the word "poison," and the name and place of business of the seller. Also each label of such poison shall contain a concise statement of the principal antidotes for the poison so labeled. The label hereby required to be placed upon wood alcohol shall contain the following: "Warning." The fumes of wood alcohol burned in a close room, if inhaled are injurious to eyesight, often producing total blindness. Nor shall it be lawful for any person to deliver or sell any poisons enumerated above, unless upon due inquiry it be found that the purchaser is aware of its poisonous character, and represents that it be used for a legitimate purpose. The provisions of this Section shall not apply to the dispensing of poisons in not unusual quantities or dose upon the prescription of practitioners of medicine. Any person or persons violating the provisions of this Section shall be deemed guilty of a misdemeanor; *Provided*, however, that this Section shall not apply to manufacturers, making and selling at wholesale any of the above poisons, and provided that each bottle, box, vessel, paper, or package in which said poison is contained shall be labelled with the name of the article, the word "poison," and the name and place of business of the seller.

Laws 1907, chap. 156, pp. 403-404.

ADULTERATION OF DRUGS.

652. *Druggist responsible for quality of drugs.* The proprietors of all pharmacies shall be held responsible for the quality of all drugs and medicines and chemicals sold or dispensed at their respective places of business except patent and proprietary preparations and articles sold in the original packages of the manufacturer. Any person who shall willfully adulterate or alter, or cause or permit to be adulterated or altered, any drug, medicine, or pharmaceutical preparation, or shall sell or offer for sale any such adulterated or altered article, and any person who shall substitute, or cause to be substituted, one material for another, with the intention to defraud or deceive the purchaser, shall be guilty of a misdemeanor and liable to a prosecution therefor. All penalties collected for such violations shall be paid into the county treasurer of the county wherein such conviction may be had, for the benefit of the school fund of such county.

Codes, 1895, vol. 1, p. 92.

679. False labeling. Every apothecary, druggist or person carrying on business as a dealer in drugs or medicines, or person employed as clerk or salesman by such person, who, in putting up any drugs or medicines, willfully, negligently, or ignorantly, omits to label the same, or puts an untrue label, stamp or other designation of contents, upon any box, bottle or other package, containing any drugs or medicines, or substitutes a different article for any article prescribed or order, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor, or if death ensues, is guilty of a felony.

Codes, 1895, vol. 2, p. 862.

682. Manufacture and sale of adulterated products a misdemeanor. Every person who adulterates, or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor or wine, or any article used in compounding them, with a fraudulent intent, to offer the same or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, or keeps or offers for sale the same, as unadulterated or undiluted, is guilty of a misdemeanor.

683. Sale of decayed or unwholesome products a misdemeanor. Every person who sells, or keeps for sale, or otherwise disposes of any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled, or otherwise unwholesome, or unfit to be eaten or drank, with intent to permit the same to be eaten or drank, is guilty of a misdemeanor.

Codes, 1895, vol. 2, p. 863.

Sec. 1. Adulteration prohibited. No person shall sell, or offer for sale, any adulterated drug or substance to be used in the manner of medicine * * *.

Sec. 2. When deemed to be adulterated. If any drug or substance used for medicine sold under a name recognized by the United States pharmacopoeia, or in some pharmacopoeia, or other standard work of materia medica, differs materially from the standard of strength, quality or purity laid down in such work, or contains less of active principle than is contained in the genuine article, weight for weight, or falls below the professed standard under which it is sold, it shall be deemed to be adulterated within the meaning of this Chapter.

Sec. 4. Violations; penalty. Whoever adulterates, for the purpose of sale, any article of * * * drink, drug or medicine, or knowingly sells any adulterated article of food, or drink, or drug, or medicine, or any kind of deceased (diseased) (?) or unwholesome provisions, as defined in this Chapter, shall be imprisoned not exceeding one year in the county jail, or be fined not exceeding four hundred (\$400.00) dollars, or both such fine and imprisonment.

Sec. 9. Securing samples. Every person offering or exposing for sale any drug * * * within the meaning of this Chapter, shall furnish to any analyst, or other officer duly appointed for the purpose, who shall apply to him for the same and tender him its value in money, a sample sufficient for the purpose of analysis of such drug * * *.

Sec. 11. Penalty for hindering or obstructing enforcement of law. Whoever hinders, obstructs, or in way interferes with any inspector, analyst or other officers duly appointed hereunder, in the performance of his duty, shall be fined not exceeding fifty (\$50.00) dollars for the first offense, and one hundred (\$100.00) dollars for each subsequent offense.

Sec. 12. *Sample shall be delivered to defendant.* Before commencing the analysis of a sample, the analyst shall reserve a portion which shall be sealed, and in case of complaint or indictment, part of the reserved portion of the sample alleged to be adulterated shall, upon application, be delivered to the defendant or his attorney and part to the county attorney in the county where the complaint or indictment is found.

Sec. 16. *Record of sale of certain drugs shall be kept.* Every apothecary, druggist or other person who sells any arsenic, corrosive sublimate, nux vomica, strychnine, prussic acid, morphia, chloral hydrate, codine, (codeine), or cocaine, shall make a record of such sale in a book kept for that purpose, specifying the kind and quantity of the article sold and the time when, and the name of the person to whom such sale was made, which record shall be open to all persons authorized to inspect the same.

Sec. 17. *Violations; penalties.* Any person who violates any of the provisions of the preceding sections of this Act shall on conviction thereof, be fined not less than ten dollars nor more than one hundred dollars and each article, barrel or package sold in violation of this Act shall constitute a separate offense.

Sec. 18. *Shall not apply to physicians.* The two preceding sections shall not apply to physicians in their prescriptions or their prescriptions to their patients.

Sec. 19. *Prosecutions duty of prosecuting attorneys of the State.* It is hereby made the duty of the prosecuting attorneys of this state to appear for the people and to attend to the prosecution of all complaints under this Act in all the courts in their respective counties.

Sec. 20. *Goods which are exempt.* All goods purchased before March 1, 1907, by wholesale or retail dealers of this State only, are exempt from the provisions of this Bill until January 1, 1908. This exemption is held to extend to stocks of goods in the hands of the original manufacturers or packers of this state, contracted before March 1, 1907, and to the goods exempt under this Section, no matter how many times they change hands, provided that all such goods shall contain their true brand or formula.

Laws, 1907, chap. 175, pp. 466-471.

ADULTERATION OF LIQUOR.

Sec. 13. *Adulterating liquor with drugs.* Whoever adulterates, for the purpose of sale, any liquor used or intended for drink, cocculus indicus, vitrol (vitriol), grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, brazil wood, cochineal, sugar of lead, or any other substance which is poisonous or injurious to health, or knowingly sells any such liquor so adulterated, shall be fined not exceeding one thousand (\$1000.00) dollars, or be imprisoned for not exceeding one year in the county jail, or both such fine and imprisonment.

Laws, 1907, chap. 175, p. 469.

NEBRASKA.

The law regarding adulteration and misbranding of drugs, effective July 4, 1907, is similar to the Federal law. The misbranding clause is more comprehensive. The enforcement of the law is under the supervision of the governor, who is the food, drug, and dairy commissioner.

Cocaine is sold only upon original prescription.

REGISTERED PHARMACISTS.

4366. *Qualifications for practice of pharmacy.* No person other than a licentiate in pharmacy shall be entitled to registration as a pharmacist except as provided in section 3. Licentiates in pharmacy in the meaning of this act shall be such persons not less than eighteen years of age, who shall have had not less than three years practical experience in pharmacy and who shall have passed a satisfactory examination touching their competency before the board of examiners. Every such person shall before examination is granted, furnish satisfactory evidence that they are of temperate habits and pay to the board a fee of five dollars; *Provided*, That in case of the failure of any applicant to pass a satisfactory examination, the money shall be held to his credit for a second examination at any time within a year. The said board may grant certificates of registration without further examination to the licentiates of such other boards of pharmacy and graduates of such colleges of pharmacy as it may deem proper upon payment of a fee of five dollars (\$5.00), which shall be good only until the first regular meeting of the board thereafter. Licentiates in pharmacy shall at the time of passing their examination be registered by the secretary of the state board of examiners as registered pharmacists. (*Amended 1889, chap. 82, p. 560.*)

4370. *Compounding and vending drugs; penalty; proviso.* Any proprietor of a pharmacy, who not being a registered pharmacist, shall fail or neglect to place in charge of such pharmacy a registered pharmacist, or any such proprietor who shall by himself or any person, permit the compounding or dispensing of prescriptions or the vending of drugs, medicines, or poisons in his store or place of business, except by or in the presence of, or in and under the supervision of a registered pharmacist; or any person not being a registered pharmacist who shall take charge of or act as manager of such pharmacy or store, or who not being a registered pharmacist shall retail, compound or dispense drugs, poisons or medicines of any kind, or any person violating any provisions of this act to which no other penalty is herein attached shall be deemed guilty of a misdemeanor and for every such offense, and upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or shall be imprisoned not less than ten days nor more than ninety days; *Provided*, That nothing in this act shall be construed so as to prohibit a registered pharmacist from taking an apprentice to learn the business of pharmacy. (*Laws 1887, chap. 52, p. 507.*)

4371. Exceptions. Nothing in this act shall prevent any wholesale or retail dealers in any business from selling any patent or proprietary medicines, nor any resident registered physician from dispensing his own medicines on his own prescriptions.

Compiled Statutes, 1907, chap. 55, pp. 1088-1090.

7675. Penalty for prescribing medicine while intoxicated. If any physician, or other person, while in a state of intoxication, shall prescribe any poison, drug, or medicine, to another person, which shall endanger the life of such other person, he shall be punished by a fine of not more than one hundred dollars.

7676. Prescribing secret medicine; penalty. If any physician, or other person, shall prescribe any drug or medicine to another person, the true nature and composition of which he does not, if inquired of, truly make known, but avow the same a secret medicine or composition, thereby endangering the life of such other person, he shall be fined in any sum not exceeding one hundred dollars.

Compiled Statutes, 1907, Criminal Code, p. 1919.

9816. Penalty for itinerant vendors of drugs. Any itinerant vendor of any drug, nostrum, ointment, or appliance of any kind intended for the treatment of any disease or injury, or who shall by writing, printing, or any other method, publicly profess to cure or treat diseases or injury, or deformity, by any drug, nostrum, manipulation, or other expedient, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars (\$50) nor more than one hundred dollars (\$100), or be imprisoned in the county jail for a period of not less than thirty (30) days nor more than three (3) months, or both, in the discretion of the court, for each offense. (*Laws, 1891, chap. 35, p. 286.*)

Cobbey's Annotated Statutes, 1907, vol. 2, p. 3228.

SALE OF POISONS.

7677. Record; label; not sold to minors. Every apothecary, druggist, or other person who shall sell or give away, except upon the prescription of a physician, any article or articles of medicine belonging to the class usually known as poisons, shall be required: *First*, To register, in a book kept for that purpose, the name, age, sex, and color of the person obtaining such poison. *Second*, The quantity sold. *Third*, The purpose for which it is required. *Fourth*, The day and date on which it was obtained. *Fifth*, The name and place of abode of the person for whom the article is intended. *Sixth*, To carefully mark the word "poison" upon the label or wrapper of each package. *Seventh*, To neither sell or give away any article of poison to minors of either sex.

7678. Small quantities of "arsenic" to be mixed with soot or indigo before delivering to purchaser. No apothecary, druggist, or other person shall be permitted to sell, or give away, any quantity of arsenic less than one pound, without first mixing either soot or indigo therewith, in the proportion of one ounce of soot or half an ounce of indigo to the pound of arsenic.

7679. Penalty. Any person offending against the provisions of either of the last two preceding sections shall be fined in any sum not less than twenty nor more than one hundred dollars. *Laws, 1875, p. 4; Laws, 1899, chap. 96, p. 350.*

Compiled Statutes, 1907, Criminal Code, p. 1919.

7914a. Cocaine to be sold only on original prescription of physician. No apothecary, druggist or other person shall be permitted to sell or give away

any quantity of cocaine, except upon the prescription of a physician, said prescription not to be re-filled, provided that nothing in this act shall prohibit sale from manufacturers or wholesale dealers to retail druggists, physicians or dentists nor the use and prescription of these drugs by dentists in the practice of their profession.

7914b. Penalty. Every person offending against the provisions of this act, shall be fined in any sum not less than Twenty Dollars nor more than One Hundred Dollars. *Laws, 1905, p. 696.*

Compiled Statutes, 1907, Criminal Code, p. 1987.

ADULTERATION AND MISBRANDING OF DRUGS.

4372. Penalty; prosecution; board of pharmacy to employ chemist. No person shall add to or remove from any drug, medicine, chemical, or pharmaceutical preparation any ingredient or material for the purpose of adulteration or substitution, which shall deteriorate the quality, commercial value, or medical effect, or which shall alter the nature or composition of such drug, medicine, chemical or pharmaceutical preparation, so that it will not correspond to the recognized tests of identity or purity. Any person who shall thus willfully adulterate or alter, or cause to be adulterated or altered, or shall sell or offer for sale any such drug, medicine, chemical, or pharmaceutical preparation, or any person who shall substitute or cause to be substituted one material for another, with the intention to defraud or deceive the purchaser, shall be guilty of a misdemeanor and be liable to prosecution under this act. If convicted, he shall be liable to all the costs of the action, and for the first offense be liable to a fine of not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars, and for each subsequent offense a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars. On complaint being entered, the board of pharmacy is hereby empowered to employ an analyst or chemist, whose duty it shall be to examine into the so-called adulteration, substitution, or alteration, and report upon the result of his investigation, and if the said report shall be deemed to justify such action, the board shall duly cause the prosecution of the offender, as provided in this act. (*Laws 1887, p. 513.*)

Compiled Statutes, 1907, Criminal Code, chap. 55, p. 1090.

3666. Regulating the sale of drugs, etc. Sec. 1. (Commission Created.) There is hereby created a Food, Dairy and Drug Commission for the State of Nebraska, for which the usual facilities for transacting its business and carrying out the provisions of this act shall be furnished, the same as for other executive departments of the state government.

3667. Governor is dairy and food commissioner. The Governor of this State is hereby made the Food, Drug and Dairy Commissioner of said Commission and there is hereby devolved upon him the duty of executing all the provisions of this act and all other acts in force or which may be hereafter enacted relating to food, drug and dairy products; and to facilitate him in the discharge of his duties he is hereby required to appoint a Deputy Commissioner who shall receive a salary of eighteen hundred dollars per annum. Said Deputy Commissioner shall keep an accurate account of the expenses of his office, and file monthly itemized statements of such expenses with the Auditor of Public Accounts; he shall hold his office at the pleasure of the Governor, and shall aid him in discharging the duties which devolve upon said food, drug and dairy commissioner. He shall be a person of standing, skill, ability and knowledge concerning chemistry, drugs, food products and dairy products.

3668. Said Deputy Commissioner shall give bond in the sum of \$3,000 to be approved by the Governor. He shall be authorized to employ a stenographer at a salary of \$70 per month; and he may, with the approval of the Governor, appoint a Chemist at a salary of fifteen hundred dollars (\$1500) per annum. It shall be the duty of said chemist to make full analyses of all samples of food, drug and dairy products submitted to him for that purpose by said commissioner or his deputy and make and preserve in his office at the time a full and complete record thereof. A true copy of said record certified by said chemist shall be deemed and received as prima facie evidence of the facts in said record recited. The Deputy Commissioner may, with the approval of the Governor, appoint not to exceed two Drug and Food Inspectors, and not to exceed four dairy inspectors. * * * Said food, drug and dairy inspectors and each of them shall hold their respective positions at the pleasure of the Governor and shall receive as compensation for their services not to exceed the sum of \$3 per day in addition to their actual and necessary traveling expenses. The Deputy Commissioner shall make an annual report to the Governor the same as other state officers, on or before the first day of November of each year, giving in a concise manner in said report a full statement of the conditions of the foods, drugs and dairy products of the state, and accounting for all receipts and disbursements of his office. Said report shall be printed and published and distributed the same as reports of other state officers, and in June and December of each year said deputy shall furnish to the clerk of each county of the state a certified list of all adulterated foods, food products, liquors, beverages, medicines and remedies as found by any analysis, showing the name and brand of the article, the manufacturer, and the name of the injurious adulterant. Said list shall at all times be subject to public inspection.

3669. Samples for analysis. Sec. 4. The Deputy Commissioner, Inspectors or any person by said Deputy Commissioner duly appointed for that purpose, is at all times authorized upon payment therefor the full value thereof to the person entitled thereto, to seize or take possession of sample of any and all liquors, beverages, medicines, remedies, and all foods, drugs, or substitutes therefor or imitations thereof kept for sale, exposed for sale, or held in possession or under the control of any person which, in the opinion of the Deputy Commissioner, Inspectors or any such person by him duly appointed, shall be contrary to the provisions of this act, and if on analyses of such samples they are found to be adulterated or misbranded within the meaning of this act then the remainder of said articles may be seized by said officers.

First. The person making such seizure as aforesaid shall take from such goods as seized, three samples, two samples to be delivered to the State Chemist, and the other sample so taken shall be preserved in the laboratory of the Commission, and upon application, be delivered to any defendant in any prosecution under this act when applied for by his attorney. All the aforesaid samples to be sealed when taken.

Second. That any person who shall obstruct the Deputy Commissioner, Inspectors, or any person by him duly appointed, by refusing to allow entrance to any place where he is authorized to enter in the discharge of his official duty, or refuse to deliver to him sufficient samples for the analysis of any liquors, beverages, medicines, remedies, or food or drug, grown, manufactured for sale, sold or offered for sale, or in his possession for the purpose of sale, where the same may be found, when the same is requested, and when the value thereof is tendered, shall be punished as hereinafter provided.

3670. Prosecution. If it shall appear from the report of the Chemist that any of the provisions of this act have been violated, the Deputy Commissioner

shall certify the facts to the proper County Attorney with a copy of the results of the analysis, duly authenticated by the Chemist under oath. It shall be the duty of every County Attorney to whom the Deputy Commissioner shall report any violation of this act, to cause proceedings to be commenced and prosecuted without delay for the recovery of the fines and penalties in such cases provided.

3671. Term "drug" defined. That the term "drug" as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for the internal or external use, and any substances or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or animals.

3672. When deemed to be adulterated. That for the purpose of this act an article shall be deemed to be adulterated. In case of drugs:

First. If when a drug is sold under or by the name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of the investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength or purity be plainly stated upon the bottle, box, or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold, or if falsely labeled or described in any respect on the label or if the claims made for the same on the label are not true.

* * * * *

3673. Term "misbranded" defined. That the term "misbranded" as used herein, shall apply to all drugs, malt, spirituous or vinous liquors, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or devise regarding such article which shall be false or misleading in any particular, and to any food or drug product, or malt, spirituous or vinous liquor, which is falsely branded as to the State, Territory, place, or country in which it is manufactured or produced.

That for the purpose of this act an article shall also be deemed to be misbranded:

In the case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, phenacetin (acetphenetidine), antipyrine, or any other of the coal tar preparations, belladonna, or any derivative or preparation of any such substances contained therein.

* * * * *

3674. Establishing guaranty. That no dealer shall be prosecuted under the provisions of this act when he can establish a bona fide guaranty signed by the wholesaler, jobber, or manufacturer, in this state, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it, and that he had no knowledge of such adulterations or misbrand at the time the same was purchased. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or

parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

3675. *Disposition of condemned articles.* Any article of food or drug, as defined in this Act, which is condemned as being adulterated or misbranded, unclean, unwholesome, or of a poisonous or deleterious character, within the meaning of this act, the same shall be disposed of by destruction or sale, as the court may direct, before whom the person or persons, company or corporation in whose possession or ownership the said condemned article was found, was or were convicted, and the proceeds of such condemned article, if sold, less the legal costs and charges, shall be paid into the treasury of the State, but such article shall not be sold in the jurisdiction of the court, or in any part of the State, to be used contrary to the provisions of this act, or any other laws of this state.

3676. *The word "person" as used in act defined.* The word "person," as used in this Act, shall be construed to import both the singular and the plural, as the case demands and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission or failure of any officer, agent or any other person acting for or employed by any corporation, company, society or association, within the scope of employment of his office, shall in every case be also deemed to be the act, omission or failure of such corporation, company, society or association as well as that of the person.

3677k. *Misbranded or adulterated articles prohibited.* That no person shall within this state manufacture for sale therein, or have in his possession with intent to sell, offer or expose for sale, or sell any liquors, beverages, remedies, medicines, or article of food or drug which is adulterated or misbranded within the meaning of this act.

3677l. *Violation of act, penalty.* Any person violating any provision of this act shall upon conviction thereof be fined in a sum not less than \$10.00 nor more than \$100.00 at the discretion of the court, and shall pay the costs of prosecution and stand committed to the common jail until said fine and costs are paid; and in addition thereto the license, permit and apportionment of any inspector or testor who shall have been convicted of any violation of Section XX of this act shall ipso facto be revoked, and in the event he is in the service of said commission he shall forthwith be dishonorably discharged therefrom.

In all prosecutions under this act it shall be a defense if the defendant shall prove said goods were in the state of Nebraska on the first day of April, 1907.

3677m. Chapter 33 of the Compiled Statutes of Nebraska, Edition of 1903, entitled "Food Commission," and Section 234, 240a, 240b, 240c, 240d, and 240e of the Criminal Code of the State of Nebraska, is hereby repealed. *Approved April 5, 1907. Laws 1907, chap. 63, p. 256.*

Compiled Statutes, 1907, chap. 33, pp. 900-904d.

ADULTERATION OF LIQUORS WITH DRUGS.

7163. *Penalty.* Every person so licensed, or any other person, who shall intentionally or otherwise, sell or give away, or direct, or permit any person or persons in his employ to sell or give away any malt, spirituous, or vinous liquors, which shall be adulterated with strychnine, strontia, sugar of lead, or any other substance, shall forfeit and pay the sum of one hundred dollars for every such offense. An analysis made by a practical chemist shall be deemed competent testimony under the provisions of this section.

Compiled Statutes, 1907, chap. 33, pp. 900-904d.

NEVADA.

The pharmacy act contains a general section prohibiting the adulteration of drugs, effective April 28, 1901. The board of pharmacy is authorized to investigate only upon written complaint of specific violations and, if confirmed, to notify the district attorney, who shall prosecute. There had been no prosecutions under this act at the close of the year 1907.

REGISTERED PHARMACISTS.

Sec. 4. *Qualifications for practice of pharmacy.* Said Board (of Pharmacy) shall issue a certificate to any person who shall have been regularly engaged in the practice of pharmacy in this State for five years immediately preceding the passage of this Act, or who shall present to the Board a satisfactory diploma or license from a reputable College of Pharmacy, or Board of Pharmacy within the United States, or who, after an examination by said Board, shall be found qualified to practice pharmacy. When the Board is not in session its Secretary may issue a temporary certificate: *provided*, the applicant therefor shall have deposited the usual fee and filed with said Secretary his diploma or license from some reputable and legally chartered College of Pharmacy or Board of Pharmacy, in good standing, within the United States, and such temporary certificate shall entitle the holder to practice pharmacy until the next regular meeting of said Board. All examinations of applicants to practice pharmacy shall be thorough and searching and shall be in the following branches: Theory and practice of pharmacy; pharmacognosy, chemistry, botany, materia medica, vegetable histology, physiology and prescription work; and prior to such examination the Board shall have satisfactory proof that the applicant has had at least a grammar school preliminary education, and not less than four years experience in pharmacy work or in compounding physicians' prescriptions. In case of failure to pass, the Board shall grant a second examination within one year without additional fee. The Board may judge whether the College of Pharmacy, or Board of Pharmacy, which issued any diploma or license presented to it, is reputable and legally chartered and worthy of recognition, subject to the action of the courts in case of abuse of its discretion in this respect.

Statutes, 1901, chap. 111, p. 125.

Sec. 15. *Penalty for violation of pharmacy law.* Any person practicing pharmacy or compounding drugs or medicines or filling physicians' prescriptions in this State, without first complying with the provisions of this Act, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, or by imprisonment in the county jail for not less than fifty days, nor more than one hundred and eighty days for each and every offense, or by both such fine and imprisonment. Any person may institute proceedings at law provided for in this Act, and it shall be the

duty of the Board of Pharmacy, or any member thereof, whenever satisfied that any of the provisions of this Act have been violated, to institute, or cause to be instituted, the proper proceedings for punishment thereof.

Statutes, 1901, chap. 111, p. 127.

Sec. 9. *Negligence in dispensing drugs a misdemeanor; penalty.* Any person who shall, after the passage of this Act, fail to use due care and reasonable caution, or who shall be grossly negligent in compounding drugs or in the filling of prescriptions, to the jeopardy of the health or life of the public, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred or more than five hundred dollars, or by imprisonment in the county jail for not less than fifty days nor more than one hundred (and) eighty days for each and every offense, or by both such fine and imprisonment.

Sec. 10. *Certificate may be refused or revoked.* The Board may refuse a certificate to any individual guilty of unprofessional or dishonorable conduct, or when said Board shall be advised by satisfactory and competent proof that the applicant for such certificate is unduly careless, grossly negligent, or fails to use reasonable precaution in the compounding of drugs or the filling of prescriptions, to the jeopardy of the health or life of the public; and it is hereby further provided that, upon conviction of the offense set forth in section nine of this Act, the certificate to practice pharmacy granted to the person so convicted shall be in writing by the Board of Pharmacy forever revoked, and a copy of such revocation shall be furnished the respective County Clerks and County Recorders of the several counties within this State, and it shall be the duty of the respective County Clerks to keep and file said revocation and also to keep a list of the persons whom said revocations name; and it shall be the duty of the respective County Recorders to record in their offices in the proper book of record said revocations. In all cases of refusal or revocation, except in cases of conviction of the offense provided for in section nine of this Act, the party aggrieved may appeal to the Courts for adjudication of the controversy.

Statutes, 1901, chap. 111, p. 126-7.

SALE OF POISONS.

Sec. 18. *Labels; record; penalty.* It shall be unlawful for any person or persons to retail any poisons enumerated in Schedules "A" and "B," appended to this Act, without labeling the box, bottle or paper in which said poison is contained with the name of the article, the word poison, and the name and place of business of the seller, nor shall it be lawful to sell or deliver any poison mentioned in Schedules "A," and "B," unless on inquiry it is found that the buyer is aware of its poisonous character, and that it is to be used for a legitimate purpose, nor shall it be lawful to sell or deliver any poison included in Schedule "A" without making, or causing to be made, an entry, in a book kept for that purpose only, stating the date of sale, the name and address of purchaser, the name and quantity of the poison sold, the purpose for which it is stated by the purchaser to be required and the name of the dispenser; said book to be always open for inspection by the proper authorities, and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poisons when prescribed by practitioners of medicine, nor to the sale of poisons if in ^a a single bottle, box or package does not contain more than one ordinary

^a So in Statutes.

dose. Dealers shall affix to every bottle, box, parcel or other enclosure of any original package containing any of the articles mentioned in Schedules "A" and "B" of this Act, a suitable label or brand with the word "POISON," but they are hereby exempted from the registration of the sale of such articles when sold at wholesale or to a registered pharmacist or physician. Any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by fine not exceeding fifty dollars.

Sec. 19. *Filling of prescriptions; penalties; exceptions; poison schedules.* Any registered or licensed pharmacist who shall in his place of business permit the compounding or dispensing of drugs or the filling of prescriptions of medical practitioners of this State by persons not licensed by the Board of Pharmacy, and any person not duly licensed by said Board, who shall compound or dispense drugs or fill the prescriptions of medical practitioners within this State, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for the first offense, and not less than one hundred dollars nor more than five hundred dollars for every subsequent offense. Nothing in this Act shall apply to or interfere with the business of any practitioner of medicine who does not keep a pharmacy or open shop for the retailing of medicine or poison, nor with the exclusive wholesaling business of any dealer, except that portion of section eighteen which relates to marking or labeling certain poisons mentioned in this Act; nor shall general dealers come under the provisions of this Act in so far as it relates to the keeping for sale of proprietary medicines in original packages of drugs and medicines, but in no case shall they compound or prepare any pharmaceutical preparations or prescriptions.

SCHEDULE "A."

Arsenic, corrosive sublimate, cyanide of potassium, hydrocyanic acid, strychnia, cocaine, and all other poisonous vegetable alkaloids and their salts, opium and all its preparations excepting those which contain less than two grains to the ounce.

SCHEDULE "B."

Aconite, belladonna, cocaine, colchium, conium, nux vomica, savin, cantharides, phosphorus, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral, sulphate of zinc, sugar of lead, mineral acids, carbolic acid, oxalic acid, white precipitate, red precipitate, biniodide of mercury, and essential oil of almonds.

Statutes, 1901, chap. 111, pp. 128-129.

ADULTERATION OF DRUGS.

Sec. 17. *Penalty; investigation.* No person shall add to or remove from any drug, chemical or medical preparation any ingredient or material for the purpose of adulteration or substitution or which shall deteriorate the quality, commercial value or medical effect, or alter the nature or composition of such article, and no person shall knowingly sell or offer for sale any such adulterated, altered or substituted drug, chemical or medical preparation without first informing the purchaser of the adulteration or sophistication of the article sold or

offered for sale. Any person who shall willfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars for the first offense, and for each subsequent offense a fine of not less than fifty dollars nor more than one hundred dollars. On written complaint being entered against any person or persons charging them with specific violation of any of the provisions of this section, the Board of Pharmacy is hereby empowered to delegate one of its members, or other suitable person, who shall have authority to inspect drugs, chemicals or medicines, and to make a thorough investigation of the case; he shall then report the result of his investigation, and, if such report justify such action, the Board shall notify the proper District Attorney, who shall prosecute the offender according to law.

Statutes, 1901, chap. 111, p. 128.

NEW HAMPSHIRE.

The law regarding adulteration and misbranding of drugs, effective October 1, 1907, is almost identical with the Federal law. The enforcement of the law is under the jurisdiction of the State board of health.

REGISTERED PHARMACISTS.

Sec. 1. *Conduct of drug stores.* No person shall conduct or keep a shop of any kind in this state for the purpose of retailing drugs, medicines, or such chemicals as are used in compounding medicines, or engage in the business of compounding and putting up prescriptions of physicians and selling medicines, either as proprietor, agent, or assistant, without first having obtained a certificate from the commissioners appointed under the provisions of this chapter; but it shall be lawful for any person to sell proprietary medicines, or be an owner in the stock in trade in any druggist or apothecary's shop, if he takes no part in conducting or keeping the shop. (*Laws 1875, p. 442.*)

Sec. 4. *Qualifications.* They (the committee of pharmacy and chemistry) shall examine any person desiring to engage in the business of apothecary and druggist, and, if found skilled and learned in pharmacy, shall give to him a certificate, stating that he is a skilled pharmacist and authorized to engage in the business of apothecary and druggist.

Sec. 5. "Registered assistant" not entitled to manage store. They (i. e., "the commission of pharmacy and practical chemistry") shall examine all applicants over eighteen years of age who have served two years under a registered pharmacist, and grant to such as pass satisfactory minor examinations a certificate as "registered assistant." Such certificate shall not entitle the holder to act as manager of a drug store or pharmacy. (*Laws 1889, p. 84.*)

Sec. 10. *Penalty.* If any person shall engage in the business of retailing and vending, directly or indirectly, drugs, medicines, and chemicals, and in dispensing medicine and compounding physicians' prescriptions, without being registered as provided by this chapter or the law heretofore in force, he shall be punished by a fine not exceeding fifty dollars for each week he shall continue the business without being so registered. (*Laws, 1875, p. 443.*)

Sec. 11. *Physicians may dispense their own prescriptions.* The provisions of this chapter shall not be so construed as to apply to physicians compounding and putting up their own prescriptions. (*Laws 1875, p. 443.*)

Public Statutes and Session Laws, 1901, chap. 135, p. 431-433.

Sec. 12. *Commissioners charged with enforcement of foregoing sections.* It shall be the duty of the commissioners to enforce the provisions of this chapter. For actual services and necessary expenses in the performance of this duty, they shall be paid from the state treasury such sums as the governor and council may determine and approve.

Laws 1901, p. 540.

SALE OF POISONS.

Sec. 13. Record. Every apothecary, druggist, or other person who sells any arsenic, corrosive sublimate, nux vomica, strychnine, or prussic acid, shall make a record of such sale in a book kept for that purpose, specifying the kind and quantity of the article sold, and the time when and the name of the person to whom such sale is made, which record shall be open to all persons who may wish to examine the same.

Sec. 14. Penalty. Any person who shall violate the provisions of the preceding section shall be fined not exceeding one hundred dollars.

Sec. 15. Physicians' prescriptions excepted. The two preceding sections shall not apply to physicians, in their prescriptions or recipes to their patients. *Laws 1848, ch. 736, as amended, Laws 1850, p. 966.*

Public Statutes and Session Laws, 1901, chap. 269, p. 814 et seq.

ADULTERATION AND MISBRANDING OF DRUGS.

Sec. 1. Sale of adulterated drugs prohibited. No person, firm or corporate body shall, within the state, manufacture for sale, offer for sale, have in possession with intent to sell, or sell any adulterated or misbranded drug or substance to be used in the manner of medicine.

Sec. 2. * * * Term "drug" defined. The term "drug" as used herein shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary, for internal and external use and any substance intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

Sec. 3. When an article is deemed to be adulterated. For the purposes of this act an article shall be deemed to be adulterated:

* * * * *

In the case of drugs:

First, If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: Provided: That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

Sec. 4. Term "misbranded" defined. The term "misbranded" as used herein, shall apply to all drugs * * * the package or label of which shall bear any statement, design, or devise regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory or country in which it is manufactured or produced.

That for the purposes of this act an article shall be deemed to be misbranded:

* * * * *

Drugs shall be deemed to be misbranded:

First. If the article be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha, or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances contained therein.

Sec. 5. Guaranty to afford protection. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchased such articles, to the effect that the same in original or unbroken packages is not adulterated or misbranded within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles, to such dealer.

Sec. 6. Vendor of adulterated drugs can not collect price by civil action. From and after the passage of this act, in all civil actions to recover the purchase price of any product used for * * * or medicine by man, it shall be competent for the defendant in every such case, to prove that the product was adulterated or misbranded within the meaning of this act, and proof thereof having been made, shall amount to a good and legal defense of the whole of the plaintiff's demand.

Sec. 7. State Board of Health to formulate rules and regulations; shall make examinations and publish bulletin. The state board of health shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of * * * drugs manufactured, offered for sale, or sold in this state. The examination of foods and drugs shall be made at the laboratory of the state board of health, and the results of such examination shall be published in the bulletin issued by the state board of health.

Sec. 8. Report violations. It shall be the duty of the state board of health, whenever it has satisfactory evidence of the violation of any of the provisions of this act, to report the facts to the county solicitor of the county where the offense occurred, and the said county solicitor shall prosecute the case to final judgment.

Sec. 9. Violations; penalties; etc. Any person, firm, company, or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished for each offense by a fine of not less than twenty-five dollars nor more than two hundred dollars, or shall be imprisoned for a term not exceeding six months, or by both fine and imprisonment.

Sec. 10. Disposition of fines. All fines collected for the violation of the provisions of this act shall be paid to the state treasurer, who shall deposit such money to the credit of a fund to be used toward carrying out the provisions of this act, to be drawn against under the approval of the governor and council.

Sec. 11. Repeal. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 12. Effect. This act shall take effect and be in force on and after October 1, 1907.

Approved March 7, 1907. Laws 1907, chap. 48, pp. 45-49.

Sec. 5. Samples must be furnished for analysis. Every person offering or exposing for sale any drug or article of food within the meaning of this chapter, shall furnish to any analyst, or other officer duly appointed for the purpose, who shall apply to him for the same and tender him its value in money a sample sufficient for the purpose of the analysis of such drug or article of food.

Sec. 7. *Penalty for hindering inspector.* Whoever hinders, obstructs, or in any way interferes with any inspector, analyst, or other officer appointed hereunder, in the performance of his duty, shall be fined not exceeding fifty dollars for the first offense and one hundred dollars for each subsequent offense. *Laws 1891, p. 333.*

Public Statutes and Session Laws, 1901, chap. 269, pp. 814-815.

ADULTERATION OF LIQUORS WITH DRUGS.

Sec. 10. *Penalty.* Whoever adulterates, for the purpose of sale, any liquor used or intended for drink, with cocculus indicus, vitrol, grains of paradise, opium, alum, capsicum, copperas, laurel-water, logwood, Brazil wood, cochineal, sugar of lead, or any other substance which is poisonous or injurious to health, or knowingly sells any such liquor so adulterated, shall be fined not exceeding one thousand dollars, or be imprisoned not exceeding one year. (*Laws 1860, p. 2246.*)

Public Statutes and Session Laws, 1901, chap. 269, p. 815.

NEW JERSEY.

The law regarding adulteration and misbranding of drugs, effective October 1, 1908, is similar to the Federal law. The enforcement of the law is under the jurisdiction of the State board of health. The standards of quality and purity fixed by this State are to be in harmony with those adopted for the enforcement of the Federal law. Municipal boards of health may also act. United States Pharmacopœia and National Formulary preparations and prescriptions are exempt from the declaration and apparently from the substitution provision of the misbranding clause. Sale of United States Pharmacopœia and National Formulary preparations deviating from the standard, except in the case of preparations of opium, iodine, ginger, camphor, or peppermint, is not forbidden if truly labeled.

Cocaine, opium, morphine, and preparations containing same are sold only upon original prescription of physician.

REGISTERED PHARMACISTS.

Sec. 2. *Conduct of pharmacy; compounding medicines, etc.* From and after the passage of this act it shall not be lawful for any person not a registered pharmacist, within the meaning of this act, to conduct any store or pharmacy, or to employ any unregistered pharmacist or unregistered assistant for retailing, dispensing or compounding drugs, medicines or poisons, or for any one not a registered pharmacist or registered assistant to prepare and dispense physicians' prescriptions, or to retail or dispense medicines or poisons, except under the immediate supervision of a registered pharmacist; this section shall not be so construed as to prohibit the employment in pharmacies or drug stores, of apprentices, but such apprentices or other unregistered employes shall not be allowed to prepare, compound and dispense prescriptions, or to sell or furnish medicines, prescriptions or poisons, except in the presence of and under the personal supervision of a registered pharmacist of this state, who must either be the proprietor or owner of said store or pharmacy, or in the actual employ of such proprietor or owner; and for the violation of this section the owner, corporation, association, copartnership or person being the owner or proprietor of said store or pharmacy shall be equally liable as principal for said violation.

Sec. 4. *Qualifications for practice of pharmacy.* Every person applying for registration as a pharmacist under this act shall not be less than twenty-one years of age, and shall have been an apprentice for at least four years, two of which may have been spent in a college of pharmacy or if the applicant comes from another state, he or she shall furnish satisfactory evidence that he or she has had preliminary education and practical experience equal to the requirements of this act, and each applicant shall pay to the secretary of the board of pharmacy a fee of ten dollars and upon passing an examination satisfactory to said board, he or she shall receive from said board a certificate of registration.

SALE OF POISONS.

Sec. 6. Labels, poison schedules. It shall not be lawful for any person to retail or dispense any of the poisons enumerated in "schedule A," appended to this section, or any other substance commonly recognized as a deadly poison, or any substance which in doses of five grains or less is destructive of human life, without distinctly labeling with a red label the bottle, box, can or container or wrapper in which said poison is contained, with the name of the article and the word "poison" and the name and place of business of the dispenser, and not without being satisfied that the purchaser is aware of its poisonous nature and intends to use it for a legitimate purpose, and it shall be unlawful for any person to give a fictitious name or make any false representations to the seller when buying any of the poisons thus enumerated, but the penal provisions of this act shall not apply to the sale of such poisons as are used in the arts, agriculture or in manufacturing to persons known to be engaged in such pursuits; nor to the dispensing of poisons upon the prescription of a practicing physician.

SCHEDULE A.

Arsenic and its compounds and chemical derivatives, corrosive sublimate and other poisonous derivatives of mercury, phosphorous and its poisonous derivatives, prussic acid and its poisonous derivatives, tartar emetic and other poisonous derivatives of antimony, sugar of lead and other poisonous derivatives of lead, essential oil of bitter almonds, oils of tansy, pennyroyal, rue, savin and croton, carbolic acid, oxalic acid, and mineral acids, cocaine, strophanthus, cocculus indicus, chloroform, chloral hydrate, aconite, belladonna, conium, cantharides, digitalis, hyocyamus, nux vomica, Indian hemp, veratrum veride, yellow jessamine, opium, their alkaloids and other preparations (except paragoric^a and other preparations of opium having less than two grains to the ounce), ergot, savin, cotton root and their preparations.

Sec. 7. Violations and penalty. Any person or persons who shall establish or conduct any pharmacy or drug store for the retailing, dispensing or compounding of drugs, medicines, physicians' prescriptions or poisons, not being a duly registered pharmacist of this state, or shall be engaged as clerk or assistant or apprentice in any store or pharmacy, and retailing, dispensing or compounding drugs, medicines or physicians' prescriptions, not having first obtained a certificate of registration as a pharmacist or registered assistant in accordance with the provisions of this act; or, being a duly registered pharmacist or registered assistant or an apprentice, shall violate any of the provisions of this act, or shall adulterate or sell any adulterated drug, medicine or chemical; or any person who shall procure or attempt to procure registration for himself or herself or any other person under this act, by making or causing to be made any false representations, or shall fraudulently represent himself or herself to be registered in accordance with this act, or any person who shall violate any of the provisions of this act, shall forfeit and pay for each and every offense the sum of one hundred dollars (together with costs) as a penalty therefor; to be sued for and recovered by and in the name of "The Board of Pharmacy of the State of New Jersey."

Sec. 9. Exemptions. Nothing in this act shall be so construed to apply to or in any manner interfere with the strictly professional pursuits of any physician, nor with the making and vending of non-poisoning patent or proprietary medicines, nor with the sale of simple non-poisonous domestic remedies by retail

^a So in Statutes.

dealers in rural districts, nor with the ownership of any pharmacy or store, in whole or in part, by any person not a registered pharmacist; *provided*, such pharmacy or store be at all times in charge of a registered pharmacist; and any person holding any certificate of registration granted under any former act, with the renewal certificate thereof, shall be considered a registered pharmacist within the meaning of this act.

Laws 1901, chap. 51, pp. 86-91.

REGULATING SALE OF COCAINE, OPIUM, MORPHINE, ETC.

Sec. 1. *Narcotics delivered only by prescription.* Any person who shall sell, give away, furnish or dispose of the alkaloid cocaine, or its salt, alpha or beta eucaine, or their salts, opium, morphine, codeine, chloral, or any of the derivatives of chloral, or who shall sell, give away, furnish or dispose of any admixtures of cocaine or eucaine or any patent or proprietary remedy containing cocaine or eucaine, except on the written prescription of a duly licensed and practicing physician, shall be guilty of a misdemeanor.

Sec. 2. *Prescriptions preserved.* Any person who shall fill a prescription for any of the substances, admixtures, or remedies mentioned in the first section hereof, more than once, or who shall fail to retain and preserve any such prescription after dispensing the same, for at least five years, or who shall take or permit another to take a copy of any such prescription, shall be guilty of a misdemeanor.

Sec. 3. *May not bring into State drugs wrongfully obtained.* Any person who shall bring into this State, or have in his possession any of the substances, admixtures or remedies mentioned in the first section hereof, which may have been purchased or otherwise obtained in another State contrary of the law of that State shall be guilty of a misdemeanor.

Sec. 4. *Legitimate use.* Notwithstanding anything herein contained it shall not be unlawful for any duly licensed practicing physician, dentist or veterinarian to use, sell or give away any of the substances, admixtures or remedies mentioned in the first paragraph hereof, for a legitimate or necessary purpose in the practice of his profession. Any physician, dentist or veterinarian who shall give to any person a prescription or order for, or sell or give away any of the substances, admixtures or remedies mentioned in the first section hereof, except for a legitimate and necessary purpose in the practice of his profession, shall be guilty of a misdemeanor.

Sec. 5. *Wholesale; poison label; provisos.* Notwithstanding anything hereinbefore contained the substances, admixtures and remedies mentioned in the first section hereof, may be sold at wholesale, by any person regularly engaged in the wholesale drug trade and by any duly registered druggist, upon the written order of a duly registered druggist, licensed physician, dentist, or veterinarian, *provided*, that such wholesale dealer or registered druggist, shall affix or cause to be affixed to each bottle, box, vessel or package containing the article sold and upon the outer wrapper of the package as originally put up a label distinctly displaying the name and quantity of the article sold and the word "Poison," with the name and place of business of the seller, all printed in red ink; and *provided also*, that such wholesale dealer or registered druggist shall before delivering any of said articles, make or cause to be made in a book kept for that purpose, an entry of the sale thereof, stating the date of the sale, the quantity, name and form, in which sold, the name and address of the person purchasing the same and by whom the entry is made, and the said book shall be always open for inspection by the proper authorities, and shall

be preserved for at least five years after the date of the last entry made therein.

Sec. 6. Effect. This act shall take effect immediately.

Approved April 13, 1908. Laws, Session of 1908, chap. 197, pp. 399-400.

DISTRIBUTION OF SAMPLES.

Sec. 1. Restriction by municipalities, etc. It shall be lawful for the common council or other governing body of any city, town, township, borough or other municipality within this state, by ordinance, to regulate and prohibit the distribution, depositing or leaving on the public streets, highways, public places, or on private property, or in any private place or places within any such municipality, any medicine, medicinal preparation or preparation represented to cure ailments or diseases of the body or mind, or any samples thereof, or any advertisements or circulars relating thereto; *provided, however*, that such municipality shall not be authorized to prohibit a delivery of any such article by handing the same to any person above twelve (12) years of age willing to receive the same.

Sec. 2. Penalty. It shall be lawful for any such municipality, in and by any such ordinance, to provide for the imposition of a penalty of fifty dollars for the violation thereof.

Laws 1904, chap. 88, p. 202.

ADULTERATION AND MISBRANDING OF DRUGS.

Sec. 1. Manufacture, sale, etc., of adulterated or misbranded drugs forbidden. No person shall distribute or sell, or manufacture for distribution or sale, or have in his possession with intent to distribute or sell, any article of * * * drug which under any of the provisions of this act is or shall be deemed to be adulterated or misbranded.

Sec. 2. Term "drug" defined. The term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used internally or externally for the cure, mitigation or prevention of disease of man or animal.

Sec. 3. When deemed to be adulterated; proviso. For the purposes of this act an article shall be deemed to be adulterated—

In the case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia, or National Formulary, it differs from the standard of strength, quality or purity (as determined by the test) laid down in the United States Pharmacopœia, or National Formulary, official at the time of investigation; *provided*, that no drug sold under or by a name recognized in the United States Pharmacopœia, or National Formulary, except the official preparations of opium, iodine, camphor, ginger or peppermint, shall be deemed to be adulterated under this section if the standard of strength, quality or purity be plainly and correctly stated upon the bottle, box or other container thereof, although the standard may differ from that laid down in such United States Pharmacopœia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

Sec. 4. Term "misbranded" defined; proviso. The term "misbranded," as used herein, shall apply to all drugs * * * the package or label of which shall bear any statement, design or device regarding such article, or the ingre-

dients or substances contained therein, which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory or country in which it is manufactured or produced.

For the purposes of this act an article shall also be deemed to be misbranded—
In the case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, acetphenetidine, phenacetin or antipyrin, or any derivative or preparation of any such substances contained therein; *provided*, that nothing in this subdivision contained shall be construed to apply to such preparations as are specified and recognized by the United States Pharmacopoeia or National Formulary, which are in accordance therewith, or to the compounding of family or domestic recipes, or the filling of prescriptions furnished by practicing physicians, dentists or veterinarians, the originals of which recipes and prescriptions are retained and filed by the druggists compounding or filling the same; *and provided further, however*, that nothing in this act contained shall be construed to apply to such drugs or medicines as are personally dispensed by legally licensed physicians, dentists or veterinarians in the course of their practice as such physicians, dentists or veterinarians. (*Secs. 3 and 4 amended April 16, 1908, Laws, Sess. of 1908, chap. 308, pp. 629-633.*)

Sec. 5. Articles intended for export; proviso. No article shall be deemed to be adulterated or misbranded within the meaning of this act when specially prepared for export to any foreign country, if such article shall be prepared and packed according to the directions of the foreign purchaser, and if no substance is used in the preparation or packing of such article which is prohibited by the laws of the foreign country for export to which said article was prepared; *provided*, that if such article shall be sold or offered for sale for use or consumption within the United States of America, then all the provisions of this act, with regard to adulteration and misbranding, shall apply thereto. (*Amended April 13, 1908, Sess. Laws, 1908, chap. 242, p. 477.*)

Sec. 25. Taking of samples; proviso. Every person who shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any * * * drug, shall, on the request therefor and the tender of the value thereof by any chief or other inspector appointed under the authority of this act, deliver to such chief or other inspector so much of any such * * * drug as said chief or other inspector may request; if such request shall not be immediately granted said chief or other inspector shall thereupon have the power to demand and take so much of any such * * * drug as such chief or other inspector may think proper, he, at the time of said demand and taking, tendering to the person in charge of such article of food or drug what he may deem to be the reasonable value thereof; said chief or other inspector shall, at the time of the delivery to him of such article of food or drug, or of his demanding and taking the same, divide the sample so delivered or demanded and taken in the presence of the person from whom the request or demand was made or of a witness or witnesses into two or more parts, and shall duly seal two or more of said parts each in a suitable can, vessel or package, and, at the time of taking such sample, shall tender, and, if accepted, shall deliver one part to the person of whom the request or demand was made, with a

statement, in writing, signed by said chief or other inspector, that such sample is taken for the purpose of examination; and in any prosecution of any person for the violation of any provision of this act no proof of any analysis thereof shall be given in evidence by the prosecutor unless a part of the sample shall have been sealed up and tendered, with such writing as aforesaid, to the person of whom the request or demand was made; *provided, however*, that in any prosecution for the sale of * * * drug in violation of this act, proof of the analysis of the article so sold may be given in evidence on the part of the prosecutor, notwithstanding the fact that the purchase of such article may have been made by some person other than the chief or other inspector appointed under the authority of this act, if such article so sold in violation of this act shall immediately after such sale be delivered by the person so purchasing said article to the chief or any other inspector appointed under the authority of this act, and said chief or other inspector shall, upon such delivery to him, in the presence of the person from whom the request or demand was made or of a witness or witnesses, which witness may be the person who made the said purchase, divide the said article into two or more parts, and shall duly seal two or more of said parts, each in a suitable can, vessel or package and shall tender, and, if accepted, shall deliver to the person who sold the said article one part of such sample with a statement, in writing, signed by said chief or other inspector, that such sample is taken for the purpose of examination. (*Amended April 4, 1902; Laws, 1902, p. 579.*)

Sec. 26. *State board of health given authority to examine all places where drugs, etc., are dispensed.* The members of the State Board of Health and all chemists, inspectors and employes appointed by said board under authority contained in this act, shall have full and free access, ingress and egress to all places of business, factories, farms, buildings, hotels, restaurants, boarding-houses, carriages, cars, cans, vessels and containers used in the manufacture, sale, distribution or transportation of any * * * drug; they shall also have power to examine and open any package, can or vessel containing or believed to contain any * * * drug which may be manufactured or sold, or exposed for sale, or had in possession with intent to sell in violation of any of the provisions of this act, and may inspect the contents therein and may take therefrom samples for examination.

Sec. 27. *No person shall hinder enforcement of act.* No person shall obstruct or in anywise interfere with any analyst, chemist, chief or other inspector or employe of the State Board of Health in the performance of any duty under this act.

Sec. 28. *Standards of quality and purity shall not conflict with those adopted by U. S. Department of Agriculture.* Any standard of purity, quality or strength of any * * * drug, the purity, quality or strength of which is not fixed by any law of this State, which standard has been or hereafter may be established and published by the Secretary of the Department of Agriculture of the United States of America, may be adopted by the Board of Health of this State by resolution duly adopted at a regular meeting of said board, which resolution shall be certified to the Secretary of State by the Secretary of the State Board of Health, and shall be published at the end of the session laws of the Legislature next thereafter published after the adoption of said resolution, and the standard of purity, quality or strength of any food or drug as fixed in said resolution shall take effect when so published; *provided, however*, that if any such standard so adopted shall be changed by the Secretary of said Department of Agriculture it shall not continue in effect in this State after such change has become effective.

Sec. 29. *Drugs, etc., sold must conform to standards.* No person shall sell, or offer or expose for sale, or have in his possession with intent to sell, or manufacture for sale, any * * * drug which differs in purity, quality or strength from the standard adopted and published in accordance with section twenty-eight of this act.

Sec. 30. *State Board of Health charged with enforcement of act.* The board of health of any municipality in this State may enforce the provisions of this act within said municipality, and shall have the power to designate from among its sanitary inspectors one or more inspectors who shall be known as inspector or inspectors of foods and drugs of such municipality, and whose duties shall be, besides the usual duties of a sanitary inspector in such municipality, to aid in the enforcement of this act in such municipality, and who shall have within the limits of such municipality all the powers and authority given to any inspector appointed under the provisions of this act. Such board may also appoint one or more analysts.

Sec. 31. The State Board of Health shall enforce the provisions of this act and shall have the power from time to time to adopt, promulgate and publish, by circular or otherwise, such general rules and regulations for the government of the analysts, chemists, chief inspector and such other inspectors and employes appointed by the said board as they may deem proper; they shall also have the power to give to any analysts, chemists or chief inspector, or other inspector or employe appointed by the said board, such orders concerning any performance of duty as they from time to time may deem proper; they shall also have the power from time to time to appoint such analysts, chemists, chief inspector and other inspectors and employes as they may deem proper, who shall hold their respective positions during the pleasure of said board and perform such general or special services as said board may by their general rules and regulations or by their special orders require, and to fix and allow to said analysts, chemists, chief inspector and other inspectors and employes, respectively, such salaries, fees or compensation as the said board shall deem to be reasonable, which salaries, fees and compensation shall be paid out of the appropriations from time to time made by the Legislature for carrying out the provisions of this act; the said board shall have the power, and it shall be their duty, through said analysts, chemists, chief inspector and other inspectors and employes, and in such other ways as the said board may deem practicable, to make inquiries and investigations concerning alleged or probable violations of any of the provisions of this act, to cause any and all persons guilty of any violation thereof to be prosecuted under the provisions of this act, and, generally, to adopt, carry out and enforce such rules and regulations as shall promote the purposes of this act.

Sec. 33. *Violations of Section 27; penalties.* Every person who shall violate any of the provisions of the twenty-seventh section of this act shall be liable to a penalty of one hundred dollars for the first offense and to a penalty of two hundred dollars for the second and each subsequent offense.

Sec. 39. *Violation of act.* When any person shall violate any of the provisions of this act by manufacturing or producing any * * * drug for distribution or sale, or by having any such article in possession with intent to distribute or sell, or by offering or exposing any such article for sale at different manufactories or places of business or in different wagons or conveyances on the same day or at the same time, the manufacture or production for distribution or sale, or possession with intent to distribute or sell, or offering or exposing for sale of any such article in violation of any of the provisions of this act at each such manufactory, place of business, or in each such wagon or convey-

ance, on the same day or at the same time, shall be deemed a separate and distinct violation of this act.

Sec. 40. Recovery of penalty. Any and all penalties prescribed by any of the provisions of this act shall be recovered in an action of debt by and in the name of the Board of Health of the State of New Jersey, or by and in the name of any board of health of any municipality of this State, as the case may be, as plaintiff. The pleadings shall conform, in all respects, to the practice prevailing in the court in which any such action shall be instituted, but no pleading or process shall be set aside or invalidated by reason of any formal or technical defects therein if the same contain a statement of the nature of the alleged violation and of the section of this act alleged to have been violated, and upon the attention of the court being called to any such formal or technical defect the same shall be immediately corrected and the said pleading or process amended as a matter of course, and as to all other defects in pleadings or process the same may be amended, in the discretion of the court, as in any other action or proceeding in said court.

Sec. 41. Judgment. When judgment shall be rendered against any defendant other than a body corporate execution shall be issued against his goods and chattels and body without any order of the court for that purpose first had and obtained. If the officer executing any such writ shall be unable to find sufficient goods and chattels of said defendant in his bailiwick to make the amount of said judgment he shall take the body of the said defendant and deliver him to the keeper of the common jail of said county, there to be detained until discharged by the court in which such judgment was obtained, or by one of the justices of the Supreme Court when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs. In case judgment shall be rendered against a body corporate execution shall be issued against the goods and chattels of such body corporate as in other actions of debt.

Sec. 42. Disposal of penalty. All penalties collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

Sec. 44. Injunction to restrain violation. Whenever any person shall violate any of the provisions of this act it shall be lawful for the State Board of Health, either before or after the institution of proceedings for the collection of the penalty imposed by this act for such violation, to file a bill in the Court of Chancery in the name of the State at the relation of such board for an injunction to restrain such violation and for such other or further relief in the premises as the Court of Chancery shall deem proper, but the filing of such bill, nor any of the proceedings thereon, shall not relieve any party to such proceedings from the penalty or penalties prescribed by this act for such violation.

Sec. 43. Word "person" as used in act defined. The word "person," as used in this act, shall be construed to import both the plural and the singular, as the case may demand, and shall include corporations, companies, societies and associations, as well as individuals. When construing and enforcing any provision of this act, the act, omission or failure of any officer, agent or other person acting for or employed by any individual, corporation, company, society or association within the scope of his employment or office, shall in every case be deemed to be the act, omission or failure of such individual, corporation, company, society or association, as well as that of the person.

Sec. 46. Dealer's exemption; provisos. No dealer shall be prosecuted under the provisions of this act for distributing or selling, or having in his possession with intent to distribute or sell, any * * * drug which under any of said provisions shall be deemed to be adulterated or misbranded; *provided*, that said * * * drug is distributed or sold or had in possession with intent to distribute or sell in the original unbroken package in which it was received by

said dealer, and that, in case said article was purchased by said dealer from a wholesaler, jobber, manufacturer, or other person residing in this State, and said dealer can establish a guarantee signed by such wholesaler, jobber, manufacturer or other person from whom he purchased such article, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it; or in case said article was purchased by said dealer from a wholesaler, jobber, manufacturer or other person residing in the United States of America, but outside of this State, and said dealer can establish a guarantee, signed by such wholesaler, jobber, manufacturer or other person from whom he purchased such article, to the effect that the same is not adulterated or misbranded within the meaning of an act of the Congress of the United States of America, entitled "An act for preventing the manufacture, sale or transportation of adulterated or misbranded, or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating traffic therein, and for other purposes," approved June thirtieth, one thousand nine hundred and six, and the supplements and amendments thereof. Such guaranty, to afford, protection, shall contain the name and address of the person making the sale of such article to such dealer, and in such case said person, if he is a resident of this State, shall be amenable to the prosecution, fines and other penalties which would attach in due course to the dealer under the provisions of this act. If the guaranty is signed by a person who resides outside of this State, then the Board of Health of this State shall report the facts in the case to the Secretary of Agriculture of the United States, or the proper officer appointed for the enforcement of the above-mentioned act of Congress; *and provided further*, that no guarantee that any article is not adulterated or misbranded within the meaning of the above-mentioned act of Congress, shall be effective to exempt any dealer from prosecution under this act, unless the provisions of the above-mentioned act of Congress and of this act covering the adulteration and misbranding of such guaranteed article are identical.

The provisions of the act relating to misbranding shall not apply to the distribution or sale or to the possession with intent to distribute or sell by any dealer of such proprietary * * * medicines as were in such dealer's stock in this State on October first, nineteen hundred and eight; *provided*, that the package or other container in which such * * * medicines shall be contained shall be plainly and conspicuously marked with the words and figures "On hand Oct. 1st, 1908."

Sec. 4. Patent medicines. Nothing in this act contained shall be taken or construed to authorize or legalize, the selling, giving away, furnishing or disposing of any article, substance, admixture or patent or proprietary remedy, the sale, gift, furnishing or disposition of which is prohibited, except upon the prescription, by any statute of this State. *Amended April 16, 1908, Laws, Session of 1908, chap. 308, pp. 632-633.*

Sec. 49. Unconstitutionality. In case for any reason any section or any provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.

Sec. 50. Expenses; proviso. The State Board of Health may expend annually, for the purposes of carrying out the provisions of this act, a sum not exceeding twenty thousand dollars, which sum shall be paid by the Treasurer of this State upon the warrants of the Comptroller; *provided, however*, that an appropriation therefor shall first be made by the Legislature.

Sec. 51. Effect. This act shall take effect on the first day of October, one thousand nine hundred and eight.

Approved May 20, 1907. Laws, 1907, chap. 217, pp. 485, 502.

Sec. 1. *U. S. Pharmacopœia the standard.* The book printed and published under the authority of the United States Pharmacopœial Convention, known as the United States Pharmacopœia, or any of the printed copies of such book, shall in any action or proceeding brought under any of the provisions of the act to which this act is a supplement, or any of the supplements or amendment thereof, be received as evidence of the contents of the United States Pharmacopœia in any court of this State, or before any magistrate, and the court or magistrate may determine whether the book offered as such was so printed and published, either from inspection or the knowledge of the judge, judges or magistrates, or from testimony, and no error shall be assigned, or judgment reversed because of the admission of such book, unless it be shown by the party assigning such error or seeking to reverse such judgment that the book so offered in evidence was not, in fact, printed and published as such United States Pharmacopœia under the authority of such convention, or was not, in fact, the edition of such United States Pharmacopœia which it purported to be.

Sec. 2. *Effect.* This act shall take effect on the first day of October, one thousand nine hundred and eight.

Approved April 14, 1908. Laws, Session of 1908, chap. 253, p. 533.

NEW MEXICO.

The Federal law of June 30, 1906, applies also to the Territory of New Mexico. The territorial board of pharmacy is authorized to enforce the territorial law governing adulterations, a part of which was enacted as early as 1854. Ignorance of adulteration relieves one from liability.

REGISTERED PHARMACISTS.

3717. *Dispensers of drugs must be registered pharmacists.* From and after the passage of this act, it shall be unlawful for any person or persons not registered pharmacists within the meaning of this act, to conduct any drug store, pharmacy, apothecary shop or store for the purpose of retailing, compounding, or dispensing medicines, physicians' prescriptions, selling, retailing or compounding poisons of any kind in the Territory of New Mexico, except as hereinafter provided.

3718. *Penalty for compounding prescriptions without registered pharmacist.* It shall be unlawful for the proprietor or owner, or proprietors or owners, of any store, drug store or pharmacy, to allow any person, except a registered pharmacist, to compound, dispense, fill physicians' prescriptions, sell or compound poisons, except as an aid to, and under the immediate supervision of, a registered pharmacist. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined in a sum of not less than one hundred dollars, nor more than two hundred dollars, or imprisonment in the county jail for not less than one month, or more than two months, or both fine and imprisonment, at the discretion of the court, and, upon any second conviction or proof thereof, shall be fined in a sum not less than two hundred dollars, nor more than four hundred dollars, or imprisonment in the county jail for not less than three months, nor more than six months, or both fine and imprisonment, in the discretion of the court.

3721. *Qualifications of pharmacists.* The Board of Pharmacy shall upon application, and at such time and place and in such manner as they may determine, examine each and every person who shall desire to conduct the business of selling at retail, compounding or dispensing drugs, medicines or chemicals for medical use, or compounding or dispensing physicians' prescriptions as pharmacists in the Territory of New Mexico, and if a majority of said board shall be satisfied that said applicant is competent and fully qualified to conduct said business of compounding or dispensing drugs, medicines or chemicals for medical use, or to compound and dispense physicians' prescriptions, they shall enter the name of such person as a registered pharmacist, in the book provided for in section three thousand seven hundred and twenty: *Provided*, no such person shall be so registered unless he, or she, is not less than twenty-one years of age, and shall have attended a high school for at least one full school year. The Board of Pharmacy shall issue an appropriate certificate to each person registered, which certificate must be conspicuously displayed in every store or place described in this section.

3731. Registration may be refused; proviso. The Board of Pharmacy is hereby given authority to refuse to register any otherwise qualified pharmacist upon sufficient evidence that the said applicant is addicted to the use of morphine, cocaine, or narcotic of any kind, or that he is an habitual drunkard, and the board shall revoke the certificate of any registered pharmacist upon satisfactory evidence that the said pharmacist is addicted to the use of said drugs or has become an habitual drunkard: "*Provided*, That no such certificate shall be revoked, except upon ten days written notice to the person whose certificate is sought to be revoked, and any person whose certificate is thus revoked shall have the right to appeal from such action by said board to the district court."

3726. Penalties; exemptions; provisos. Any person not a registered pharmacist, as provided in this act, who shall conduct a store, or a pharmacy, or place for retailing, compounding or dispensing drugs, medicines or poisons, or chemicals, for medical use, or for compounding or dispensing physicians' prescriptions in the Territory of New Mexico, or who shall take, use or exhibit the title of registered pharmacist, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be liable to a penalty of not less than one hundred dollars, nor more than two hundred dollars, or imprisonment in the county jail for not less than one month nor more than three months, or both fine and imprisonment, in the discretion of the court, and upon any second conviction or proof thereof, shall be fined in a sum of not less than two hundred dollars, nor more than four hundred dollars, or imprisonment in the county jail for not less than three months, nor more than six months, or both fine and imprisonment, in the discretion of the court, and any member of the Board of Pharmacy, is hereby empowered and authorized to demand and inspect any prescription, prescription file, or poison register, in any drug store, pharmacy, or other store in the Territory of New Mexico: "*Provided*, That any person or persons not a registered pharmacist may own and conduct said store if he or they constantly keep a registered pharmacist employed": *Provided*, That this act shall not apply to physicians putting up their own prescriptions, nor to the sale of patent or proprietary medicines, nor to the sale of those articles commonly known as grocer's drugs, as determined by the pure food commission not to be drugs, except those articles that are designated poisons, under the law known as the New Mexico Poison Law; nor to any regular licensed physician in the Territory of New Mexico engaged in the drug business in towns and cities situated twenty miles or more from a regular licensed pharmacist engaged in the drug business: *Provided, further*, that this law is not to be construed so as to prevent ranchmen or miners, not within reach of a store or place where drugs are sold, from dispensing medicines to their families or employees.

3728. Recovery of penalties; disposition of penalties; proviso. All suits for recovery of the several penalties prescribed in this act shall be prosecuted in the name of the Territory of New Mexico, in any court having jurisdiction, and it shall be the duty of the Prosecuting Attorney of the District in which such offense is committed, to prosecute all persons violating the provisions of this act, upon proper complaint being made, and the Prosecuting Attorney shall be allowed the sum of ten dollars as fees in each case which he prosecutes, to be paid as other District Attorney's fees are now paid.

Upon conviction of either of the offences mentioned in this act, the court shall, as a part of the judgment, order that the defendant be committed to the common jail of the county until the fine and costs are paid, and upon failure to pay the same immediately, the defendant shall be committed under said order: *Provided*, That either party may appeal in the same time and manner as appeals may be taken in other cases, except that when an appeal is prayed in

behalf of the Territory, no appeal bond shall be required to be filed, whether the appeal be from a justice of the peace, or from the district, county or circuit court, or from the appellate court, but it shall be sufficient in behalf of the Territory of New Mexico for the use of the Board of Pharmacy to pray an appeal, and thereupon appeal may be had without bond security.

All penalties collected under the provisions of this act shall inure to the expense fund of the Board of Pharmacy. (*Laws, 1888, p. 118; as amended Laws, 1897, p. 144.*)

Amended, *Laws, 1907, chap. 71; pp. 137-143.*

1258. Physician prescribing while intoxicated. If any physician or other person, while in a state of intoxication, shall prescribe for any other person, any poison, drug or medicine, he shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars.

Compiled *Laws, 1897, p. 376.*

SALE OF POISONS.

1259. Labels; penalty. Every apothecary, druggist, or other person, who shall sell and deliver any arsenic, corrosive sublimate, prussic acid, or any other violent poison, without having the word poison, and the true name written thereof, written or printed in Spanish and English, upon a label put on the phial, box, or package that contains the same, shall be punished by a fine not exceeding one hundred dollars. (*Laws, 1853-4, p. 136.*)

1260. Records; schedules. That hereafter it shall be unlawful for any person, not a registered pharmacist, to sell or dispense any poisons enumerated in schedules A and B, except as provided by section fourteen of the New Mexico pharmacy law, approved February 15, 1889.

SCHEDULE A.

Arsenic, mercury, strychnia, and their preparations and salts, acetate of lead, tartar emetic, cyanide of potassium, hydrocyanic acid, and all other poisonous vegetable alkaloids and their salts, essential oil of bitter almonds, opium and its preparations, except paregoric and such other preparations of opium containing less than two grains to the ounce.

SCHEDULE B.

Aconite, belladonna, coca, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, and their pharmaceutical preparations and alkaloids, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid, and oxalic acid, without distinctly labeling the box, vessel or paper in which the said poison is contained, with the name of the article, the word poison, and the name and place of business of the seller; nor shall it be lawful for any person to sell or deliver any poison enumerated in schedules A and B unless, upon due inquiry, it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for a legitimate purpose; nor shall it be lawful for any registered pharmacist to sell or dispense any poisons enumerated in schedules A and B without, before delivering the same to the purchaser, causing an entry to be made in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name of the poison sold, the purpose for which it is represented by the pur-

chaser to be required, and the name of the dispenser; such book to be always open for inspection by the proper authorities, and to be preserved for at least four years. The provisions of this section shall not apply to the dispensing of poisons, in not unusual quantities or doses, upon the prescriptions of practitioners of medicine: *Provided*, Nothing in this act shall be so construed as to prevent the sale of such poisonous articles as are directly used in mining or for the reduction or concentration of ores.

1261. Penalty. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one hundred dollars, or by imprisonment in the county jail for not more than six months, or both in the discretion of the court. *Laws 1897, pp. 138-139.*

Compiled Laws, 1897, pp. 376-377.

ADULTERATION OF DRUGS.

3724. Druggist responsible for quality of drugs. Every owner of a drug store in the territory of New Mexico shall be held responsible for the quality of all drugs, chemicals and medicines he may sell or dispense, with the exceptions of those sold in the original packages of the manufacturer or wholesale dealer, and also those known as proprietary medicines. And should he knowingly, intentionally and fraudulently adulterate, or cause to be adulterated, such drugs, chemicals or medical preparations, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, his license as a registered pharmacist shall be thereby revoked, and in addition thereto, be liable to a penalty not exceeding five hundred (\$500) dollars. (*Laws, 1888-9, p. 121.*)

Compiled Laws, 1897, p. 915.

1245. Penalty. If any person shall fraudulently adulterate for the purpose of selling any drug or medicine, in such manner as to make the same injurious to health, he shall be punished by imprisonment in the county jail, not exceeding one year, or by fine not exceeding three hundred dollars, and such drug or medicine shall be forfeited and destroyed. (*Laws, 1853-4, p. 136.*)

1246. Mixing, etc., so as to render injurious; penalty. No person within the Territory of New Mexico shall mix, color, stain or powder or permit any other person to mix, color, stain or powder any article of food or drugs with any ingredient or material so as to render the article injurious to health, or manufacture any article of food which shall be composed in whole or in part of diseased, decomposed, offensive or unclean animal or vegetable substance, with the intent that the same may be sold in the said territory, and no person shall sell in the Territory of New Mexico any such article so mixed, colored, stained, powdered or manufactured. Any person violating this section shall be guilty of a misdemeanor, and for each offense to be fined not exceeding two hundred dollars for the first offense, and for each subsequent offense not exceeding three hundred dollars, or imprisonment not exceeding one year, or both in the discretion of the court.

1247. Injurious adulteration or dilution. No person shall, within the Territory of New Mexico, except for the purpose of compounding as hereinafter described, mix, color, stain or powder, or order or permit any other person to mix, color, stain or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with the intent that the same may be sold in the said Territory of New Mexico, and no person shall sell any such drug so mixed, colored, stained, or powdered under the same penalty

in each case respectively as in the preceding section for a first and subsequent offense.

1248. Ignorance of adulteration bar to conviction. No person shall be liable to be convicted under either of the two last foregoing sections in respect to the sale of any article of food or of any drug if he shows to the satisfaction of the court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, colored, stained or powdered as in either of those sections mentioned, and that he could not, with reasonable diligence, have obtained that knowledge.

1249. Must be of quality, etc., demanded; penalty; exemptions. No person shall sell in the Territory of New Mexico any article of food or drug which is not of the nature, substance and quality of the article demanded by any purchaser, and any person violating this section shall be guilty of a misdemeanor, and for the first offense be fined, not exceeding fifty dollars, and for each subsequent offense not exceeding one hundred dollars, or imprisonment not exceeding six months, or both in the discretion of the court: *Provided*, That an offense shall not be deemed to be committed under this section in the following cases, that is to say:

First. Where any matter or ingredient not injurious to health has been added to the food or drug because the name is required for the production or preparation thereof as an article of commerce in a fit state for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or drug, or conceal the inferior quality thereof.

Second. Where the drug or food is a proprietary medicine.

Third. Where the food or drug is compounded as authorized by this act.

Fourth. Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

1250. Compounded drugs to be of composition demanded by purchaser; proviso. No person shall sell in the Territory of New Mexico any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser. Any person violating this section shall be guilty of a misdemeanor and fined not exceeding fifty dollars: *Provided*, That no person shall be guilty of any such offense as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health and not intended, fraudulently, to increase its bulk, weight or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice by a label distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

1252. Application of proviso must be proved. In any prosecution under this act, where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon proviso contained in this act, it shall be incumbent upon him to prove the same.

1253. Ignorance of presence of adulteration bar to prosecution. If the defendant in any prosecution under this act, prove to the satisfaction of the court that he had purchased the article in question as the same in nature, substance and quality as that demanded of him by the purchaser and with a written warranty to that effect; that he had no reason to believe at the time when he sold it that the article was otherwise; and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution.

1254. Forged warranties; penalty. Any person who shall forge, or shall after knowing it to be forged,^a any certificate or any writing purporting to contain a

^a So in Laws.

warranty, as provided in section one thousand two hundred and fifty-three, shall be guilty of a misdemeanor and be punishable on conviction, by imprisonment for a term not exceeding one year with hard labor.

1255. *False applications of warranties or labels.* Every person who shall willfully apply to any article of food or a drug, a certificate of warranty given in relation to any other article or drug, or who shall give a false warranty in writing to any purchaser in respect of an article of food or a drug sold by him as principal or agent, or who shall willfully give a label with any article sold by him which shall falsely describe the article sold shall be guilty of a misdemeanor, and on conviction be fined not to exceed one hundred dollars.

1256. "*Drug*" defined. * * * The term drug as used in this act shall include all medicines for internal or external use.

1257. *Exemptions.* That the governor may from time to time declare certain articles or preparations to be exempt from the provisions of this act, and it shall be the duty of the secretary of the territory to prepare and publish from time to time a list of the articles, mixtures or compounds declared to be exempt from the provisions of this act in accordance with this section. *Laws, 1888-9, p. 303.*

Compiled Laws, 1897, pp. 374-376.

NEW YORK.

The law regarding adulteration of drugs, enacted in 1881 and 1889, authorizes the State department of health to conduct such investigations of the quality of drugs sold as may be necessary to secure the enforcement of the law. The examination of adulterated drugs is under the supervision of both the State board of health and the board of pharmacy, one under the adulteration act and the other under the pharmacy act.

Cocaine and eucaine are sold at retail only upon original prescription and the manufacturer or wholesaler must also keep a record of sale.

Wood alcohol is prohibited in the manufacture of medicinal preparations.

REGISTERED PHARMACISTS.

Sec. 194. Subdivision 1. *Pharmacy defined.* From and after the passage of this act every place in which drugs, medicines or poisons are retailed or dispensed or physicians' prescriptions compounded shall be deemed to be a pharmacy, or a drug store, and the same shall be under the personal supervision of a licensed pharmacist or druggist respectively.

Revised Statutes, Codes and General Laws (Birdseye), 1901, vol. 2, p. 2859.

Subdivision 6. *Qualifications for registration as pharmacist.* Except as specified in a preceding section no person shall be granted a license as a licensed pharmacist, until he shall have made written application to the board, setting forth by affidavit that he is of the age of twenty-one years, or upwards, that he has had at least four years' practical experience where drugs, medicines and poisons were dispensed and retailed and prescriptions compounded, of which experience one year must have been had within the five years last preceding the date of such application, in a pharmacy or store in the United States under the personal supervision of a licensed pharmacist, and until he shall have presented to the said board the diploma of any pharmacy school, college or department of a university maintaining a two years' course in pharmacy, and upon the request or with the approval of said board registered by the regents of the university of the state of New York as legally incorporated and as maintaining a proper pharmacy standard, provided such pharmacy, school, college or department of a university shall require as a condition for entrance a satisfactory examination in subjects designated by said regents of not less than twelve regents' counts or an educational equivalent acceptable to said regents, and until he shall have paid such license fee as is fixed by said board not exceeding the sum of ten dollars, and until he shall have passed an examination satisfactory to said board for the granting of such license; provided, however, that in place of the diploma above provided for the said board may in its discretion accept the certificate of the board of pharmacy of any other state,

issued prior to January first, nineteen hundred and five, showing that the person to whom said certificate was issued was upon an examination equivalent to any examination conducted by the said board licensed or otherwise authorized to practice pharmacy in the jurisdiction of the board of pharmacy issuing said certificate.

Amended Laws, 1904, chap. 554, p. 1348.

Subdivision 8. *Unlawful to engage in drug business without certificate from board of pharmacy.* Except as prescribed in this act, it shall not be lawful for any person to practice as a pharmacist, assistant pharmacist or druggist or to engage in, conduct, carry on or be employed in the dispensing, compounding or retailing of drugs, medicines or poisons within this state.

Revised Statutes, Codes and General Laws (Birdseye), 1901, vol. 2, pp. 2859-2860.

Sec. 1. *Preparing medical prescriptions.* No person employed in a drug store or apothecary's shop shall prepare a medical prescription, unless he has served two years' apprenticeship in such a store or shop, or is a graduate of a medical college or college of pharmacy, except under the direct supervision of some person possessing one of those qualifications; nor shall any proprietor or other person in charge of such store or shop permit any person not possessing such qualifications to prepare a medical prescription in his store or shop, except under such supervision. A person violating any provision of this section is guilty of a misdemeanor punishable by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months; and in case of death ensuing from such violation, the person offending is guilty of a felony punishable by a fine not less than one thousand dollars nor more than five thousand dollars, or by imprisonment not less than two years nor more than four years, or by both such fine and imprisonment.

Revised Statutes, Codes and General Laws (Birdseye), 1901, vol. 1, p. 1091.

Sec. 200. *Apprentices not permitted to sell drugs except under supervision of druggist or pharmacist.* This article shall not be so construed as to prohibit the employment in licensed pharmacies, or drug stores, of apprentices or assistants for the purpose of being instructed in the practice of pharmacy; but such apprentices or other unlicensed employes or assistants shall not be allowed to prepare or dispense receipts or prescriptions or to sell or furnish medicines or poisons, except in the presence of and under the personal supervision of a licensed pharmacist or druggist, who must either be the proprietor or owner of said pharmacy or must be in the actual employ of such proprietor or owner, and where violations of this article occur on the part of the said apprentices or other unlicensed employes in any pharmacy or store, the person, partnership, association or corporation, being the proprietor of such pharmacy or drug store, shall be equally liable as principal, for such violation.

Sec. 201. Subdivision 1. *License not granted; cause.* The state board of pharmacy shall not grant a license to any applicant if satisfied that the safety of the public health will be endangered by reason of the habits or character of said applicant. If any person shall have obtained a license by misrepresentation or fraud or shall become unfit or incompetent by reason of negligence, habits, or other cause, to practice as a pharmacist, assistant pharmacist or druggist, the state board of pharmacy shall have power to revoke such license, after giving such person reasonable notice and an opportunity to be heard and if any licensee shall wilfully and repeatedly violate any of the provisions of this

act or the rules and regulations established by the board of pharmacy, such board may revoke his or her license upon sufficient evidence of such violation, in addition to any other punishment by law imposed for such violation.

Sec. 201. Subdivision 3. Penalties. Any person who shall attempt to procure or who shall procure a license or registration for himself, herself, or for any other person, under this title, by making or causing to be made any false representations shall be guilty of a misdemeanor. Any licensed pharmacist who shall permit the compounding and dispensing of prescriptions of medical practitioners in his store or place of business by any person or persons not licensed or registered; any person not licensed by said board who shall prepare or dispense a medical prescription or physician's prescription or dispense or sell at retail poisons or medicines except under the immediate supervision of a duly licensed person, whose certificate, license or registration is displayed in the place where the same is prepared, dispensed or sold; any person not licensed by said board who shall open or conduct or have charge of or supervise any pharmacy or drug store for retailing, dispensing or compounding medicines or poisons; any person who shall fraudulently represent himself, or herself to be licensed or any person, who knowingly refuses to permit any member of said board or inspector of pharmacy employed by said board to enter a pharmacy or drug store for the purpose of lawfully inspecting the same or intentionally prevents the lawful inspection of any place in which drugs, medicines or poisons are retailed or dispensed, or physicians' prescriptions compounded; any person whose license or certificate of registration has been duly revoked by said board and who refuses to deliver up his or her certificate or license to said board; any proprietor whose name does not appear upon the sign as herein above provided, any holder of a license or certificate of registration who fails to display the same as above provided; or any person who shall violate any of the provisions of this title, in relation to the retailing and dispensing of drugs, medicines and poisons, for which violation no other punishment is hereinbefore imposed, shall for such offense be guilty of a misdemeanor.

Subdivision 4. Fine paid to state board of pharmacy. Any person violating any of the provisions of this article, in addition to, or irrespective of the punishment hereinbefore provided, shall forfeit to the state board of pharmacy the sum of twenty-five dollars for every such violation, which may be sued for and recovered in the name of said board and shall be paid to state board of pharmacy for its use, as in this article provided. All fines imposed and collected, under any of the provisions of this article, shall be paid over to the state board of pharmacy.

Revised Statutes, Codes and General Laws (Birdseye), 1901, 3d ed., vol. 2, p. 2862-2863.

Sec. 401. Mislabeling of drugs; substitution or use of improper quantities in prescriptions forbidden. Any person, who, in putting up any drug, medicine, or food or preparation used in medical practice, or making up any prescription, or filling any order for drugs, medicines, food or preparation puts any untrue label, stamp or other designation of contents upon any box, bottle or other package containing a drug, medicine, food or preparation used in medical practice, or substitutes or dispenses a different article for or in lieu of any article prescribed, ordered, or demanded, or puts up a greater or less quantity of any ingredient specified in any such prescription, order, or demand than that prescribed, ordered, or demanded, or otherwise deviates from the terms of the prescription, order, or demand by substituting one drug for another, is guilty of a misdemeanor; provided, however, that, except in the case of physicians'

prescriptions, nothing herein contained shall be deemed or construed to prevent or impair or in any manner affect the right of an apothecary, druggist, pharmacist or other person to recommend the purchase of an article other than that ordered, required or demanded, but of a similar nature, or to sell such other article in place or in lieu of an article ordered, required or demanded, with the knowledge and consent of the purchaser. Upon a second conviction for a violation of this section the offender must be sentenced to imprisonment, for a term of not less than ten days nor more than one year, and to the payment of a fine of not less than ten dollars nor more than five hundred dollars. The third conviction of a violation of any of the provisions of this section, in addition to rendering the offender liable to the penalty prescribed by law for a misdemeanor; shall forfeit any right which he may possess under the law of this state at the time of such conviction, to engage as proprietor, agent, employee or otherwise, in the business of an apothecary, pharmacist, or druggist, or to compound, prepare or dispense prescriptions or orders for drugs, medicines or food or preparations used in medical practice, and the offender shall be by reason of such conviction disqualified from engaging in any such business as proprietor, agent, employee or otherwise or compounding, preparing or dispensing medical prescriptions or orders for drugs, medicines, or foods or preparations used in medical practice.

Laws, 1907, vol. 2, chap. 649, p. 1500.

Sec. 403. *Physicians excepted from provisions of section 401.* The provisions of section four hundred and one shall not apply to the practice of a practitioner of medicines who is not the proprietor of a store for the dispensing or retailing of drugs, medicines and poisons, or who is not in the employ of such a proprietor, and shall not prevent practitioners of medicine from supplying their patients with such articles as they may deem proper, and except as to the labeling of poisons shall not apply to the sale of medicines or poisons at wholesale when not for the use or consumption of the purchaser; provided, however, that the sale of medicines or poisons at wholesale shall continue to be subject to such regulations as from time to time may be lawfully made by the board of pharmacy or by any competent board of health. (*Laws, 1905, ch. 442, p. 979.*)

Revised Statutes, Codes and General Laws (Birdseye), vol. 4 (Supplement 1905), p. 224.

SALE OF POISONS.

Sec. 402. *Labeling; recording the sale; schedules.* It shall be unlawful for any person to sell at retail or furnish any of the poisons named in the schedules hereinafter set forth, without affixing or causing to be affixed, to the bottle, box, vessel or package, a label containing the name of the article and the word "poison" distinctly shown, with the name and place of business of the seller, all printed in red ink, together with the name of such poisons printed or written thereupon in plain, legible characters, which schedules are as follows, to wit:

SCHEDULE A.

Arsenic, cyanide of potassium, hydrocyanic acid, cocaine, morphine, strychnia and all other poisonous vegetable alkaloids and their salts, oil of bitter almonds, containing hydrocyanic acid, opium and its preparations, except paregoric and such others as contain less than two grains of opium to the ounce.

SCHEDULE B.

Aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolacca, strophanthus, oil of tansy, veratrum veride and their pharmaceutical preparations, arsenical solutions, carbolic acid, chloral hydrate, chloroform, corrosive sublimate, creosote, croton oil, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, white hellebore or any drug, chemical or preparation which, according to standard works on medicine or materia medica, is liable to be destructive to adult human life in quantities of sixty grains or less, and such other poisons as the state board of pharmacy, under the authority given to it by the public health law, may from time to time add to either of said schedules. Every person who shall dispose of or sell at retail or furnish any poisons included under Schedule A shall, before delivering the same, make or cause to be made an entry in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and the quantity of the poison, the purpose for which it is represented by the purchaser to be required and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least five years after the last entry. He shall not deliver any of said poisons without satisfying himself that the purchaser is aware of its poisonous character and that the said poison is to be used for a legitimate purpose. The foregoing portions of this section shall not apply to the dispensing of medicines or poisons on physicians' prescriptions. Wholesale dealers in drugs, medicines, pharmaceutical preparations or chemicals shall affix or cause to be affixed to every bottle, box, parcel or outer enclosure of an original package containing any of the articles enumerated under said Schedule A, a suitable label or brand in red ink with the word "poison" upon it. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor. (*Laws, 1905, ch. 442, p. 977.*)

Revised Statutes, Codes and General Laws (Birdseye), vol. 4 (Supplement 1905), p. 223.

Sec. 199. Application of act limited. The provisions of section 402 shall not apply to the practice of a practitioner of medicine who is not the proprietor of a store for the dispensing or retailing of drugs, medicines and poisons, or who is not in the employ of such a proprietor, and shall not prevent practitioners of medicine from supplying their patients with such articles as they may deem proper, and except as to the labeling of poisons it shall not apply to the sale of medicines or poisons at wholesale when not for the use or consumption of the purchaser, or to the sale of paris green, white hellebore and other poisons for destroying insects, or any substance for use in the arts, or to the manufacture and sale of proprietary medicines, or to the sale by merchants of ammonia, bicarbonate of soda, borax, camphor, castor oil, cream of tartar, dye-stuffs, essence of ginger, essence of peppermint, essence of wintergreen, non-poisonous flavoring essence or extracts, glycerine, licorice, olive oil, salammoniac saltpetre, salsoda, epsom salts, rochelle salts, sulphur, cod liver oil, vaseline, petroleum jellies, oil of organum, oil of spike, magnesia, flaxseed, rock candy, butter color, malt extract, extract of beef, beef iron and wine, extract of witch hazel, quinine, quinine pills, cathartic pills, seidlitz powders, senna, herbs in packages, bay rum, perfumes, toilet water, tumeric, talcum powder, composition, porous plasters, court plasters, copperas, alum, gum arabic, lithia water, and when sold in original packages, bearing the name of a licensed pharmacist, spirits of camphor, spirit of nitre, tincture of arnica, except as herein provided. Provided, however, that in the several places in this state outside of incor-

porated cities and villages, and in incorporated villages of the fourth class, said places and villages not having therein or within three miles thereof a regularly licensed pharmacy or drug store, physicians may compound medicines, fill prescriptions, and sell poisons, duly labeling the same as required by this act, and merchants and retail dealers may sell the ordinary nonpoisonous domestic remedies. Any division of the state board of pharmacy, having within its territory any such village or place, shall, whenever the necessity therefor is shown to exist, grant to some resident therein, who has had experience in dealing in drugs, medicines and poisons, a permit to compound medicines, fill prescriptions and sell poison for a period not exceeding one year, upon the payment of a fee not exceeding three dollars. Such permit shall be limited to the village or place in which such person resides and may be limited to one or more of the above classifications and to the sale of certain kinds or classes of poisons.

Sec. 2. Effect. This act shall take effect immediately. *Laws 1893, chap. 661, amended by Laws 1900, chap. 667 and Laws 1901, chap. 648.*

Laws, 1907, chap. 224, p. 425.

Sec. 6. Prescriptions containing opium and morphine not to be refilled except in certain cases. A person who, except upon the written or verbal order of a physician, refills more than once prescriptions containing opium, morphine or preparations of either, in which the dose of opium exceeds one-fourth grain or morphine one-twentieth grain, is guilty of a misdemeanor. (*Laws, 1893, chap. 692, p. 1727.*)

Revised Statutes, Codes and General Laws (Birdseye), 1901, vol. 1, p. 1092.

Sec. 405-a. Sale, etc., of cocaine and eucaïne. It shall be unlawful for any person to sell, furnish or dispose of alkaloid cocaine or its salts, or alpha or beta eucaïne or their salts or any admixture of cocaine or eucaïne, except upon the written prescription of a duly registered physician, which prescription shall be retained by the person who dispenses the same, shall be filled but once and of which no copy shall be taken by any person; except, however, that such alkaloid cocaine or its salts, and alpha or beta eucaïne or their salts may lawfully be sold at wholesale upon the written order of a licensed pharmacist or licensed druggist, duly registered practicing physician, licensed veterinarian or licensed dentist provided that the wholesale dealer shall affix or cause to be affixed to the bottle, box, vessel or package containing the article sold, and upon the outside wrapper of the package as originally put up, a label distinctly displaying the name and quantity of cocaine or its salts, alpha or beta eucaïne or their salts, sold, and the word "poison" with the name and place of business of the seller, all printed in red ink; and provided also that the wholesale dealer shall before delivering any of the articles make or cause to be made in a book kept for the purpose an entry of the sale thereof stating the date of sale, the quantity, name and form in which sold, the name and address of the purchaser, and the name of the person by whom the entry is made; and the said book shall be always open for inspection by the proper authorities and shall be preserved for at least five years after the date of the last entry made therein; and provided also that any manufacturer may sell to another manufacturer of the same article, or to a wholesale dealer in drugs, or, a wholesale dealer in drugs may sell to a manufacturer of the same article, or to another wholesale dealer in drugs, alkaloid cocaine or its salts or alpha or beta eucaïne or their salts or any admixture of cocaine or eucaïne in the original package. Such package shall be labeled as

herein provided and shall be securely sealed. Each manufacturer and each wholesale dealer in drugs shall, before the delivery or at the time of the receipt, as the case may be, of any such drug, enter or cause to be entered in a book to be kept by them respectively for that purpose a record of the purchase and sale of such drug stating the date of purchase and the name and address of the person from whom purchased; the date of sale and the name and address of the person to whom sold; the quantity, name and form in which sold and a description of the package or container in which sold and how sealed and there shall also be entered in such book at the place of such record a statement that such drug was sold or purchased, as the case may be, in the original package; that the seals thereon were undamaged and unbroken and the labels were attached thereto as herein provided and were not in any manner defaced or damaged, which statement shall be signed by the person selling such drug and the person purchasing such drug in the books herein required to be kept by them respectively. Any person who violates any of the provisions of this section shall be guilty of a felony punishable by imprisonment of not more than one year or a fine of not more than one thousand dollars, or both.

Sec. 2. Effect. This act shall take effect September first, nineteen hundred and eight. *Laws, 1907, chap. 424, p. 879.*

Amended May 18, 1908. *Laws 1908, chap. 277, pp. 764-5.*

ADULTERATION OF DRUGS.

Sec. 40. Definition of "drug". * * * the term, drug, when so used shall include all medicines for external and internal use.

Sec. 41. Adulterations prohibited and defined. No person shall, within the state, manufacture, produce, compound, brew, distill, have, sell or offer for sale any adulterated food or drug. An article shall be deemed to be adulterated within the meaning of this act: A. In the case of drugs:

1. If when sold under or by a name recognized in the United States pharmacopœia, it differs from the standard of strength, quality or purity laid down therein.

2. If, when sold under or by a name not recognized in the United States pharmacopœia, but which is found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standards of strength, quality or purity laid down in such work.

3. If its strength or purity fall below the professed standard under which it is sold. *Laws, 1881, p. 553; amended Laws, 1893, p. 1510.*

4. If it contains methyl or wood alcohol, in any of its forms, or any methylated preparations made from it. (*Added by Laws, 1905, chap. 122, p. 183.*)

Sec. 41a. Adulteration of food, drugs, etc. A person who, either,

1. With the intent that the same may be sold as adulterated^a or undiluted, adulterates or dilutes wine, milk, distilled spirits or malt liquor, or any drug, medicine, food or drink, for man or beast, or,

2. Knowing that the same has been adulterated or diluted; offers for sale or sells the same as unadulterated or undiluted, or without disclosing or informing the purchaser that the same has been adulterated or diluted, in a case where special provision has not been made by statute, for the punishment of the offense, shall be deemed guilty of a misdemeanor. (*Laws, 1889, chap. 141, p. 168; Laws, 1892, chap. 634.*)

^a So in Statutes.

Sec. 42. Duties of State board of health in respect to adulterations. The state department of health shall take cognizance of the interests of the public health as affected by the sale or use of food and drugs and the adulterations thereof, and make all necessary inquiries and investigations relating thereto. It shall appoint such public analysts, chemists and inspectors as it may deem necessary for that purpose, and revoke such appointment whenever it shall deem the person appointed incompetent, or his continuance in the service for any reason undesirable. It shall, from time to time, adopt such measures and make such regulations and declarations, in addition to the provisions of this article, as may seem necessary to enforce or facilitate the enforcement of this article, or for the purpose of making an examination or analysis of any food or drug sold or exposed for sale in the state, and all such regulations and declarations made in any year shall be filed in the office of the secretary of state and published in the session laws first published after the expiration of thirty days from such filing. (*Laws 1881, p. 554; amended Laws 1885, p. 316; amended Laws, 1904, chap. 484, p. 1236.*)

Sec. 44. Samples to be furnished. Every person selling, or offering, or exposing for sale or manufacturing or producing any article of food, or any drug, shall upon tender of the value thereof, furnish any analyst, chemist, officer or agent of the state department of health or of any local board of health, with a sample of any such article or drug, sufficient for the purpose of analysis or test. For every refusal to furnish the same, the person so refusing shall forfeit to the people of the state the sum of one hundred dollars. (*Laws, 1881, chap. 407; amended Laws, 1893, p. 1513; amended Laws, 1904, chap. 484, p. 1238.*)

Revised Statutes, Codes and General Laws (Birdseye), 1901, vol. 2, pp. 2815-2818.

Sec. 1. Punishment of misdemeanors in general. A person convicted of a crime declared to be a misdemeanor, for which no other punishment is specially prescribed by this code, or by any other statutory provision in force at the time of the conviction and sentence, is punishable by imprisonment in a penitentiary, or county jail, for not more than one year, or by a fine of not more than five hundred dollars, or by both.

Revised Statutes, Codes and General Laws (Birdseye), 1901, 3d ed., vol. 2, p. 2391.

Sec. 197. Subdivision 1. Standard. Unless otherwise prescribed for, or specified by the customer, all pharmaceutical preparations, sold or dispensed in a pharmacy, dispensary, store or place, shall be of the standard strength, quality and purity, established by the latest edition of the United States Pharmacopoeia.

Subdivision 2. Pharmacist responsible for quality of drugs. Every proprietor of a wholesale or retail drug store, pharmacy, or other place where drugs, medicines or chemicals are sold, shall be held responsible for the quality and strength of all drugs, chemicals or medicines sold or dispensed by him except those sold in original packages of the manufacturer, and those articles or preparations known as patent or proprietary medicines.

Subdivision 3. Adulteration a misdemeanor; goods forfeited. Any person who shall knowingly, wilfully or fraudulently, falsify or adulterate any drug, medical substance or preparation, authorized or recognized in the said Pharmacopoeia, or used or intended to be used in medical practice or shall knowingly, wilfully or fraudulently offer for sale, sell or cause the same to be sold, shall be guilty of a misdemeanor; all drugs, medical substances, or preparations so

falsified or adulterated shall be forfeited to the board and by the board destroyed.

Revised Statutes, Codes and General Laws (Birdseye), 1901, vol. 2, p. 2861.

Sec. 407a. Adulteration of natural fruit juices, penalty. Any person who shall knowingly sell, offer or expose for sale, or give away, any compound or preparation composed, in whole or in part, of any unwholesome, deleterious or poisonous acid, or other unwholesome, deleterious or poisonous substance, as a substitute for the pure, unadulterated and unfermented juice of lemons, limes, oranges, currants, grapes, apples, peaches, plums, pears, berries, quinces, or other natural fruits, representing such compound or preparation to be the pure, unadulterated and unfermented juice of any of such fruits; or who, in the mixing, decoction, or preparation of food or drink, shall knowingly use any such compound or preparation in the place of, or as a substitute for, the pure, unadulterated and unfermented juice of one or more of such fruits, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than two hundred and fifty dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment. (*Laws, 1899, p. 744.*)

Revised Statutes, Codes and General Laws (Birdseye), 1901, vol. 2, pp. 2817, 2861.

Sec. 408. A person who with intent that the same may be used as * * * medicine, sells, or offers or exposes for sale, any article whatever which, to his knowledge, is tainted or spoiled, or for any cause unfit to be used as such food, drink, or medicine, is guilty of a misdemeanor.

Cook's Criminal and Penal Codes, 1907, page 273.

DISTRIBUTION OF SAMPLES.

Sec. 405b. Penalty for careless distribution. Any person, firm, or corporation, who distributes, or causes to be distributed, any free or trial samples of any medicine, drug, chemical or chemical compound, by leaving the same exposed upon the ground, sidewalk, porch, doorway, letter-boxes, or in any other manner, that children may become possessed of the same, shall be guilty of a misdemeanor punishable by a fine not exceeding twenty-five dollars for each offense, but this section shall not apply to the direct delivery of any such article to an adult. (*Laws, 1903, p. 1148.*)

Revised Statutes, Codes and General Laws (Birdseye), vol. 4 (Supplement, 1905), p. 224.

NORTH CAROLINA.

The law regarding adulteration and misbranding of drugs, effective July 1, 1907, is similar to the Federal law. Its enforcement is under the supervision of the commissioner and a board of agriculture. Prescriptions and United States Pharmacopœia and National Formulary preparations are exempt from the declaration and apparently from the substitution provision of the misbranding clause. The board of pharmacy shall certify whether preparations contain an excess of cocaine, morphine, opium, etc. Drugs on hand when act was passed are exempt.

Cocaine, alpha and beta eucaine, heroin, morphine, opium, etc., are sold at retail upon original prescription only.

REGISTERED PHARMACISTS.

Sec. 4. *Exclusive rights defined; exceptions.* It shall be unlawful for any person not licensed as a pharmacist within the meaning of this act to conduct or manage any pharmacy, drug or chemical store, apothecary shop or other place of business for the retailing, compounding or dispensing of any drugs, chemicals or poison, or for the compounding of physicians' prescriptions, or to keep exposed for sale at retail any drugs, chemicals or poison, except as hereinafter provided, or for any person not licensed as a pharmacist within the meaning of this act to compound, dispense or sell at retail any drug, chemical, poison or pharmaceutical preparation upon the prescription of a physician or otherwise, or to compound physicians' prescriptions except as an aid to and under the immediate supervision of a person licensed as a pharmacist under this act. And it shall be unlawful for any owner or manager of any pharmacy or drug store or other place of business to cause or permit any other than a person licensed as a pharmacist to compound, dispense or sell at retail any drug, medicine or poison except as an aid to and under the immediate supervision of a person licensed as a pharmacist: *Provided, however,* that nothing in this section shall be construed to interfere with any legally registered practitioner of medicine in the compounding of his own prescriptions, nor with the exclusively wholesale business of any dealer who shall be licensed as a pharmacist or who shall keep in his employ at least one person who is licensed as a pharmacist, nor with the selling at retail of non-poisonous domestic remedies, nor with the sale of patent or proprietary preparations which do not contain poisonous ingredients, nor with the sale of poisonous substances which are sold exclusively for use in the arts or for use as insecticides when such substances are sold in unbroken packages bearing a label having plainly printed upon it the name of the contents, the word "Poison", the vignette of the skull and cross bones and the name of at least two readily obtainable antidotes: *Provided, further,* that in any village of not more than five hundred inhabitants the board of pharmacy may grant any legally registered practicing physician a permit to conduct a drug store or pharmacy in such village, which permit shall not be valid in any other village than the one for which it was granted,

and shall cease and terminate when the population of the village for which such permit was granted shall become greater than five hundred: *And provided further*, that the board of pharmacy may, after due investigation, grant to any legally registered practicing physician in towns or villages of not more than five hundred, and not exceeding six hundred inhabitants, a permit to conduct a drug store or pharmacy in such town or village subject to the provisions of this act.

Public Laws, 1905, chap. 108, p. 119.

3650. *Penalty for illegally assuming rights of pharmacist.* If any person, not being licensed as a pharmacist, shall conduct or manage any drug store, pharmacy or other place of business for the compounding, dispensing or sale at retail of any drugs, medicines or poisons, or for the compounding of physicians' prescriptions contrary to the provisions of chapter 95, sub-chapter, Pharmacists, of this act, he shall be deemed guilty of a misdemeanor, and fined not less than twenty-five dollars nor more than one hundred dollars, and each week such drug store or pharmacy or other place of business is so unlawfully conducted shall be held to constitute a separate and distinct offense.

3649. *Penalty for dispensing drugs contrary to law.* If any person, not being licensed as a pharmacist, shall compound, dispense or sell at retail any drug, medicine, poison or pharmaceutical preparation, either upon a physician's prescription or otherwise, or if any person being the owner or manager of a drug store, pharmacy or other place of business, shall cause or permit any one not licensed as a pharmacist to dispense, sell at retail or compound any drug, medicine, poison or physician's prescription contrary to the provisions of chapter 95, subchapter, Pharmacists, he shall be deemed guilty of a misdemeanor, and fined not less than twenty-five dollars nor more than one hundred dollars.

Revised Statutes, 1905, chap. 81, p. 3694.

SALE OF POISONS.^a

Sec. 20. *Restrictions; label; record; provisos.* It shall be unlawful for any persons to sell or deliver to any person any of the following described substances or any poisonous compound, combination or preparation thereof, to-wit: The compounds and salts of arsenic, antimony, lead, mercury, silver and zinc, oxalic and hydrocyanic acids and their salts, the concentrated mineral acids, carbolic acid, the essential oils of almonds, pennyroyal, tansy and savine, croton-oil, creosote, chloroform, chloral hydrate, cantharides, or any aconite, belladonna, bitter almonds, colchicum, cotton root, conium, cannabis indica, digitalis, hyocyamis, nux vomica, opium, ergot, cannabis stramonius, or any of the poisonous alkaloids or alkaloid salts or other poisonous principles derived from the foregoing, or cocaine or any other poisonous alkaloids or their salts, or any other virulent poisons, except in the manner following: It shall first be learned by due inquiry that the person to whom delivery is made is aware of the poisonous character of the substance, and that it is desired for a lawful purpose, and the box, bottle or other package shall be plainly labeled with the name of the substance, the word "Poison," and the name of the person or firm dispensing the substance. And before a delivery is made of any of the following substances, to-wit, the compounds and salts of arsenic, antimony and mercury, hydrocyanic acid and its salts, strychnine and its salts, and the essential oil of bitter almonds, there shall be recorded in a book kept for that purpose the name of the article, the quantity delivered, the purpose for which it is required as represented by the purchaser, the date of delivery, the name and address of

^aThe law of 1905 takes the place of the pharmacy law of 1881.

the purchaser, the name of the dispenser, which book shall be preserved for at least five years and shall at all times be open to the inspection of the proper officers of the law: *Provided, however*, that the foregoing provision shall not apply to articles dispensed upon the order of persons believed by the dispenser to be lawfully authorized practitioners of medicine or dentistry: *And provided also*, that the record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale; but the box, bottle or other package containing such substances, when sold at wholesale, shall be properly labeled with the name of the substance, the word "poison", and the name and address of the manufacturer or wholesaler: *Provided further*, that it shall not be necessary to place a poison label upon or to record the delivery of the sulphide of antimony or the oxide or carbonate of zinc, or lead, or of colors ground in oil and intended for use as paint, or Paris green, when dispensed in the original package of the manufacturer or wholesaler, or calomel, paregoric or other preparations of opium containing less than two grains of opium to the fluid ounce, nor in the case of preparations containing any of the substances named in this section when in a single box, bottle or other package, or when the bulk of two fluid ounces or the weight of two avoirdupois ounces does not contain more than an adult medicinal dose of such poisonous substance.

Sec. 28. Penalty. Any person who shall sell or deliver to any person any poisonous substance specified in section twenty of this act without labeling the same and recording the delivery thereof in the manner prescribed in said section twenty shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Laws, 1905, Public, pp. 123 and 126.

Sec. 1. Sale of certain drugs forbidden except upon prescription; regulations; limitations; proviso. It shall be unlawful for any person, firm, or corporation to sell, furnish or give away any cocaine, alpha or beta eucaïne, opium, morphine, heroin, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts or compounds, except upon the original written order or prescription of a lawfully authorized practitioner of medicine, dentistry, or veterinary medicine, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, or, if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered, and shall be signed by the person giving the prescription or order. Such written order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the article ordered or prescribed, and it shall not be again compounded or dispensed, except upon a written order of the original prescriber for each and every subsequent compounding or dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person, but the original shall at all times be open to the inspection by the prescriber and properly authorized officers of the law: *Provided, however*, that the above provisions shall not apply to preparations containing not more than two grains of opium or not more than one-fourth grain of morphine, or not more than one-fourth grain of heroin, or not more than one-eighth grain of cocaine, or not more than one-eighth grain of alpha or beta eucaïne, in one fluid ounce, or, if a solid preparation, in one avoirdupois ounce: *Provided, also*, that the above provisions shall not apply to preparations containing opium and recommended and sold in good faith for diarrhoea and cholera, each bottle or package of which is accompanied by specific directions for use, and a caution against habitual use; nor to powder of ipecac and opium, commonly known as "Dover's Powder;" nor to liniments nor ointments when

plainly labeled "For external use only": *and provided, further*, that the above provision shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers, to retail druggists or qualified physicians, or to each other, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry or veterinary medicine, nor to sales at retail by retail druggists to habitués personally known as such to the sellers, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such preparations, nor to sales to hospitals, colleges, scientific or public institutions.

Sec. 2. *Relating to prescriptions to habitual users, etc.; proviso.* It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine to furnish to or to prescribe for the use of any habitual user of the same any cocaine, heroin, alpha beta or eucaine, opium, morphine, or any salt or compound of any of the foregoing substances or their salts or compounds. And it shall also be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for any person not under his treatment in the regular practice of his profession, or for any practitioner of veterinary medicine to prescribe any of the foregoing substances for the use of any human being: *Provided, however*, that the provisions of this section shall not be construed to prevent any lawfully authorized practitioner of medicine from furnishing or prescribing in good faith for the use of any habitual user of narcotic drugs who is under his professional care such substances as he may deem necessary for their treatment when such prescriptions are not given or substances furnished for the purpose of evading the provisions of this act.

Sec. 3. *Violations; penalty.* Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction for the first offense shall be fined not less than twenty-five dollars nor more than fifty dollars, and upon conviction for a second offense shall be fined not less than fifty dollars nor more than one hundred dollars, and upon conviction for a third offense shall be fined not less than one hundred dollars nor more than two hundred dollars, and may be imprisoned in the county jail for not more than six months; and if a licensed pharmacist, physician, dentist or veterinary surgeon, his license shall be revoked. It shall be the duty under this act of all Judges of the Superior Courts in this State, at every regular term thereof, to charge all regularly impaneled grand juries to diligently inquire into and investigate all cases of the violation of the provisions of this act and to make a true presentment of all persons guilty of such violations. It shall be the duty of the Board of Pharmacy to cause the prosecution of all persons violating the provisions of this act. No prosecution shall be brought for the sale of any patent or proprietary medicine containing any of the drugs or preparations hereinbefore mentioned until the Board of Pharmacy shall certify that such medicine contains any of the said drugs or preparations in excess of the maximum percentage hereinbefore mentioned.

Laws, 1907, chap. 77, pp. 92-94.

ADULTERATION AND MISBRANDING OF DRUGS.

Sec. 3. *Responsibility of druggists for quality of drugs sold.* Every person who shall engage in the sale of drugs, chemicals and medicines shall be held responsible for the quality of all drugs, chemicals and medicines he may sell or dispense, with the exception of those sold in the original packages of the manufacturers, and also those known as "patent or proprietary medicines"; and should he intentionally adulterate, or cause to be adulterated, or exposed to sale, knowing the same to be adulterated, any drugs, chemicals or medical preparations, he shall be guilty of a misdemeanor and liable to a fine not exceeding

one hundred dollars, and in addition thereto his name shall be stricken from the register of licensed pharmacists, provided he be a licensed pharmacist.

Sec. 11. Prosecutions. Upon information that any provision of this act has been or is being violated, the secretary of the board of pharmacy shall promptly make investigations of such matters, and, upon probable cause appearing, shall file complaint and prosecute the offender. All fines and penalties prescribed in this act shall be recoverable by suit in the name of the people of the State.

Laws, 1905, Public, pp. 118 and 121.

Sec. 2. Manufacture, sale or possession for sale of misbranded or adulterated drugs; etc., a misdemeanor. No person, firm or corporation, by himself or agent, shall manufacture, sell, expose for sale, or have in his possession with intent to sell, any * * * drug, * * * which is adulterated or misbranded within the meaning of this act, and any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and for such offense shall be fined not exceeding two hundred dollars for the first offense and for each subsequent offense not exceeding three hundred dollars, or be imprisoned not exceeding one year, or both, in the discretion of the Court; and such fines, less legal costs and charges, shall be paid into the treasury of the State for the benefit of the Department of Agriculture, to be used exclusively in executing the provisions of this act.

Sec. 5. Term "drug" defined. The term "drug" as used in this act shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals.

Sec. 6. When deemed to be adulterated. For the purpose of this act an article shall be deemed to be adulterated:

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, that no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

Sec. 7. Term "misbranded" defined, proviso. The term "misbranded" as used herein shall apply to all drugs * * * the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory or country in which it is manufactured or produced.

That for the purpose of this act an article shall also be deemed to be misbranded:

In the case of drugs:

First. If it be an imitation of, or offered for sale under the name of, another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such

package, or if the package fails to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein: *Provided*, that this shall not apply to prescriptions of regularly licensed physicians, dentists and veterinary surgeons, United States Pharmacopœia and National Formulary preparations.

Sec. 1. Board of Agriculture to secure samples and make analyses. For the purpose of protecting the people of the State from imposition by the adulteration and misbranding of * * * drugs, * * * the Board of Agriculture shall cause to be procured from time to time, and under rules and regulations to be prescribed by them in accordance with section eleven of this act, samples of * * * drugs, * * * offered for sale in the State, and shall cause the same to be analyzed or examined microscopically or otherwise by the chemists or other experts of the Department of Agriculture. The Board of Agriculture is hereby authorized to make such publication of the results of the examination, analyses, and so forth, as they may deem proper.

Sec. 3. Chemists to examine specimens. The chemists or other experts of the Department of Agriculture shall make, under rules and regulations prescribed by the Board of Agriculture, examinations of specimens of * * * drugs * * * offered for sale in North Carolina, which may be collected from time to time under their direction in various parts of the State; and if it shall appear from any such examinations that any such specimen is adulterated or misbranded within the meaning of this act, that notice thereof shall be given to the manufacturer or party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the Commissioner and the Board of Agriculture, and if it appears that any of the provisions of this act have been violated, the Commissioner of Agriculture shall certify the facts to the Solicitor in the district in which such sample was obtained, and furnish that officer with a copy of the results of the analysis or other examinations of such articles, duly authenticated by the analyst or other officer making such examination under the oath of such officer. In all prosecutions arising under this act the certificate of the analyst or other officer making the analysis or examination, when duly sworn to by such officer, shall be *prima facie* evidence of the fact or facts therein certified.

Sec. 4. Duty of Solicitor. It shall be the duty of every Solicitor to whom the Commissioner of Agriculture shall report any violation of this act to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such cases prescribed.

Sec. 9. Guaranty to afford protection. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party, residing in North Carolina, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such cases said party, or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act: *Provided*, that the above guaranty shall not afford protection to any dealer after the first offense in connection with a product from a particular wholesaler, jobber or manufacturer.

Sec. 10. Standards to be fixed and published. The Board of Agriculture shall, from time to time, fix and publish standards or limits of variability permissible in any article of * * * drugs * * * and the North Carolina Board of

Pharmacy shall, from time to time, fix and publish standards or limits of variability permissible in any article of drugs, and these standards, when so published, shall be the standards before all courts: *Provided*, that when standards have been or may be fixed by the Secretary of Agriculture of the United States, they shall be accepted by the Board of Agriculture, and published as the standards for North Carolina: *Provided*, that these standards shall not apply to United States Pharmacopœia and National Formulary preparations. The Board of Agriculture shall have authority to make uniform rules and regulations for carrying out the provisions of this act, and, in the appointment of a drug inspector under the provisions of this act, they shall confer with the North Carolina Board of Pharmacy.

Sec. 11. Purchase of samples. Every person who offers for sale or delivers to a purchaser any * * * drugs * * * shall furnish within business hours and upon tender and full payment of the selling price, a sample of such * * * drugs * * * to any person duly authorized by the Board of Agriculture to secure the same, and who shall apply to such manufacturer or vender or person delivering to a purchaser * * * drugs * * * for such sample for such use in sufficient quantity for the analysis of such article or articles in his possession.

Sec. 12. Obstructing enforcement of act; penalty. Any manufacturer or dealer who refuses to comply, upon demand, with the requirements of section eleven of this act, or any manufacturer, dealer or person who shall impede, obstruct, hinder or otherwise prevent, or attempt to prevent, any chemist, inspector or other person in the performance of his duty in connection with this act, shall be guilty of a misdemeanor, and upon conviction be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned, in the discretion of the Court; and said fines, less the legal costs, shall be paid into the treasury of the State for the benefit of the Department of Agriculture, to be used exclusively in executing the provisions of this act.

Sec. 13. Word "person" as used in act defined. The word "person" as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent or other person acting for or employed by any corporation, company, society or association within the scope of his employment or office, shall in every case be also deemed to be the act, omission or failure of such corporation, company, society or association, as well as that of the person.

Sec. 14. Violation of act a misdemeanor. Any person, firm or corporation who shall manufacture, sell or offer for sale any article of food, drug or liquor that is adulterated or misbranded within the meaning of this act, shall be guilty of a misdemeanor, and in addition to being subject to the penalties already provided in this act, the article of food, drug or liquor shall be subject to seizure, condemnation and sale by the Commissioner of Agriculture, as is provided for the seizure, condemnation and sale of commercial fertilizers; and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury for the use of the Department of Agriculture in executing the provisions of this act; but no article or articles shall be sold in any jurisdiction contrary to the provisions of this act, or the laws of that jurisdiction: *Provided*, that the Commissioner of Agriculture shall have authority for the first offense to allow the shipment of such article or articles without the borders of the State.

Sec. 15. Articles on hand at passage of act. The provisions of this act shall not apply to drugs or articles of food on hand at the passage of this act.

Sec. 16. Repeal. All laws in conflict with this act are hereby repealed.

NORTH DAKOTA.

The law regarding adulteration and misbranding of drugs, effective March 13, 1907, contains the principal features of the Federal act. The misbranding clause is different in some respects. The enforcement of the act is under the supervision of the North Dakota agricultural experiment station.

Cocaine is sold only upon original prescription.

Wood alcohol is prohibited in the manufacture of medicinal articles which are intended for either internal or external use.

REGISTERED PHARMACISTS.

Sec. 1. Sale, etc., of drugs restricted. No person other than a registered pharmacist, assistant registered pharmacist or a regularly licensed physician shall manufacture, compound, sell or dispense for medicinal use any drug, poison, medicine, or chemical (except patent or proprietary preparations) or dispense or compound a prescription of a medical practitioner except as provided in this act.

Sec. 2. Conduct of pharmacy; definition. Every store, dispensary, pharmacy, laboratory, or office for the sale, dispensing or compounding of drugs, medicines or chemicals, or for the compounding or dispensing of prescriptions of medical practitioners shall be in charge of a registered pharmacist. A registered assistant pharmacist may be left in charge of a store, dispensary, pharmacy, laboratory or office for the sale, dispensing or compounding of drugs, medicines or chemicals or for the dispensing of prescriptions of medical practitioners only during the temporary absence of the registered pharmacist. No registered assistant shall conduct a pharmacy except during the temporary absence of the registered pharmacist in charge thereof. Every store or shop where drugs, medicines, or chemicals are dispensed or sold at retail, or displayed for sale, at retail for medicinal purposes, or where prescriptions are compounded, shall be deemed a "pharmacy" within the meaning of this act. In every pharmacy a sign shall be posted in a conspicuous place showing the name of the registered pharmacist in charge thereof.

Sec. 12. Qualifications for registration; provisos. An applicant for registration as a pharmacist must, as a condition precedent to an examination therefor, present to and file with the board satisfactory evidence that he or she is over twenty-one years of age, and of good moral character; that he or she has had four years' experience in a reputable pharmacy under the instruction and supervision of a competent and reputable pharmacist; provided, however, if the applicant is a graduate of a college of pharmacy approved by the board, the time spent by such applicant in a regular course of study at such school, not exceeding two years, may be considered and allowed as part of the four years' experience required by this section; provided, further, that experience and study of pharmacy in any reputable hospital under the supervision and instruction of the resident interne, physician or physicians of such hospital shall be deemed equivalent to the experience and study in a pharmacy under the supervision of a

registered pharmacist. Registration as a pharmacist by said board entitles the person so registered to membership in the North Dakota pharmaceutical association.

Sec. 25. Exemptions. Nothing in this act shall apply to, or interfere with any practitioner of medicine who is duly registered, as such, by the state board of medical examiners of this state, with supplying his own patients, as their physician, with such remedies as he may desire, nor does this act apply to the exclusively wholesale business of any dealer, nor do general dealers come under the provisions of this act so far as it relates to the keeping for sale of proprietary medicines in original packages and the simple household remedies; nor does this act apply to registered or copyrighted proprietary medicines registered in the United States patent office, nor to the manufacture of proprietary remedies or the sale of the same in original packages, by persons other than pharmacists, and this act shall not be construed to prohibit the sale, dispensing or compounding of drugs or medicines or physician's prescriptions in any established hospital to the patients therein by or under the direct supervision of a resident interne physician of such hospital.

Sec. 26. Penalty. Any proprietor of a pharmacy, who not being a registered pharmacist, shall fail or neglect to place in charge of such pharmacy a registered pharmacist, or any such proprietor who shall by himself, or any other person permit the compounding or dispensing of prescriptions, or the vending of drugs, medicines or poisons, in his store or place of business, except by or in the presence and under the direct supervision of a registered pharmacist, or any person not being a registered pharmacist, who shall take charge of or act as manager of such pharmacy, or store, or who, not being a registered pharmacist, retails, compounds, or dispenses drugs, medicines or poisons, shall be guilty of a misdemeanor.

Laws, 1907, chap. 182, pp. 290-297.

SALE OF POISONS.

9043. Regulations. No druggist, apothecary or other person dealing or trafficking in drugs or medicines, and no person employed as clerk or salesman by any apothecary or druggist, shall sell or give away any poison or poisonous substances, except to practicing physicians, in their ordinary practice of medicine, without recording in a book, to be kept for that purpose, the names of the person or persons receiving such poison, and his, her or their residence, excepting upon the written order or prescription of some practicing physician whose name must be attached to such order or prescription. No person shall sell, give away or dispose of any poisonous substance without attaching to the phial, box or parcel containing such poisonous substance a label with the word "poison", printed or written upon it, in plain and legible characters.

9044. Violation a misdemeanor. Any person violating any of the provisions of section 9043 shall be deemed guilty of a misdemeanor. *Penal Code, 1877, pp. 447-448; Revised Codes, 1899, par. 7303 and 7304.*

Revised Codes, 1905, p. 1478.

Sec. 28. Record of poisons. Every person who shall sell, furnish or deliver to another at retail any arsenic or its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia and all other poisons, vegetable alkaloids and their salts, essential oil of bitter almonds, opium or its preparations, except paregoric and other preparations of opium with less than two grains to the ounce, shall before delivering the same, enter, or cause to be entered in a book kept

for that purpose, the date of sale, the name and address of the person to whom sold or delivered, the name, quantity and quality of the articles sold and the name of the dispenser, and shall affix to the bottle, box or vessel or receptacle containing the same, a label showing the name of the contents, the word "poison" and his name and place of business.

Sec. 29. Every person who shall sell, furnish or deliver to another at retail, any aconite, belladonna, colchicum, conium, formaldehyde, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid and oxalic acid, shall before delivering the same affix to the bottle, box, vessel or package containing the same, a label showing the name of the contents, the word "poison" and his name and place of business; provided, however, that any storekeeper may sell the drugs known as formaldehyde and paris green in unbroken packages.

Sec. 30. *Sale of cocaine restricted.* No sale of cocaine may be made by any person except upon the written prescription of a licensed physician, dentist or veterinary surgeon, and any wilful violation of this section shall be punished on conviction as provided in this act for violations thereof, and in addition, if the person found guilty shall be a registered pharmacist or registered assistant pharmacist, his registration and license may be cancelled.

Sec. 31. *Penalty for violation.* Any person who shall wilfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, unless otherwise provided in this act, be punished by a fine of not less than fifty dollars and not more than two hundred dollars together with the costs of the prosecution, and in all cases of prosecution under this act, the costs of securing the evidence, including the costs of traveling and other necessary expenses of members of the board of pharmacy or any inspector appointed by the said board, in obtaining the evidence and securing the conviction, shall be deemed to be costs of the prosecution and taxed to the defendant.

Laws, 1907, chap. 182, pp. 296-298.

ADULTERATION OF DRUGS.

Sec. 1. *Adulterating and labeling drugs.* It shall be unlawful for any person, his agent or servant, or while acting as agent or servant of any other person or corporation, to manufacture for sale, offer for sale or sell within this state any drug which is adulterated within the meaning of this act.

Sec. 2. *Drugs defined.* The term "drug" as used in this act shall include all medicines for internal or external use, antiseptics, disinfectants, washes, perfumes and cosmetics.

Sec. 3. *What constitutes adulteration.* A drug shall be deemed to be adulterated:

First. If, when sold under or by a name recognized in the United States Pharmacopoeia or the National Formulary, official at the time, it differs from the standard of strength, quality or purity prescribed therein, unless the order therefor requires an article inferior to such standard or unless such difference is made known or so appears to the purchaser at the time of the sale.

Second. If, when sold under or by a name not recognized in the United States Pharmacopoeia or the National Formulary, but which is found in some other pharmacopoeia or other standard work on materia medica, it differs materially from the standard of strength, quality or purity prescribed in such work.

Third. If its strength, quality or purity falls below the professed standard under which it is sold.

Fourth. If it be an imitation of or offered for sale under the name of another article, or if it be falsely labeled in any respect with regard to its composition, properties, uses, or place of manufacture, or if it bear any design which shall deceive or tend to deceive;

Provided, that a drug or medicine shall not be deemed adulterated in the following case:

First. If the standard of strength or purity of any drug has been raised since the issue of the last edition of the United States Pharmacopoeia or of the National Formulary, no prosecution relative to it shall be maintained until such change of standard has been published throughout the commonwealth.

Sec. 4. *Drugs and medicines to be labeled.* Every proprietary product, drug, medicine or beverage containing any alcohol, morphine, opium, heroine, alpha or beta eucaine, chloroform, cannabis indica, chloral, hydrate, bromine, iodine, acetanilid, or croton oil, or of any derivative or preparation of any such substances contained therein shall be clearly labeled in plain, open gothic letters printed on a white background, showing the name, the proportion or percentage of each of the foregoing constituents, and said facts shall all be set forth on the face or principal label and separate from other statements, and in such a way as to be clearly seen.

Sec. 5. *Cocaine.* No product or preparation shall be sold, offered for sale or given away which contains cocaine or any of its salts or derivatives, and no delivery of cocaine or its salts shall be made in this state except upon the written prescription of a licensed physician, dentist or veterinarian, and said prescription shall not be refilled. Any druggist violating this section of the act shall forfeit his license.

Sec. 6. *Methyl alcohol prohibited.* It shall be unlawful to sell, offer or expose for sale, or to have in possession any preparation or product intended for the use of man, either for internal or external purposes, including washes and perfumes, which contain methyl alcohol or wood spirits.

Sec. 7. *Physicians' prescriptions to be filled.* Nothing in this act shall be so construed as to in any way interfere with the written prescription of any regularly licensed physician or with the filling of the same by a licensed druggist.

Sec. 8. *Penalty for so doing.* Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall for the first offense be punished by a fine of not less than five dollars or more than one hundred dollars, and all necessary costs, including the expense of analyzing such adulterated articles when said person has been found guilty under this act, and all such adulterated or misbranded articles may by order of the court be seized and destroyed.

Sec. 9. *Duty of State's attorney.* It shall be the duty of the attorney general and state's attorney to prosecute all persons violating any of the provisions of this act when the evidence thereof has been presented by the North Dakota government agricultural experiment station as provided in sections 11 and 12 of this act.

Sec. 10. *North Dakota experiment station to inspect and analyze drugs and medicines.* The North Dakota government agricultural experiment station shall make analysis of drugs and medicines found on sale in North Dakota suspected of being adulterated, at such times and places and to such an extent as it may determine, and may appoint such agent or agents as it may deem necessary for the enforcement of the provisions of this act, and such agent or agents shall

have free access and egress, at all reasonable hours, for the purpose of examining into any place wherein it is suspected any drug or medicine adulterated with any deleterious or foreign ingredient, or which falls below the standard of purity or where such ingredients exist, and such agent or agents, upon tendering the market price of said article, may take from any person, firm or corporation, samples of any articles suspected of being adulterated as aforesaid.

Sec. 11. *Facts, how transmitted.* Whenever said station shall find by its analysis that adulterated drugs have been on sale in this state or that said drugs are in violation of this act, it shall forthwith transmit the facts so found to the attorney general and state's attorney of the county in which said adulterated product was found.

Sec. 12. *Certificate as evidence.* Every certificate duly signed and acknowledged by the chemist of the North Dakota government agricultural experiment station at Fargo, relating to the analysis of any drug, drug products or medicines, shall be prima facie evidence of the facts therein stated.

Sec. 13. *Station to make annual report.* The said station shall make an annual report to the governor upon the work done under this act and said report may be included in the report which said station is already authorized by law to make to the governor. Said station is further authorized to publish and distribute bulletins giving the results of such analyses and investigations as have been made under authority of this act.

Sec. 14. *Repeal.* All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 15. *Emergency.* Whereas, an emergency exists, since inadequate protection is afforded against the sale of cocaine and other narcotics, therefore this act shall take effect and be in force from and after its approval.

Approved March 13, 1907. Laws, 1907, chap. 196, pp. 319-322.

OHIO.

The law regarding adulteration and misbranding of drugs, effective July 1, 1908, is similar to the Federal law. It embodies provisions by which the United States Pharmacopœia and other pharmacopœias and standard works on materia medica are recognized. The law does not appear to delegate to any officer the duty of enforcing the same.

Cocaine, morphine, and any preparations of the same are sold only upon prescription, with certain restrictions.

REGISTERED PHARMACISTS.

Sec. 65. *Application for practice of pharmacy.* A person desiring to be registered as a pharmacist or assistant pharmacist, shall file with the secretary of the state board of pharmacy a verified application giving his age, place or places at which he studied or practiced pharmacy and the time spent in such study or practice, and appear before the board and take an examination in the following subjects: Chemistry, botany, materia medica, toxicology and the theory and practice of pharmacy.

Sec. 66. *Qualification for practice.* An applicant for a certificate as a pharmacist shall be twenty-one years of age and have four years' practical experience in a drug store where physicians' prescriptions are compounded; but a graduate of a school or college of pharmacy in good standing, as determined by the board, shall be entitled to a deduction, from the requirement of four years' experience, of the time spent in receiving instruction in such school or college of pharmacy.

Sec. 67. *Assistant pharmacist.* An applicant for a certificate as an assistant pharmacist shall be eighteen years of age and have at least two years' practical experience in a drug store in charge of a registered pharmacist and in which physicians' prescriptions are compounded; but from the requirement of two years' experience, the time spent by such applicant under instruction in a school or college of pharmacy in good standing, as determined by the board, may be deducted.

Sec. 68. *State board of pharmacy to issue certificate.* If the state board of pharmacy is satisfied that the applicant for examination is of the required age, possessed of the practical experience required, and passes a satisfactory examination, it shall issue him a certificate authorizing him to practice the profession of a pharmacist or assistant pharmacist.

Sec. 69. *Certificate from another State.* The state board of pharmacy shall register a person as assistant pharmacist without examination and issue him a certificate of such registration if he is legally registered by examination as a pharmacist, and holds a certificate of such registration under the laws of another state. The board may register a person as a pharmacist without examination and issue him a certificate of such registration if he is legally registered as a pharmacist and holds a certificate of such registration under the laws of another state, upon the following conditions: Each applicant for such registra-

tion shall be twenty-one years of age and be registered after examination in the state from which he holds a certificate.

Sec. 70. *Acceptance of certificate from another State conditioned.* The standard of qualification and requirement as to competency in another state shall at least be as thorough as that established by the board of pharmacy of this state. The board shall not recognize certificates of registration granted by another state unless recognition is given to residents of this state holding certificates from its board of pharmacy.

Sec. 71. *Certificate may be refused.* Each certificate and each renewal certificate issued by the state board of pharmacy shall entitle the person to whom it is granted to practice the profession of a pharmacist or assistant pharmacist for three years. The board may refuse to grant a certificate to a person guilty of felony or gross immorality, or addicted to the liquor or drug habit to such a degree as to render him unfit to practice pharmacy, and, after notice and hearing, may revoke a certificate for like cause or for fraud in procuring it. An appeal may be taken from the action of the state board refusing to grant or revoking a certificate, to the governor and attorney-general, and the decision of these officials, affirming or over-ruling its action, shall be final.

Sec. 77. *Drug store must be in charge of registered pharmacist.* No person not a legally registered pharmacist, shall open or conduct a pharmacy or retail drug or chemical store, either as proprietor or manager thereof unless he has in his employ and places in charge of such pharmacy or store a pharmacist legally registered under the laws of this state. No person not a legally registered pharmacist shall compound, dispense, or sell any drug, chemical, poison or pharmaceutical preparation upon the prescription of a physician or otherwise; but a legally registered assistant pharmacist may compound, dispense or sell any such drug, chemical, poison or pharmaceutical preparation when employed in a pharmacy or drug store under the management and control of a legally registered pharmacist.

Sec. 78. *Violations; penalty.* Whoever violates any provision of the next preceding section shall be fined not less than twenty dollars nor more than one hundred dollars. Each day a person violates any such provision shall constitute a separate offense. Prosecutions under this section shall be governed by the provisions of section 3718a of the Revised Statutes.

Sec. 79. *Exceptions.* The preceding two sections shall not apply to the business of a physician or prevent him from supplying his patients with such medicines as to him seems proper; or to the making or vending of patent or proprietary medicines by a retail dealer; or to the selling of copperas, borax, blue vitriol, saltpeter, sulphur, brimstone, licorice, sage, juniper berries, senna leaves, castor oil, sweet oil, spirits of turpentine, glycerine, glauber's salt, cream of tartar, bicarbonate of sodium, quinine, rochelle salts, epsom salts, alum, camphor gum, oil of cinnamon, oil of lemon; or prohibit a person from selling in the original packages paregoric, essence of peppermint, essence of cinnamon, essence of ginger, hive syrup, syrup of ipecac, tincture of arnica, syrup of tolu, syrup of squills, spirits of camphor, number six, sweet spirits of nitre, compound cathartic pills, quinine pills, and other similar preparations when compounded by a legally registered pharmacist and put up in bottles or boxes bearing the label of such pharmacist or a wholesale druggist, with the name of the article and directions for its use on each bottle or box; nor shall such section prohibit a person from selling paris green when put up in bottles or boxes, bearing the name of a legally registered pharmacist or wholesale dealer, and labelled as required by law, or apply to or interfere with the exclusively wholesale business of a dealer.

Sec. 82. Enforcement of law. The secretary of the state board of pharmacy shall enforce the laws relating to the practice of pharmacy. If he has information that any provision of law has been violated, he shall investigate the matter, and, upon probable cause and hearing, file a complaint and prosecute the offender. Fines assessed and collected under prosecutions commenced or caused to be commenced by the state board of pharmacy shall be paid to the treasurer thereof, and by him paid into the state treasury each month to the credit of the fund for the use of the board.

Approved May 9, 1908. Laws, 1908, H. B. 1268, pp. 503-508.

SALE OF POISONS.

10632. Regulations; label; record. It shall be unlawful for any person to knowingly sell or deliver to any minor under sixteen years of age, except upon the written order of an adult, or to sell or to deliver to any person, any of the following described substances, or any poisonous compound, poisonous combination or poisonous preparation thereof, to-wit: The compounds and salts of antimony, arsenic, chromium, copper, lead, mercury, zinc, the concentrated mineral acids, oxalic and hydrocyanic acids and their salts, yellow phosphorus, carbolic acid, the essential oils of almonds, penny royal, tansy and savin, croton oil, creosote, chloroform, chloral hydrate, cantharides, or any aconite, belladonna, bitter almonds, colchicum, cotton root, cocculus indicus, conium, cannabis indica, digitalis, hyocyamus, ignatia, lobelia, nux vomica, opium, physostigma, phytolacca, strophanthus, stramonium, veratrum veride, or any of the poisonous alkaloids or alkaloidal salts or other poisonous principles derived from the foregoing, or any other poisonous alkaloids or their salts or any other virulent poison, except in the manner following:

It shall first be learned by due inquiry that the person to whom delivery is made is aware of the poisonous character of the substance, and that it is desired for a lawful purpose, and the box, bottle or other package shall be plainly labeled with the name of the substance, "Poison," and the names of two or more substances which may be used as antidotes. And before delivery shall be made of any of the foregoing substances, there shall be recorded in a book (kept) for that purpose the name of the article, the quantity delivered, the purpose for which it is alleged to be used, the date of delivery, the name and address of the purchaser, and the name of the dispenser, which book shall be preserved for at least five years, and shall at all times be open to inspection by the proper officers of the law.

10633. Exceptions. The provisions of section 10632 of this act shall not apply to articles dispensed to or upon the order or prescription of persons believed by the dispenser to be lawfully authorized practitioners of medicine or dentistry and the record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale, but the box, bottle or other package containing such substance when sold at wholesale, shall be properly labeled with the name of the substance, the word "Poison," and the name and address of the manufacturer or wholesaler; nor shall it be necessary to place a poison label upon, nor to record the delivery of the sulfid of antimony, or the oxid or carbonate of zinc, or of colors ground in oil, and intended for use as paints, or calomel, paregoric, or other preparations of opium containing less than two grains of opium to the fluid ounce, nor in the case of preparations containing any of the substances named in section one of this act when a single box, bottle or other package, or when the bulk of one-half fluid ounce or the weight of one-half avoirdupois

ounce, does not contain more than an adult medicinal dose of such poisonous substance; nor in case of preparations recommended in good faith for d'arrhœa and cholera, when each bottle or package is accompanied by specific directions for use and a caution against habitual use; nor in the case of liniments and ointments when plainly labeled "For external use only." Nor in the case of preparations put up and sold in the form of pills, tablets or lozenges and intended for internal use, where the dose recommended does not contain more than $\frac{1}{4}$ of an adult medicinal dose of such poisonous substance. *Laws 1902, S. B. 10, pp. 280-282.*

Lanning's Revised Statutes, 2d ed., 1907, vol. 1, pp. 2102-2103.

COCAINE.

Sec. 1. Restriction on sale of cocaine. Whoever, by himself or by his servant, or agent, or as the servant or agent of any other person, sells, barter or gives away any quantity of alkaloid cocaine, or its salts or preparations or mixtures containing alkaloid cocaine or its salts, except upon the prescription of a physician or dentist duly licensed under the laws of the state of Ohio, which prescription shall contain the name of the physician or dentist issuing same, the date of issue and the name of the person for whom it is issued, or fails to keep on file such prescription for at least two years, in such manner that said prescription shall be accessible at all reasonable times to the proper officer or officers of the law, or fills said prescription more than once, shall be fined not more than five hundred dollars nor less than fifty dollars, but the provisions of this act do not extend to any person, persons, firm or corporation engaged in selling drugs and medicines at wholesale selling any quantity of alkaloid cocaine or its salts or preparations or mixtures containing alkaloid cocaine or its salts to another person, persons, firm or corporation engaged in selling drugs or medicines at wholesale or retail, or lawfully engaged in the practice of Medicine or Dentistry in accordance with the laws governing such business.

It shall be the duty of the Ohio board of pharmacy to enforce the provisions of this act, and all fines collected under this act shall be paid to the treasury of the Ohio board of pharmacy, and by him covered into the state treasury to be credited to the use of the Ohio board of pharmacy; provided, however, that all courts having jurisdiction in misdemeanors shall have jurisdiction for any violation hereof, and upon complaint it shall be the duty of any prosecuting attorney or other proper officer to prosecute any violation of this act.

Sec. 2. Repeal. Said original section 1 of an act entitled, "An act to restrict the selling, or giving away of cocaine," passed April 14, 1902, be and the same is hereby repealed.

Laws 1908, p. 473.

10629. Unlawful disposition of drugs, medicines, etc. Any person who shall by himself, his servant or agent, or as the servant or agent of any other person, leave, throw or deposit, or upon the doorstep or premises owned or occupied by another, or who shall deliver to any child under fourteen years of age, any patent or proprietary medicine, or any preparation, pill, tablet, powder, cosmetic, disinfectant or antiseptic, or any drug or medicine that contains poison, or any ingredient that is deleterious to health, as a sample, or in any quantity whatever for the purpose of advertising, shall be deemed guilty of a misdemeanor.

10630. Definition of terms. The terms drug, medicine, patent or proprietary medicine, pill, tablet, powder, cosmetic, disinfectant or antiseptic, as used in

this act, shall include all remedies for internal or external use, either in packages or bulk, simple, mixed or compounded.

10631. Penalty. Whoever violates the provisions of section one (10629) of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars, nor less than twenty-five dollars, or imprisoned not exceeding one hundred nor less than thirty days, or both, for each and every violation. *Laws, 1902, p. 146.*

Lanning's Revised Statutes, 2d ed., 1907, vol. 1, p. 2102.

ADULTERATION AND MISBRANDING OF DRUGS.

Sec. 1. Adulteration and misbranding prohibited. No person shall, within this state, manufacture for sale, offer for sale, sell, deliver or have in his possession with intent to sell or deliver any drug or article of food which is adulterated, within the meaning of this act; no person shall, within this state, offer for sale, sell, deliver or have in his possession with intent to sell or deliver any drug or article of food which is mis-branded, within the meaning of this act. (*Laws, 1884, p. 67. Act of Mch. 20, 1884, amended May 1, 1908.*)

Laws, 1908, p. 257.

Sec. 2. Terms "drug" and "flavoring extracts" defined. The term "drug," as used in this act, shall include all medicines for internal or external use or for inhalation, antiseptic, disinfectants and cosmetics. The term "flavoring extract," as used herein, shall include any article used as a flavor for foods or drinks, whether used or sold under the name of extract, flavor, essence, tincture, or any other name. (*Laws, 1884, Act of Mch. 20; amended Apr. 2, 1906.*)

Laws, 1906, p. 263.

Sec. 3. When deemed to be adulterated. An article shall be deemed to be adulterated within the meaning of this act:

(a) In the case of drugs: (1) If, when sold under or by a name recognized in the eighth decennial revision of the United States pharmacopœia, or the third edition of the National Formulary, it differs from the standard of strength, quality or purity laid down therein; (2) if, when sold under or by a name not recognized in the eighth decennial revision of the United States pharmacopœia, or the third edition of the National Formulary, but which is found in some other pharmacopœia, or other standard work on materia medica, it differs materially from the standard of strength, quality and purity laid down in such work; (3) if its strength, quality or purity falls below the professed standard under which it is sold; (4) if it is an imitation of, or offered for sale under the name of another article; (5) if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package; (6) if it contains any methyl or wood alcohol. (*Laws, 1884, p. 68; amended April 22, 1890, April 20, 1904, and April 2, 1906.*)

Sec. 3a. "Misbranded" defined. An article shall be deemed to be misbranded within the meaning of this act:

(a) In the case of drugs: (1) If the package fails to bear a statement on the label of the quantity or proportion of any grain or ethyl alcohol, morphine, opium, cocaine, heroine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide or any derivative or preparation of any such sub-

stances contained therein, *Provided*, that the provisions of this section shall not apply to the prescriptions of regularly licensed physicians, dentists and doctors of veterinary medicine, nor to such drugs and preparations as are officially recognized in the eighth decennial revision of the United States pharmacopœia, or the third edition of the National Formulary, and which are sold under the name by which they are so recognized; (2) if the package containing it or any label thereon shall bear any statement, design or device regarding it or the ingredients or substances contained therein, which shall be false or misleading in any particular.

Laws, 1908, pp. 257-258.

Sec. 4. Samples may be demanded for analysis. Every person manufacturing, offering or exposing for sale, or delivering to a purchaser, any drug or articles of food included in the provisions of this act, shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such drug or article of food which is in his possession. (*Laws, 1884, Act of Mar. 20.*)

Lanning's Revised Statutes, 2d ed., 1907, vol. 1, p. 1478, sec. 7080.

Sec. 5. Violations of act; penalty. Whoever refuses to comply, upon demand, with the requirements of section 4, and whoever violates any of the provisions of this act, shall be fined not exceeding one hundred nor less than twenty-five dollars, for the first offense, and for each subsequent offense shall be fined not exceeding two hundred dollars nor less than one hundred dollars, or imprisoned in the county jail not exceeding one hundred, nor less than thirty days, or both. And any person found guilty of manufacturing, offering for sale or selling an adulterated article of food or drug under the provisions of this act, shall be adjudged to pay in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling or offering for sale. (*Laws, 1884, Act of Mar. 20.*)

Sec. 6. Effect. This act shall take effect and be in force on and after the first day of July, A. D. 1908.

Laws, 1908, p. 259.

ADULTERATION OF LIQUORS WITH POISONS.

7082. Penalty. Whoever adulterates, for the purpose of sale, any spirituous, alcoholic or malt liquors used or intended for drink, or medical or mechanical purposes, with cocculus-indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil-wood, cochineal, sugar of lead, aloes, glucose, tannic acid, or any other substance which is poisonous or injurious to health, or with any substance not a necessary ingredient in the manufacture thereof; and whoever sells, or offers or keeps for sale any such liquors so adulterated, shall be fined in any sum not less than twenty nor more than one hundred dollars, or be imprisoned not less than twenty, nor more than sixty days, or both, at the discretion of the court. And any person guilty of violating any of the provisions of this section, shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing any such adulterated liquors of which said

party may have been guilty of adulterating, or selling, or keeping for sale or offering for sale.

7083. *Use of active poison in manufacture of liquor.* Whoever uses any active poison in the manufacture or preparation of any intoxicating liquor, or sells in any quantity any intoxicating liquor so manufactured or prepared, shall be imprisoned in the penitentiary not more than five years, nor less than one year.

Bates' Annotated Statutes, 1906, p. 3405.

6949. *Branding of liquor; penalty.* Whoever, being engaged in the manufacture and sale of intoxicating liquors, fails to brand on each package containing the same the name of the person or company manufacturing, rectifying, or preparing the same, and also the words "containing no poisonous drugs, or other added poison," shall be fined not more than one thousand dollars, and imprisoned not more than six months nor less than one month.

Bates' Annotated Statutes, 1906, p. 3358.

OKLAHOMA.

The law regarding adulteration and misbranding of drugs, effective May 26, 1908, resembles the Federal law. The Pure Food, Dairy and Drug Commissioner is charged with its enforcement under regulations conforming to those of the Federal law. Proprietary preparations must be registered and licensed. Physicians' prescriptions are exempt by the misbranding clause from declaring the percentage of alcohol or the quantity of morphine, opium, cocaine, etc.

REGISTERED PHARMACISTS.

2889. *Registered and assistant pharmacists only to dispense drugs.* It shall hereafter be unlawful for any person other than a registered pharmacist, or assistant pharmacist as hereinafter defined, to retail, compound or dispense drugs, medicines or pharmaceutical preparations in the Territory of Oklahoma, or to institute, conduct or manage a pharmacy, store or shop for the retailing, compounding or dispensing of drugs, medicines or pharmaceutical preparations in said Territory of Oklahoma, unless such person shall be a registered pharmacist, as this act provides, or shall place in charge of said pharmacy, store or shop, a registered pharmacist, except as hereinafter provided.

2891. *Provisions as to assistant pharmacists.* "Assistant pharmacists" in the meaning of this act, shall comprise all persons regularly registered as licentiates in pharmacy in the Territory of Oklahoma for the year ending July 1, 1897, who have been authorized to assist in the dispensing and compounding of physicians' prescriptions under the supervision of a properly qualified person; and all persons over eighteen years of age, having two years' practical experience in the compounding and dispensing of physicians' prescriptions, who shall pass such examination as the territorial board of pharmacy shall require. Assistant pharmacists shall not be permitted to conduct or manage a pharmacy on their own account, or assume the management of such business for others.

2898. *Penalty.* Any person who is not a registered pharmacist in the meaning of this act, who shall keep a pharmacy, store, or shop, for the compounding and dispensing of physician's prescriptions, and who shall not have in his employ, in said pharmacy, store, or shop, a registered pharmacist, in the meaning of this act, shall, for each and every offense, be liable to a fine not less than twenty-five dollars nor more than two hundred dollars.

2900. *Penalty for compounding of prescriptions by unlicensed employees; exceptions.* Any proprietor of a pharmacy, or other person, who shall permit the compounding and dispensing of physician's prescriptions or the vending of drugs, medicines or pharmaceutical preparations in his store or place of business, except by a registered pharmacist, or assistant pharmacist in the meaning of this act, or under the immediate supervision of one, or who, while continuing the pursuit of pharmacy in the Territory of Oklahoma, shall neglect to procure his annual registration, or any person, who shall wilfully make any false representations to procure for himself, or for another, registration under this act, or

who shall violate any other provision of this act, shall, for each any ^a every offense, be liable to a fine of one hundred dollars: *Provided*, That nothing in this act shall interfere with the business of those merchants who keep on sale such poisons, acids and chemicals as are regularly used in agriculture, mining and the arts, when kept and sold for such purposes, only in sealed and plainly labeled packages: *Provided, also*, That nothing in this act shall in any manner interfere with the business of any physician in regular practice, nor prevent him from supplying his patients such articles as may to him seem proper, nor with the marketing and vending of proprietary and patent medicines in towns of three hundred inhabitants or less, nor with the exclusive wholesale business of any dealers, except as hereinafter provided: *Provided, also*, That nothing in this act shall in any manner interfere with the business of merchants in towns having less than three hundred inhabitants, in which there is no licensed pharmacy, or with country merchants, to sell or vend such medicines, compounds and chemicals as are required by the general public and in form and manner prescribed by the board of pharmacy. *Session Laws, 1897, p. 229.*

Revised Statutes, 1903, vol. 1, chap. 32, pp. 700-703.

2348. Apothecary liable for negligence. Every apothecary or druggist, and every person employed as clerk or salesman by an apothecary or druggist, or otherwise carrying on business as a dealer in drugs or medicines, who, in putting up any drugs or medicines, wilfully, negligently or ignorantly omits to label the same, or puts any untrue label, stamp or other designation of contents upon any box, bottle or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor.

Revised Statutes, 1903, chap. 25, p. 621.

SALE OF POISONS.

2349. Record and witness of sale. No druggist, apothecary or other person dealing or trafficking in drugs or medicines, and no person employed as clerk or salesman by any apothecary or druggist, shall sell or give away any poison or poisonous substances, except to practicing physicians, in their ordinary practice of medicine, without recording in a book, to be kept for that purpose, the name of the person or persons receiving such poison, and his, her or their residence, together with the name and residence of some person witness to such sale,^a excepting upon the written order or prescription of some practicing physician, whose name must be attached to such order or prescription. No person shall sell, give away or dispose of any poisonous substance without attaching to the phial, box or parcel containing such poisonous substance a label with the word "poison" printed or written upon it, in plain and legible characters.

2350. Violation a misdemeanor. Any person violating any of the provisions of the first preceding section shall be deemed guilty of a misdemeanor.

2351. Penalty for refusing to exhibit poison record. Every person whose duty it is by the second preceding section to keep any book for recording the sale or gift of poisons, who wilfully refuses to permit any person to inspect said book

^a So in Statutes.

upon reasonable demand made during business hours, is punishable by fine not exceeding fifty dollars.

Revised Statutes, 1903, vol. 1, chap. 25, p. 621.

2902. Regulations governing retailing of poisons. It shall be unlawful for any person, from and after the passage of this act, to retail any of the following poisons, except as follows: Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnine and all other poisonous, vegetable alkaloids, and their salts, essential oil or bitter almonds, opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce, aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid and oxalic acid, without distinctly labeling the box, vessel or paper in which the said poison is contained, with the name of the article, the word "poison," and the name and place of business of the seller. Nor shall it be lawful for any registered pharmacist, or other person, to sell any of the poisons above enumerated, without, before delivering the same to the purchaser, causing an entry to be made in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser; such a book to be always open for inspection by the proper authorities, and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities or doses, upon the prescription of practitioners of medicine. Any violations of the provisions of this section shall make the offender liable to a fine of not less than twenty-five dollars and not more than one hundred dollars, and upon conviction for the second offense, in addition to the fine, he shall have his name stricken from the register. (*Session Laws 1897, p. 230.*)

Revised Statutes, 1903, vol. 1, chap. 32, p. 704.

2886. Labeling; penalty. No druggist, apothecary or other person, except practicing physicians in their ordinary practice, shall sell or give away, except upon the order or prescription of a practicing physician, any article or articles, belonging to the class usually known as poisons, without first registering in a book kept therefor the name, age, and sex of the person receiving such poison, the quantity sold, the purpose for which it is required, the day and date when delivered, and the name and place of abode of the person for whom it is intended, and carefully marking the word "POISON" upon the label or wrapper of each phial, box or package, and no such person shall sell or give away any such article of poison to any minor except upon the order or prescription of a physician. Every person violating any of the provisions of this section, shall forfeit for each such violation, not less than twenty nor more than one hundred dollars.

Revised Statutes, 1903, vol. 1, chap. 32, p. 699.

ITINERANT VENDING OF DRUGS.

Sec. 19. Regulation of itinerant vending. It shall be unlawful for any person to sell or offer for sale by peddling, or to offer for sale from house to house, or to offer for sale by public outcry, or to be vending in the street, any drug or medicine, pharmaceutical preparation, chemical or any composition or combina-

tion thereof, or any implement or appliance or other agency for the treatment of disease, injury or deformity, or by writing, or printing or any other method to publicly profess to cure or treat any disease, injury or deformity by any drug, nostrum, manipulation or other expedient, without previously obtaining a license therefor as herein provided. An annual County license fee of fifty dollars is hereby levied upon all such itinerant vendors, doing business in any county in this State. Said sum shall be paid to the county clerk who shall pay the same over to the county treasurer for the use of the county road and bridge fund of said county. The county clerk shall thereupon issue a license showing the applicant has paid his license fee and is authorized to do business as above described in this section, in that county for one year. Provided, however, that this shall not prevent incorporated towns or cities from levying an additional license on such vendors of aforesaid articles or goods. Any person who shall violate this section shall upon conviction be fined not less than fifty dollars nor more than one hundred dollars or imprisonment, said fine to be turned over to the county treasurer for the use of the county road and bridge fund.

Session Laws, 1908, chap. 70a, p. 798a.

Sec. 1. *Organization for enforcement of law.* A pure food, dairy and drug commission for the State of Oklahoma is hereby created, which shall be composed of the President of the State Board of Agriculture, the Secretary of the State Board of Agriculture, the Treasurer of the State Board of Agriculture, the State Commissioner of Health and the Secretary of the State Board of Pharmacy.

Sec. 2. The President of said Commission shall be the President of the State Board of Agriculture; the Secretary of said commission shall be the State Commissioner of Health, and the Treasurer of said Commission shall be the Treasurer of the State Board of Agriculture.

Sec. 3. It shall be the duty of said commission to carry into effect the provisions of this Act and all other Acts in force or which may be hereafter enacted relating to foods, drugs and dairy products, and said commission is hereby authorized and empowered to promulgate and enforce such rules and regulations as they may deem proper and necessary to amend, alter and abolish the same from time to time, not inconsistent with the provisions of this Act. They shall also have the power to appoint one dairy inspector, one food inspector, and one drug inspector, to prescribe their duties and powers, and to fix their compensation as hereinafter provided.

Sec. 6. *Analysis of samples.* For the purpose of this Act, there are hereby established two state laboratories for the analysis of food, feeding stuffs, drugs and medicines, which shall be under the supervision of said commission. One of said laboratories shall be established and located at the State University and the director of said laboratory shall be the professor of the department of Chemistry in the State University. The other laboratory shall be established at the State Agricultural and Mechanical College at Stillwater, and the director of said laboratory shall be the chemist of the experiment station in the said Agricultural and Mechanical College. To the said laboratory at the State University all samples of drugs and medicines shall be sent for analysis and examination. And to the said laboratory at the said Agricultural and Mechanical College shall be sent for analysis and examination all samples of foods and feeding stuffs and all samples of dairy products. The said University and the said Agricultural and Mechanical College shall employ such additions, chemists and assistants as are necessary properly and expeditiously to examine and analyze such drugs, medicines, food and dairy products as are sent them by the

said commission for the purpose of determining whether such articles are adulterated, misbranded and mislabeled within the meaning of this Act, and if it shall appear that any of such specimens are adulterated, mislabeled or misbranded within the meaning of this Act, the Secretary of the commission shall at once certify the facts to the county attorney of the county in which such sample was taken, with a copy of the results of the analysis of the examination of such samples, duly authenticated by the analyst or officer making such examination or analysis, under oath of such analyst or such officer; provided, that said commission may submit to the department of chemistry at the said State University or at the said experiment station of the Agricultural and Mechanical College any sample or samples of any article of food, drugs, medicines, or dairy product for analysis, and the directors of such departments shall make and furnish the commission such analysis or analyses.

Sec. 7. Authority of food commission. Said pure food commission is hereby given full jurisdiction over the regulation and control of the manufacture and sale of all foods, drugs and medicines and dairy products, and shall be authorized and empowered to make inspections concerning the purity of the same and to bring prosecutions for violations as provided herein in the case of foods, drugs and dairy products, and shall exercise the necessary police authority in the enforcement of this Act for the preservation of the public health.

Sec. 30. Term "drug" defined; license. The term "drug" as used in this Act shall include all drug and medical preparations recognized in the United States Pharmacopeia or National Formulary for internal and external use, and any substance or mixtures of substances to be used for the cure, mitigation or prevention of diseases of either man or other animals: Provided, that before any manufacturer or proprietor of any food, proprietary or secret preparation or product of any food or medicine used in the preparation of food, drug or liquor, or medicine shall sell, expose or offer for sale or exchange within said State, he shall first procure from the said Commission a license or permit to sell the same and shall pay a filing fee and for each license or permit so filed in any sum not to exceed \$30.00 as required by said Commission, said filing fee to be paid annually.

Sec. 31. Adulteration and misbranding prohibited. The manufacture, production, preparation, compounding, packing, selling, offering or keeping for sale within the State of Oklahoma for the introduction into the State from any other State, Territory or the District of Columbia, or from any foreign country of any article of drug or medicine which is adulterated, mislabeled, or misbranded within the meaning of this Act is hereby prohibited. Any person, firm, company or corporation who shall import or receive from any other State or Territory, or the District of Columbia, or from any foreign country, or who having so received shall deliver, for pay or otherwise, or offer to deliver to any other person any article of drug or medicine adulterated, mislabeled or misbranded, within the meaning of this Act, or any person who shall manufacture or produce, prepare or compound, or pack, or sell, or offer for sale, or keep for sale in the State of Oklahoma any such adulterated, mislabeled or misbranded drug or medicine shall be guilty of a misdemeanor; provided, that no article of drug or medicine shall be deemed adulterated, mislabeled or misbranded within the provisions of this Act when prepared for export beyond the jurisdiction of the United States, and prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation of packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped.

Sec. 32. *Standards of purity.* The standard of purity of drugs and medicines shall be the United States Pharmacopeia and National Formulary, and the regulations and definitions adopted for the enforcement of the food and drugs act of June thirtieth, nineteen hundred six, shall be adopted by the pure food and dairy and drug commission for the enforcement of this Act, and such rules and regulations as the pure food and dairy and drug commission may make not in conflict herewith.

Sec. 33. "*Adulteration*" defined. First. If when a drug is sold under or by a name recognized in the United States Pharmacopeia or National Formulary, it differs from the standard of strength, quality or purity as determined by the tests laid down in the United States Pharmacopeia or National Formulary official at the time of the investigation; provided, that no drug defined in the United States Pharmacopeia or National Formulary shall be deemed adulterated under the provisions of this Act if the standard of strength, quality or purity be plainly stated upon the package thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopeia or National Formulary.

Second. If the strength or purity fall below the professed standard of quality under which it is sold.

Sec. 34. "*Mislabeled*" and "*misbranded*" defined. Drugs shall be deemed mislabeled or misbranded within the meaning of this Act in any of the following cases:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; or if the package offered for sale at wholesale or retail fails to bear the statement on the label of the per cent of alcohol by volume or the quantity of any morphine, opium, cocaine, heroine, alpha or beta eucaine, chloroform, cannibus, indicia,^a chloral hydrate, acetanilid, or other derivation or preparation of any such substances contained therein, except when prescribed by a licensed physician, licensed dentist or licensed veterinary surgeon.

Sec. 35. *Misbranding* defined. That the term "*misbranded*" as used herein shall apply to all articles which enter into the composition of foods and drugs, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein, which shall be false or misleading in any particular.

Sec. 49. *Penalty for misbranding.* Whoever shall falsely brand, mark, stencil or label any article or product required by this Act to be branded, marked, stenciled or labeled, or shall remove, alter, deface, mutilate, obliterate, imitate or counterfeit any brand, mark, stencil or label so required, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than six months nor more than one year, or by both such fine and imprisonment, for each and every offense.

Sec. 51. *Violation; penalty.* Whoever shall do any of the acts or things prohibited or wilfully neglect or refuse to do any of the acts or things enjoined by this Act, or in any way violate any of its provisions, shall be deemed guilty of a misdemeanor, and when no specific penalty is prescribed by this Act, shall be punished by a fine of not less than twenty-five dollars or more than five hundred dollars, or by imprisonment in the county jail for a period of not less than ninety days, or by both such fine and imprisonment.

^a So in Laws.

Sec. 58. Possession of misbranded goods illegal. If any person shall have in his possession or control any article or articles of adulterated or misbranded or mislabeled food, drugs or medicines, contrary to the provisions of this Act, he shall be held to have possession of property with intent to use it as a means of committing a public offense, and all the provisions of the chapter in the Statutes of the State of Oklahoma relating to search warrants and proceedings shall apply.

Sec. 37. Prima facie evidence. The possession of any adulterated, mislabeled or misbranded article of food, dairy product or drug, or the offering for sale, or the sale of any adulterated, mislabeled or misbranded food, dairy product or drug by any manufacturer, producer, jobber, packer or dealer in food or drugs, or broker or commission merchant, agent, employee or servant of any such manufacturer, producer, jobber, packer or dealer shall be prima facie evidence of the violation of this Act.

Sec. 60. Procedure for enforcement of law. It shall be the duty of the Pure Food Inspector to make, or cause to be made, by one of the directors of the state laboratories, examinations and analysis of food or drugs on sale in Oklahoma, suspected of being adulterated, mislabeled, misbranded, impure or unwholesome, in contravention of the law. And if upon examination or analysis, it is found that said food or drug is adulterated, mislabeled, misbranded, impure or unwholesome, it shall be the duty of the Pure Food Inspector to make complaint against the manufacturer or vendor thereof, in the proper county, and to furnish the evidence thereon, and thereof to obtain a conviction of the offense charged. And the sheriffs of the respective counties of the state are hereby appointed and constituted agents for the enforcement of this Act. * * *

Sec. 65. Guaranty to afford protection. No dealer shall be prosecuted under the provisions of this Act, when he can establish a guarantee signed by the wholesale jobber, manufacturer or other party residing in the United States from whom he purchased such article to the effect that the same is not adulterated, mislabeled, or misbranded, within the meaning of this Act. Said guarantee to afford protection, must contain the name and address of the party or parties making the sales of such articles to said dealer, and an itemized statement showing the article purchased, or a general guarantee may be filed with the Secretary of the United States Department of Agriculture by the manufacturer, wholesaler, jobber, or other party in the United States and be given a serial number, which number shall appear on each and every package of goods sold under such guarantee with the words, "Guaranteed under the food and drugs act, June thirtieth, nineteen hundred six." In case the wholesaler, jobber, manufacturer or other party making such guarantee to such dealer resides without this State, and it appears from the certificate of the director of the State Laboratory that such article or articles were adulterated, mislabeled or misbranded, within the meaning of this Act or the "National Pure Food Act" approved June thirtieth, nineteen hundred six, the Attorney General of this State must forthwith notify the Attorney General of the United States of such violation.

Approved and in force from May 26, 1908. Session Laws, 1908, chap 37, pp. 403-426.

OREGON.

The law regarding adulteration of drugs is unlike the Federal law; there are general provisions regulating the adulteration of drugs and medicines, enacted in 1891, 1893, 1901, etc., but no misbranding clause.

The State dairy and food commissioner is authorized to inspect drugs and secure samples and transmit same for analysis to the chemist of the State agricultural college. The State board of pharmacy may institute prosecutions for violations of that portion of the pharmacy law which prohibits adulteration or substitution of drugs by pharmacists. One-half of the fines collected inure to the board of pharmacy.

Opium, cocaine, morphine, etc., are sold at retail only by those to whom license has been issued and upon prescription only.

REGISTERED PHARMACISTS.

3803. *Drug business must be conducted by registered pharmacist.* From and after the passage of this act it shall be unlawful for any person to manufacture, compound, sell, or dispense any drug, poison, medicine, or chemical, or to dispense or compound any prescription of a medical practitioner, unless such person be a registered pharmacist or a registered assistant pharmacist within the meaning of this act, except as hereinafter provided. Every store, dispensary, pharmacy, laboratory, or office for the sale, dispensing, or compounding of drugs, medicines, or chemicals, or for the dispensing of prescriptions of medical practitioners, shall be in charge of a registered pharmacist. A registered assistant pharmacist may be left in charge of a store, dispensary, pharmacy, laboratory, or office for the sale, dispensing, or compounding of drugs, medicines, or chemicals, or for the dispensing of prescriptions of medical practitioners only during the temporary absence of the registered pharmacist. Temporary absence within the meaning of this act shall be held to be only those unavoidable absences which may occur during a day's work, and when the registered pharmacist in charge shall be within immediate call, ready and able to assume the direct supervision of said pharmacy.

No registered assistant shall conduct a pharmacy. Every store or shop where drugs, medicines, or chemicals are dispensed or sold at retail, or displayed for sale at retail, or where prescriptions are compounded, which has upon it or in it as a sign the words, "Pharmacist," "Pharmaceutical Chemist," "Apothecary," "Druggist," "Pharmacy," "Drug Store," "Drugs," or any of these words or the characteristic show bottles or globes, either colored or filled with colored liquid, shall be deemed a "Pharmacy" within the meaning of this act.

3809. *Assistant pharmacist.* Any assistant or clerk in pharmacy, not having the qualifications of a registered pharmacist within the meaning of this act, who is of the age of not less than eighteen years, of good moral character and having had not less than three years' experience in drug stores, where the

prescriptions of medical practitioners are compounded, shall be entitled to become registered as a registered assistant upon application to an examination by said board of pharmacy upon the payment of a fee of \$5. Said certificate shall entitle him to continue in such duties as a clerk or assistant, but shall not entitle him to assume the duties of a registered pharmacist unless he shall subsequently become registered as a registered pharmacist, as provided in this act. Annually thereafter during the time he shall continue in such duties he shall pay the said secretary the sum of fifty cents, for which he shall receive a renewal of his certificate.

3813. Prosecutions by indictment; disposition of fines. Any person not being a registered pharmacist, or who shall not have complied with all of the provisions of this act, or who shall take, exhibit or use the title pharmacist, or who proposes to do or does compound or dispense prescriptions of medical practitioners, or retail medicines or poisons to be used as medicines or poisons, or have not in any way followed the provisions of this act, shall be guilty of a misdemeanor for each offense, and upon conviction shall be fined for the first offense \$50 and the costs of prosecution; and for each subsequent offense he shall be fined \$100 and the costs of prosecution, and in default of payment of said fine shall be imprisoned in the county jail for the period of one day for each \$2 of such fine; PROVIDED, that nothing in this act shall be construed to apply to the business of a licensed practitioner of medicines or to prevent such practitioner from supplying his own patients as their physician, and by them employed as such, with such remedies as he may desire, and who does not keep a pharmacy, open shop or drug store, advertised or otherwise, for the retailing of medicines or poisons, nor to those who sell medicines or poisons by wholesale only, nor to the manufacture or sale of proprietary medicines or patent medicines, nor to the sale of all common and household remedies and medicines by general dealers in rural districts in original packages when properly labeled.

All actions for the recovery of the several penalties prescribed in this act shall be prosecuted by the district attorney of the proper county in the name of the State of Oregon, upon the information of himself or any member of the board; and it shall be his duty to prosecute all persons violating the provisions of this act, and to sue for all penalties herein provided for, upon proper complaint being made. All penalties collected under the provisions of this act shall inure one-half to the board of pharmacists and the remainder to the county treasurer, for the use of the school fund of the county in which the suit was prosecuted and judgment obtained.

General Laws, 1907, chap. 141, pp. 279-280.

SALE OF POISONS.

3812. Poisons must be labeled; inquiry as to use; penalties. It shall be unlawful for any person from and after the passage of this act to retail any of the following poisons, to wit: Arsenic and its preparations, corrosive sublimate, white precipitate, binoidide of mercury, cyanide of potassium, hydrocyanic acid, strychnine, morphine, cocaine, and their combinations, and essential oil of bitter almonds, aconite, belladonna, nux vomica, oil of savin, oil of tansy, ergot, cotton root, cantharides, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate; preparations containing opium, except paregoric and other preparations containing less than two grains to the ounce, and other deadly poisons, without labeling the box, vessel, or paper in which said poison is contained with the name of the article the word "poison," and the name and place of business of the seller, nor shall it be lawful for any person to deliver or sell such poisons unless upon due inquiry it be found that the purchaser is aware of its poisonous character, and represents that it is to

be used for legitimate purposes. The proprietor of every drug store shall keep in his place of business a registry book in which shall be entered an accurate record for the sale of all such poisons. Any violation of this section shall make the owner, manager or principal of said store liable to a fine of not less than \$10 and not more than \$100, or imprisonment in the county jail for not less than ten days nor more than sixty days for each offense, or both such fine and imprisonment; PROVIDED, that nothing herein contained shall apply to the dispensing of physician's prescriptions of any of the poisons aforesaid, nor to the manufacture, making and selling at wholesale any poison; BUT, PROVIDED, that each box, vessel, or paper in which said poison is contained (except physicians' prescriptions) shall be labeled as specified.

General Laws, 1907, chap. 141, p. 281.

3815. Sale of opium, chloral hydrate and cocaine without license prohibited. No person shall have in his or her possession or offer for sale opium, morphine, eng-she or cooked opium, hydrate of chloral, or cocaine who has not previously obtained a license from the county clerk of the county in which he or she resides or does business. He shall pay the county clerk the sum of one dollar (\$1) for his services. Said license shall be valid for one year from the date of issue.

3816. Record of applications for license; form of license and fee. The county clerk shall keep a book in which he shall record the name, the place of business, and date of application of persons who apply to him for license to sell opium, morphine, eng-she or cooked opium, hydrate of chloral, or cocaine, or any of them. On payment of the sum of one dollar, he shall issue to the applicant a license in this form:

LICENSE TO SELL OPIUM, MORPHINE, ENG-SHE OR COOKED OPIUM, HYDRATE OF
CHLORAL, AND COCAINE.

Received this — day of —, 19—, from A— B—, the sum of one dollar, in payment for a licence authorizing the said A— B— to keep on hand and to sell in the manner prescribed by law opium, morphine, eng-she or cooked opium, hydrate of choral, and cocaine for the term of one year from date.

Signed at —, this — day of —, 19—.

C— D—,
County Clerk of — county.

3817. Licenses to be issued only to physicians and druggists. No license shall be issued by the county clerk of any county to any person authorizing him or her to have in stock, or to sell or give away to any person, opium or any of the drugs named above in sections 3815 and 3816, except regularly qualified physicians who keep a stock of drugs and medicines for their own use in prescription and regularly qualified druggists.

3818. What sales permitted only on prescription. No person shall give away or sell opium, morphine, eng-she or cooked opium, hydrate of chloral, or cocaine, except to those who present a prescription for the same from a physician or a regularly qualified pharmacist; and the party selling shall sell and deliver only the quantity and the kind named in the prescription. The seller shall retain the prescription, and keep it open for public inspection.

3819. Person prescribing must register and present diploma; proviso. No physician or pharmacist shall prescribe the use of opium, morphine, eng-she or cooked opium, hydrate of chloral, or cocaine, unless he or she shall previously have registered with the county clerk of the county wherein he or she resides and practices his or her profession his or her name and address, the name and

location of the institute of which he or she is a graduate, and the date of his graduation. He or she shall also exhibit his or her diploma in evidence to the county clerk, or a certificate from a board of pharmacy, if there be one in the county: *Provided*, That all physicians who have been engaged in the practice of medicine in this state for the period of two (2) years preceding the passage of this act shall, if they so desire, be excused from presenting their diploma.

3820. *Prescription must be for disease and in fit quantities.* Physicians or pharmacists shall not prescribe for any person the use of opium, morphine, eng-she or cooked opium, hydrate of chloral, or cocaine, except for the cure of disease, and he or she shall prescribe only in such cases and in such quantities as are recognized by medical scientists as proper and fit.

3821. *Record of prescription.* Physicians or pharmacists who prescribe opium or any of the drugs above named shall keep a record, which shall be open to public inspection, of all cases in which they have prescribed opium, or any of the above-named drugs, stating the date of the prescription, the name and residence of the patient, the disease for which he or she prescribed, and how much and how often the patient was instructed to use the medicine prescribed containing any of the above-named drugs.

3822. "Physician" and "pharmacist" defined. The word "physician," as used in this act, shall be understood to mean any person who has graduated at a recognized school of medicine, and who has a diploma therefrom. The word "pharmacist," in this act, shall be understood to mean any person who has graduated at a recognized school of pharmacy, and who has a diploma therefrom, or has a certificate from a board of pharmacy if there be one in his county; if there be none, then he or she shall satisfactorily prove to the county clerk that he or she has had not less than four years' practical experience in the drug business.

3823. *Penalties.* Any person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred and fifty dollars (\$250), or by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days, or by both fine and imprisonment, at the discretion of the court.

3824. *Justices have jurisdiction.* Justices of the peace shall have jurisdiction of offenses declared in this act.

3825. *Fines paid to school fund.* All moneys for convictions under this act shall be given to the common school fund of the district where the conviction has been had. *Laws 1887, p. 87-89.*

Codes and Statutes (Bellinger and Cotton), 1902, vol. 2, pp. 1287-1289.

1991. *Restricting sale of opium.* It shall be unlawful to sell or give away opium, or any preparation of which opium is the principal medicinal agent, to any person except druggists and practicing physicians, except on the prescription of a practicing physician, written in the English or Latin language; and the druggist filling such prescription shall keep the same on file for one year, subject to be inspected by any public officer of the state.

Codes and Statutes (Bellinger and Cotton), 1902, vol. 1 [Laws of 1885], p. 698.

ITINERANT VENDING OF DRUGS.

Sec. 3. *Itinerant vending of drugs regulated.* Any itinerant or traveling vendor, or hawker of any drug, nostrum, ointment or application of any kind for the treatment of any disease or injury, before offering any such drug, nostrum, ointment or application for sale, shall pay to the treasurer of the Oregon Board

of Pharmacy an annual fee of \$200, upon the receipt of which the secretary of the board shall issue a license for one year from the date of such payment; one-half of all such license fees shall be devoted to defraying the expenses of the board and the remainder shall be paid as it is received by the treasurer of the Oregon Board of Pharmacy into the state school fund. Itinerant vendors under the meaning of this act shall include all persons who carry on the business above described by passing from house to house, or by haranguing the people on the public street or in public places, or use the various customary devices for attracting crowds and therewith recommending their wares and offering them for sale. Any violation of this section shall be a misdemeanor, and any person shall, upon conviction thereof, pay a fine of not less than \$200 or more than \$300, and in default of payment of said fine shall be imprisoned in the county jail for the period of one day for each \$2 of said fine. In actions of prosecutions under this chapter, it need not be proven that the defendant has not a license, but the fact that he has a license shall be a matter of defense.

General Laws, 1907, chap. 141, p. 281.

ADULTERATION OF DRUGS.

3811. Liability for quality of drugs sold. Every registered pharmacist, apothecary, and owner of any store shall be held responsible for the quality of all drugs, chemicals, or poisons he may sell or dispose of, with the exception of those sold in original packages of the manufacturer, and also those known as proprietary and patent medicines, and should he knowingly intermingle and fraudulently adulterate, or cause to be adulterated, or knowingly substitute in a physician's prescription any drugs, chemicals, or medical preparations he shall be deemed guilty of a misdemeanor, and upon conviction thereof be liable to a penalty not exceeding one hundred dollars, and in addition thereto his name shall be stricken from the register. (*Laws 1891, p. 160.*)

Codes and Statutes (Bellinger and Cotton), 1902, vol. 2, p. 1285.

2120. Injurious adulteration; penalty. If any person shall adulterate for the purpose of sale any drug or medicine, in such manner as to render the same injurious to health, or shall knowingly sell or offer for sale any such adulterated drug or medicine, such person, upon conviction thereof, shall be punished in the manner provided in section 2118, (by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars) and such adulterated drugs or medicines shall be forfeited and destroyed.

2121. Unwholesome medicines; penalty. It shall be unlawful for any person or persons to sell or exchange, or expose for sale or exchange, any unwholesome, unclean, tainted, or diseased foods or medicines of any kind whatever.

2122. Penalty. Whosoever violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months. Justices' courts shall have jurisdiction of all cases arising under this act.

2123. Innocent purchasers of adulterated products exempt; conditions. If any person or persons shall have purchased foods, drinks, medicines, or fertilizers, believing them to be pure and unadulterated, which shall prove by analysis or tests to be adulterated, such person or persons shall not be deemed to be guilty under this act: Provided, that such person or persons pay to the state dairy and food commissioner the sum of ten dollars in case of analysis or five dollars for each test made by him to determine the quality of such foods,

drinks, medicines, or fertilizers, as the case may be, and who shall, after being informed of such adulteration, at once mark the same as required by section 2121; all moneys collected by the commissioner for making analysis shall be paid by the commissioner to the state agricultural college for making tests, to be credited to the state, and become a part of the state appropriation to defray the expenses of the enforcement of this act. *Laws 1893, p. 99-100.*

Codes and Statutes (Bellinger and Cotton), 1902, vol. 1, p. 734.

3780. *Spices and extracts, when impure, must be labeled.* All spices and fluid extracts sold or offered for sale in this state, if not pure, shall be labeled "adulterated," with the percentage of adulteration.

3786. *Provisions for analyses.* It shall be the duty of the chemist of the State Agricultural College to correctly analyze any and all substances the said (Dairy and Food) commissioner may send him for the purposes of carrying out the provisions of this act, and the certificate of analysis of said chemist, duly signed by him, shall be *prima facie* evidence in all courts of justice: Provided however, that the testing of milk and cream shall be done by the dairy and food commissioner, and the certificate of said commissioner as to any such test, duly signed by him, shall be *prima facie* evidence in all courts of justice of the facts therein stated.

3787. *Inspection authority of commissioner.* The said commissioner, and such experts and chemists or agents as he shall duly authorize for the purpose, shall have access to, egress and ingress to all places of business, factories, stores, farm buildings, carriages, cars, vessels, and implements used in the manufacture, production, or sale of any food, drinks, medicines, or fertilizers; and they shall also have the power and authority to open any package, case, or vessel containing such articles which may be manufactured, sold, or exposed for sale, and any manufacturer, dealer, hotel or restaurant keeper shall deliver to the commissioner or his deputy any sample of food, drinks, medicines, or fertilizers for analyzing or testing, upon a tender of the price thereof in money.

3791. *Penalties.* Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than six months. Justice's courts shall have concurrent jurisdiction of all cases arising under this act. *Laws 1901, p. 262-264.*

Codes and Statutes (Bellinger and Cotton), 1902, vol. 2, pp. 1274-1276.

3767. *Sale of adulterated articles not plainly marked unlawful.* No person or persons shall sell or expose for sale or exchange, or have in his or their possession for sale or exchange, any adulterated food, drink, medicine, or fertilizer, unless the same shall be plainly marked so as to establish its true character and distinguish it from a pure article of food, drink, medicine, or fertilizer.

3768. *Adulteration defined.* An article of food or drink or medicine shall be deemed to be adulterated within the meaning of this act when:

1. Any substance or substances have been mixed with it so as to reduce or lower or injuriously affect its quality or strength;

2. If any inferior or cheaper substance or substances have been substituted wholly or in part for it;

3. If any valuable constituent has been wholly or in part abstracted from it;

4. If it is an imitation of or is sold under the name of another article;

5. If it is colored, coated, powdered, or polished whereby damage is concealed, or if it is made to appear better, or of greater value as compared with the total solids, than it really is * * *. *Laws 1901, p. 258.*

Codes and Statutes (Bellinger and Cotton), 1902, vol. 2, p. 1270.

PENNSYLVANIA.

The law contains a general clause forbidding adulteration, which was enacted in 1887. Other legislation regarding adulteration was adopted in 1897 and 1905; there is no misbranding clause. The United States Pharmacopœia, National Formulary, and American Homeopathic Dispensatory are recognized. The States pharmaceutical examining board is empowered to investigate complaints, procure analyses, and prosecute offenders.

Cocaine and preparations of cocaine can not be sold except on prescription.

REGISTERED PHARMACISTS.

Sec. 1. *Registered pharmacist only to compound and vend drugs; penalty.* Hereafter no person whomsoever, shall open or carry on, as manager in the state of Pennsylvania any retail drug or chemical store, nor engage in the business of compounding or dispensing medicines or prescriptions of physicians, or of selling at retail any drugs, chemicals, poisons or medicines without having obtained a certificate of competency and qualifications so to do from the state pharmaceutical examining board, and having been duly registered as herein provided; but it shall be lawful for the widow or legal representatives of a deceased person, who was a manager and registered pharmacist, to carry on or continue the business of such deceased pharmacist: *Provided*, That the actual retailing, dispensing or compounding of medicines or poisons to be done only by an assistant, qualified and registered as herein provided. Any person who shall violate or fail to comply with the provisions of this section, shall be guilty of a misdemeanor, and on conviction before any court shall be punished by a fine not exceeding one hundred dollars. *Laws 1891, p. 313.*

Sec. 5. *Qualifications of pharmacists.* * * * All persons applying for examination for certificate, to entitle them to conduct and carry on the retail drug or apothecary business, must produce satisfactory evidence of having had not less than four years' practical experience in the business of retailing, compounding or dispensing of drugs, chemicals and poisons and of compounding of physicians' prescriptions, and of being a graduate of some reputable and properly chartered college of pharmacy. And those applying for examination for certificates as qualified assistants therein, must produce evidence of having not less than two years' experience in said business. *Amended, Laws, 1905, No. 37, p. 53.*

Sec. 12. *Restrictions of pharmacy act not to apply to physicians in their regular practice.* No person shall hereafter engage as manager in the business of an apothecary, or pharmacist, or of retailing drugs, chemicals and poisons, or of compounding and dispensing the prescriptions of physicians, either directly or indirectly, without having obtained such certificate as aforesaid. But nothing contained in this act shall in any manner whatever interfere with the business of any practitioner of medicine, nor prevent him from administering or supplying to his patients such articles as to him may seem fit and proper, nor shall it

interfere with the making and dealing in proprietary remedies, popularly called patent medicines, nor prevent storekeepers from dealing in and selling the commonly used medicines and poisons, if such medicines and poisons conform in all respects to the requirements of section nine [*Note: Sec. 17 as quoted below from Digest*]: *Provided*, The provisions of section ten (*Secs. 19 to 22 incl., as given below*) of this act be fully complied with.

Sec. 13. *Penalty.* Any person who shall violate or fail to comply with the provisions of this section, shall be guilty of a misdemeanor, and on conviction before any court shall be punished by a fine not exceeding one hundred dollars, or be imprisoned in the county jail of the proper county for a term not exceeding one year or either, or both, at the discretion of the court.

Sec. 16. *Prescriptions must be compounded only by or under the supervision of a registered pharmacist.* No person shall be allowed, by the proprietor or manager of any store or place where prescriptions are compounded, to compound or dispense the prescriptions of physicians except under the immediate supervision of said proprietor or his qualified assistant, unless holding a properly certified certificate of registration or competency from the state pharmaceutical examining board, as herein provided; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars. *Laws 1887, p. 192.*

Brightly's Purdon's Digest, 1894, vol. 1, p. 108-110.

SALE OF POISONS.

Sec. 330. *Regulations and restrictions.* No apothecary, druggist or other person, shall sell or dispose of, by retail, any morphia, strychnia, arsenic, prussic acid or corrosive sublimate, except upon the prescription of a physician, or on the personal application of some respectable inhabitant of full age, of the town or place in which such sale shall be made; and in all cases of such sale, the word "poison" shall be carefully and legibly marked or placed upon the label, package, bottle or other vessel or thing in which such poison is contained; and when sold or disposed of, otherwise than under the prescription of a physician, the apothecary, druggist or other person selling or disposing of the same, shall note in a register, kept for that purpose, the name and residence of the person to whom such sale was made, the quantity sold, and the date of such sale; any person offending herein, shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine, not exceeding fifty dollars. (*Laws 1860, p. 401.*)

Brightly's Purdon's Digest, 1894, vol. 1, p. 529.

Sec. 19. *A "poison" defined.* A poison in the meaning of this act shall be any drug, chemical or preparation, which, according to standard works on medicine or *materia medica*, is liable to be destructive to adult human life, in quantities of six grains or less.

Sec. 20. *Containers of poisons shall be suitably labeled.* No person shall sell at retail any poisons, except as herein provided, without affixing to the bottle, box, vessel or package containing the same, a label, printed or plainly written, containing the name of the article, the word "poison," and the name and place of business of the seller, nor shall he deliver poison to any person without satisfying himself that such poison is to be used for legitimate purposes.

Sec. 21. *Record of sales of certain poisons to be kept.* It shall be the further duty of any one selling or dispensing poisons, which are known to be destructive

to adult human life in quantities of five grains or less, before delivering them, to enter in a book kept for this purpose the name of the seller, the name and residence of the buyer, the name of the article, quantity sold or disposed of, and the purpose for which it is said to be intended, which book of registry shall be preserved for at least two years, and shall at all times be open to the inspection of the coroner or courts of the county in which the same may be kept.

Sec. 22. Physicians' prescriptions and insecticides excepted; penalty. The provisions of this section shall not apply to the dispensing of physicians' prescriptions, specifying poisonous articles, nor to the sale to agriculturists of such articles as are commonly used by them as insecticides. Any person failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five nor more than fifty dollars for each and every offense.

Sec. 23. Provisions for enforcement. It shall be the duty of the state pharmaceutical examining board to investigate all complaints and charges of non-compliance or violation of the provisions of this act, and prosecute all persons so offending, whenever there shall appear to the board reasonable ground for such action. *Laws 1887, p. 193-194.*

Brightly's Purdon's Digest, 1894, vol. 1, p. 110.

Sec. 1. Regulation of sale of cocaine. No person shall sell, furnish or give away any cocaine, or any patent or proprietary remedy containing cocaine, except upon the prescription of a registered practicing physician, or of a dentist, or a veterinarian; nor shall any such prescription be refilled; nor shall any physician, dentist or veterinarian prescribe cocaine, or any patent or proprietary remedy containing cocaine, for any person known to such physician, dentist or veterinarian to be an habitual user of cocaine: Provided, That the provisions of this act shall not apply to persons engaged in the wholesale drug trade, regularly selling cocaine to persons engaged in the retail drug trade.

Sec. 2. Penalty. Any person violating any of the provisions of this act shall be sentenced to pay a fine of not more than one hundred dollars, and undergo an imprisonment of not more than six months, or both, or either, at the discretion of the court. *Laws 1903, p. 259.*

Brightly's Digest, 1903, p. 113.

ADULTERATION OF DRUGS.

Sec. 17. Prohibition. No person shall knowingly, wilfully or fraudulently falsify or adulterate, or cause to be falsified or adulterated, any drug or medical substance, or any preparation authorized or recognized by the pharmacopœia of the United States, or used or intended to be used in medicinal practice, or mix or cause to be mixed with any such drug or medicinal substance any foreign or inert substances whatsoever, for the purpose of destroying or weakening its medicinal power and effect, and willfully, knowingly or fraudulently sell or cause the same to be sold for medicinal purposes.

Sec. 18. Penalty. Any person who shall violate this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, and shall forfeit to the commonwealth all articles so adulterated. *Laws 1887, p. 193.*

Brightly's Purdon's Digest, 1894, vol. 1, p. 110.

Sec. 10. "Drug" and "adulteration" defined; analyst employed; penalty. No person shall, within this State, manufacture for sale, offer for sale or sell, any drug which is adulterated within the meaning of this act. The term drug used herein shall include any medicinal substance or any preparation authorized or known in the "Pharmacopœia of the United States," or the "National Formulary," or the American Homeopathic Pharmacopœia, or the American Homeopathic Dispensatory.

A drug shall be deemed to be adulterated within the meaning of this act:

1. If any substance or substances have been mixed with it so as to depreciate and weaken its strength, purity or quality.

2. If any quality, substance or ingredient be abstracted so as to deteriorate or affect injuriously the quality or potency of the said drug.

3. If any inferior or cheaper substance or substances have been substituted in whole or in part for it.

4. If it is an imitation or is sold under the name of another drug.

5. If the drug shall be so altered that the nature, quality, substance, commercial value or medicinal value or it will not correspond to the recognized formulæ or tests of the latest edition of the "National Formulary," or of the "Pharmacopœia of the United States," or the American Homeopathic Pharmacopœia, or the American Homeopathic Dispensatory, regarding quality or purity.

On complaint being entered, the State Pharmaceutical Examining Board is hereby empowered to employ an analyst or chemist expert, whose duty it shall be to examine into the so claimed adulteration and report upon the result of his investigation, and if said report justifies such action, the board shall duly cause the prosecution of the offender as provided in this law. Whoever violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding one hundred dollars, or undergo an imprisonment not exceeding ninety days, or both. *Laws 1897, p. 85.*

Brightly's Digest, 1903, p. 53.

Sec. 1. Adulteration of fruit syrups prohibited. Any person, firm, or corporate body who shall, by himself, herself or themselves, or by his, her or their agents or servants, manufacture, sell, ship, consign, offer for sale or expose for sale, or have in possession with intent to sell, any fruit-syrup which contains formaldehyde, sulphurous acid or sulphites, boric acid or borates, salicylic acid or salicylates, saccharine, dulcin, glucin, betanaphthol, abrastol, asaprol, fluorides, fluoborates, fluosilicates or other fluorine compounds; also any coal tar dyes, sulphate of copper, or any other coloring matter injurious to health, or any preservatives or their compounds injurious to health, shall be deemed guilty of a misdemeanor.

Sec. 2. Penalty. Every person, firm or corporation, and every officer, agent, servant or employe of such person, firm or corporation, who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof in the court of quarter sessions of the proper county, shall be sentenced to pay a fine of not less than sixty nor more than one hundred dollars, with the costs, or to undergo an imprisonment not exceeding sixty days, or both, at the discretion of the court.

Sec. 3. Enforcement. It shall be the duty of the Dairy and Food Commissioner to enforce the provisions of this act, for which purpose he shall have the same power which is given him to enforce the provisions of the act authorizing his appointment.

Sec. 4. Disposition of fines. All penalties or fines which may be recovered in any proceeding to enforce the provisions of this act shall be paid to the Dairy

and Food Commissioner, or his agent, and by him paid into the State Treasury for the use of the Commonwealth.

Laws, 1905, pp. 311 and 312.

ADULTERATION OF LIQUORS WITH POISONS.

Sec. 47. Prohibition. It shall be unlawful for any person or persons to make use of any active poison, or other deleterious drugs, in any quantity or quantities, in the manufacture or preparation, by process of rectifying or otherwise, of any intoxicating, malt or alcoholic liquors, or for any person or persons to knowingly sell such poisoned or drugged liquors in any quantity or quantities; and any person or persons so offending shall be deemed guilty of a misdemeanor. (*Laws 1863, p. 389.*)

Brightly's Purdon's Digest, 1894, p. 1234.

PHILIPPINE ISLANDS.

The Federal food and drugs act applies also to the Philippine Islands. The director of health is charged with its enforcement.

The act of October 10, 1907, provided a system of control of the use of opium by Chinese habitués and a progressive reduction until such use is finally abolished. Since March 1, 1908, it has been unlawful to administer opium or permit its administration except on a physician's prescription for medicinal purposes, and the possession or disposal of opium, cocaine, and eucaine has been prohibited except by authorized government officials, or, for medicinal purposes, by physicians, pharmacists, and those for whom the same is duly prescribed.

REGISTERED PHARMACISTS.

Sec. 3. Qualifications of pharmacists. * * * The Board (of Pharmaceutical Examiners) shall issue four forms of certificates of registration as follows:

(a) A certificate as registered pharmacist to any person of twenty-one or more years of age, of good habits and moral character, holding a degree or diploma as doctor or licentiate from a reputable and well-known school, who has had at least four years of practical experience in some place where drugs, medicines, and poisons were dispensed and sold at retail, and the prescriptions of physicians compounded, and who has been examined and favorably passed upon by the Board, which certificate shall be signed by a majority of the members of the Board.

(b) A certificate as registered pharmacist of the second class (*practicante de farmacia*) to any person twenty-one or more years of age, of good habits and moral character, who has had at least three years of practical experience in some place where drugs, medicines, and poisons were dispensed and sold at retail, and where physicians' prescriptions were compounded, and who has been examined and favorably passed upon by the Board, which certificate shall be signed by a majority of the members of the Board.

(c) A certificate as apprentice in pharmacy to any person of good habits and moral character reported by a registered pharmacist, or registered pharmacist of the second class (*practicante de farmacia*), as having been taken into his employ as a student of pharmacy or an apprentice for the purpose of becoming a pharmacist.

(d) A certificate as Chinese druggist to any person twenty-one or more years of age and of good habits and moral character who shall submit to the Board of Pharmaceutical Examiners a certificate from the Chinese consul at Manila that he is competent and qualified to conduct a Chinese drug store in accordance with the laws and customs of the Chinese Empire, together with such other evidence as to his fitness to conduct such a store as the Board may require.

Sec. 7. Practitioners of pharmacy must be registered. It shall be unlawful for any person to practice pharmacy in any of its branches in the Philippine

Islands, without a certificate of registration from the Board of Pharmaceutical Examiners.

Sec. 12. *Practice of pharmacy defined.* Any person shall be regarded as practicing pharmacy within the meaning of this Act who shall for a fee, salary, or other reward paid to himself or to another person, prepare, distribute, or sell any medicine, drug, pharmaceutical preparation, doctor's or veterinarian's prescription; but this provision shall not apply to students carrying on laboratory work in pharmacy in any legally chartered pharmaceutical school, nor to persons selling chemical products for industrial purposes, nor to persons selling minero-medicinal waters in bottles.

Sec. 14. *License may be refused.* The Board of Pharmaceutical Examiners shall refuse to issue any of the certificates provided for by this Act to any person convicted by a court of competent jurisdiction of any criminal offense, or to any person guilty of immoral or dishonest conduct, or of unsound mind; and, in the event of such refusal, shall give to the applicant a written statement setting forth its reason for such action, which statement shall be incorporated in the record of the Board. The Board may revoke a certificate for like cause, or for unprofessional conduct, after due notice to the person interested, and a hearing, subject to an appeal to the Board of Health for the Philippine Islands, the decision of which shall be final.

Sec. 16. *Pharmacist must secure certificate of registration; provisos.* Every person desiring to begin the practice of pharmacy in the Philippine Islands after the passage of this Act shall apply to the Board of Pharmaceutical Examiners for a certificate of registration as registered pharmacist, but no certificate as second-class pharmacist (*practicante de farmacia*) shall be issued to any such person by the Board. Each applicant shall submit to an examination in the following subjects: General chemistry, organic and inorganic, in an amount covered by a standard college text-book; elements of physics; elements of botany; pharmacognosy; qualitative analytical chemistry; elements of quantitative analytical chemistry; practical pharmaceutical preparations and prescriptions; elementary toxicology; and ability to use the microscope. For each such certificate the secretary-treasurer of the Board shall collect a fee of ten dollars, and the Board of Pharmaceutical Examiners shall issue a certificate of registration as registered pharmacist to each applicant who passes a satisfactory examination in these subjects, and who submits satisfactory proof that he has had at least two years practical experience in some place where drugs, medicines, and poisons were dispensed and sold at retail and the prescriptions of physicians compounded, and is a graduate of a legally chartered and reputable school of pharmacy: *Provided*, That any person not a graduate of such a school of pharmacy who submits satisfactory evidence that he has had at least four years of practical experience in some place where drugs, medicines, and poisons were dispensed and sold at retail, and the prescriptions of physicians compounded, and who has satisfactorily passed the examination aforesaid, shall receive such certificate: *Provided, also*, That graduates of the school of pharmacy of the University of Santo Tomas in the city of Manila who present their certificates of graduation in pharmacy at the meeting of the Board of Pharmaceutical Examiners on the second Tuesday in February, nineteen hundred and three, shall receive certificates of registration without further examination. The Board is further empowered to make such rules and regulations not in conflict with the provisions of this Act as may be necessary to carry said provisions into effect. In case any applicant shall fail to pass a satisfactory examination he shall not again be permitted to present himself for examination until the period of six months shall have elapsed.

Sec. 18. Labeling; poison cabinet; prescriptions to be preserved. Every owner and proprietor of a pharmacy or drug store shall:

(a) Provide a seal containing an inscription giving the name of the pharmacy or drug store, and shall affix the same to every prescription, box, bottle or other package containing medicine sold in said pharmacy or drug store. He shall further label all medicines, except patent, proprietary, or other secret medicines or drugs, so as to designate their ingredients by name, or by the number of the prescription and the name of the physician writing it.

(b) Provide a cabinet in which shall be kept all violent poisons enumerated in section nineteen of this Act, and cause said cabinet to be locked when not in use.

(c) Preserve in a book kept for that purpose, consecutively numbered copies of all prescriptions filled. (*Acts of the Philippine Commission, vol. 8, p. 341.*)

Public Laws, Philippine Commission, 1903, vol. 2, act 597, pp. 256-257.

SALE OF POISONS.^a

Sec. 19. Record; label. Every person who dispenses, sells, or delivers any of the following violent poisons, to wit, arsenic, arsenical solutions, phosphorus, corrosive sublimate, cyanide of potassium or other cyanide, atrophine, cocaine, morphine, strychnine, or any of their salts, and all other poisonous vegetable alkaloids or any of their salts, hydrocyanic acid, prussic acid, oil of bitter almonds containing hydrocyanic or prussic acid, oil of mirbane (nitro-benzene), opium and its preparations, except paregoric and such others as contain less than 450 milligrams of opium per one hundred cubic centimeters (two grains to the ounce), shall make or cause to be made in a book kept for the purpose of recording the sale of such poisons an entry stating the date of each sale and the name and address of the purchaser, the name and quantity of the poison sold, and the purpose for which it was claimed to be purchased, before delivering it to the purchaser. He shall not deliver any such poison to any person without satisfying himself that such person is aware of its poisonous character, and that the poison is to be used for a legitimate purpose, and he shall affix to every box, bottle, or other package containing any dangerous or poisonous drug, a label of red paper upon which shall be printed in large black letters the word "poison", and a vignette representing a skull and bones, before delivering it to any person. Books kept for the purpose of recording the sale of poisons shall be open at all times to the inspection of the Board of Pharmaceutical Examiners, and of health officers or officers of the law, and every such book shall be preserved for at least five years after the last entry in it has been made.

Sec. 20. Drugs to be labeled as poisonous but not registered; penalty. Every person who dispenses, sells, or delivers any aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolaca, strophanthus, oil of tansy, veratrum, viride, or their pharmaceutical preparations, carbolic acid (phenol), chloral hydrate, chloroform, creosote, croton oil, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, tartar emetic, white hellebore, or any drug, chemical, or preparation which according to standard works of medicine or materia medica is liable to be destructive to human adult life in quantities of four grams (sixty grains) or less, without the prescription of a physician, shall label the receptacles containing them as is provided for poisons in section nineteen, but shall not be required to register the same.

^a See also Sec. 11, Opium Law, 1907.

Nothing in this section shall be construed as applying to the dispensing of medicines, drugs, or poisons on physicians' prescriptions, but no prescription the prescribed dose of which contains a dangerous quantity of poison shall be filled without first consulting the prescribing physician and verifying the prescription.

Any person violating the provisions of this or the preceding section shall upon conviction be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than ninety days, or both, in the discretion of the court.

Sec. 23. Exceptions. Except as to the labeling of poisons, this Act shall not apply to registered physicians putting up their own prescriptions or dispensing medicines to their patients; nor to persons selling drugs, medicines, chemicals, or poisons at wholesale only; nor to persons selling non-poisonous domestic remedies usually sold by grocers or merchants. *Acts of the Philippine Commission, 1903, vol. 8, pp. 341-342.*

Public Laws, Philippine Commission, 1903, vol. 2, pp. 257-258.

OPIUM, COCAINE, ETC.

An act gradually to restrict and regulate the sale and use of opium pending the ultimate prohibition of the importation of opium into the Philippine Islands in whatever form except for medicinal purposes as provided by the act of Congress approved March 3, 1905, and prohibiting any person from having the possession of opium, cocaine, or alpha or beta eucaine in any of their several forms, or any derivative or preparation of any of such drugs or substances, except for medicinal purposes.

Sec. 1. Opium defined. Opium within the meaning of this Act shall embrace every kind, class, and character of opium, whether crude, prepared, or refuse, and all narcotic preparations thereof or therefrom, and all morphine or alkaloids of opium and all preparations in which opium, morphine, or any alkaloid of opium enters as an ingredient, together with all opium leaves and wrappings of opium leaves, whether such leaves or wrappings are prepared for use or not.

Sec. 2. Registration and licensing of habitues. Upon the presentation by any Chinese person of a written application, duly verified by his oath before an officer entitled to administer oaths, and reciting that he habitually smokes, chews, swallows, or injects opium, or is otherwise addicted to the use of opium, stating the quantity of opium consumed daily, it shall be the duty of the treasurer of the municipality or the treasurer of the township or settlement in which said application is presented, or if presented in the city of Manila then of the Collector of Internal Revenue, upon the payment to such official by the applicant of the fee herein prescribed, to register such Chinese person as a confirmed user of opium and to issue to him a certificate stating that he is addicted to the use of opium, the manner and form of its use, and the quantity of the drug which he shall be permitted to consume per day. The certificates so issued shall be printed in quadruplicate and shall be consecutively numbered. One of the quadruplicates shall be retained by the officer issuing the same, one shall be forwarded forthwith to the treasurer of the province in which said municipality, township, or settlement is located, one shall be forwarded to the Collector of Internal Revenue, and one shall be delivered to the person registered. Beginning with the certificates for the month of November, nineteen hundred and seven, the Collector of Internal Revenue shall reduce each month the quantity which shall be permitted to be consumed by each registered confirmed user of opium by an amount equal to fifteen per centum of the quantity allowed on the original cer-

tificate issued under this law. The fee to be charged for confirmed users' certificates provided for in this section shall be as follows: Certificates for the period from the date of taking effect of this Act until the end of October, nineteen hundred and seven, one peso;^a for the month of November, nineteen hundred and seven, two pesos and fifty centavos; for the month of December, nineteen hundred and seven, five pesos; for the month of January, nineteen hundred and eight, seven pesos and fifty centavos; for the month of February, nineteen hundred and eight, ten pesos. No certificates shall be honored by a dispensator of opium hereinafter mentioned except when presented by the owner during the month for which issued. All such certificates shall be accounted for as cash at the face value thereof. Spoiled or mutilated certificates not issued shall be retained and turned in with the accounts of the responsible officer at the proper time.

Sec. 3. Counterfeiting certificates. Any person who makes or uses a false or counterfeit certificate or other official document used in the enforcement of this Act, or who with intent to defraud has in his possession any false, counterfeit, restored, or altered certificate or other official document used in the enforcement of this Act, or who alters the written or printed figures or letters upon such certificate or other official document used in the enforcement of this Act, or who procures the commission of any such offense by another, or who cooperates or assists in the commission of any such offense, or who lends or delivers his certificate to another, shall be punished by a fine not exceeding five thousand pesos, or by imprisonment for a period not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

Sec. 4. Unlawful use of opium; penalty; proviso. (a) Except when prescribed as a medicine by a duly licensed and practicing physician, it shall be unlawful for any person to smoke, chew, swallow, inject, or otherwise consume or use opium unless such person has been duly registered as provided in section two hereof and has secured the certificate therein provided. Except when prescribed as a medicine by a duly licensed and practicing physician, no registered confirmed user of opium shall smoke, chew, swallow, inject, or otherwise use or consume opium except in a duly licensed opium dispensary hereinafter provided for.

(b) Any person violating the provisions of this section shall be punished by a fine not exceeding two hundred pesos, or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That in case of the commission of a second offense under the provisions of this section the person so convicted, if other than a citizen of the United States or a citizen of the Philippine Islands, may by order of the court be deported.

Sec. 5. Unlawful transactions with opium; penalty; prescriptions; provisos. (a) It shall be unlawful to sell, transfer, give, or deliver opium to any person except to a duly licensed and practicing physician, pharmacist, or second-class pharmacist, or a duly licensed dispensator of opium, or duly registered confirmed user of opium in a licensed opium dispensary for consumption therein only, and in accordance with the provisions of this Act: *Provided, however*, That the transfer of ownership of opium, but not delivery thereof, may be made to licensed wholesale dealers in opium: *And provided further*, That opium may be sold, transferred, or delivered to Government Bureaus or officers duly authorized by the Governor-General to receive it, and to hospitals on permit from the Collector of Internal Revenue. Duly licensed physicians may

^a Peso is equivalent to \$0.50 United States currency.

prescribe and administer opium as a medicine, and pharmacists and second-class pharmacists may sell, transfer, give, or deliver opium as a medicinal preparation on the prescription of a duly licensed and practicing physician, under such regulations as may be prescribed by the Collector of Internal Revenue and approved by the Secretary of Finance and Justice.

(b) Any person violating the provisions of the preceding sub-section shall be punished by a fine not exceeding one thousand pesos, or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That in case of the commission of a second offense under the provisions of this section, the person so convicted, if other than a citizen of the United States or a citizen of the Philippine Islands, may by order of the court be deported.

(c) Any physician who prescribes opium for his patients when the physical condition of said patients does not require the use of opium shall have his license to practice medicine revoked by the Board of Medical Examiners for the Philippine Islands after due notice and hearing by said Board, and shall be punished by a fine of not less than two hundred and fifty pesos nor more than one thousand pesos, or by imprisonment for a period of not less than six months nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 6. Of wholesale dealers and licensed opium dispensaries. (a) Every person other than a licensed pharmacist or second-class pharmacist who imports, cooks, or prepares opium, or prepares any narcotic extract from opium, or who modifies or changes the form of any opium, or who sells or offers to sell opium in quantities of one kilo or more, or who for himself or on commission sells or offers to sell opium to another for resale, shall be deemed to be a wholesale dealer for the purposes of this Act.

(b) The keeping of licensed opium dispensaries, not to exceed such number in any one city, municipality, township, or settlement, as may be prescribed by the Collector of Internal Revenue with the approval of the Secretary of Finance and Justice, is hereby authorized.

(c) Opium dispensaries for the purpose of this Act shall be divided into three classes, as follows:

First class. To be kept open twenty-four hours per day or so long as the proprietor may desire.

Second class. To be kept open not over sixteen hours per day.

Third class. To be kept open not over eight hours per day.

The hours during which an opium dispensary may be kept open shall be continuous.

(d) Every opium dispensary shall be in the joint custody of an internal-revenue officer and the proprietor thereof. It shall be kept securely locked when not open to users and shall at no time be unlocked, opened, or remain opened unless in the presence of an internal-revenue officer.

Sec. 7. Unlawful possession of opium; penalty. (a) Except upon the prescription of a duly licensed and practicing physician or upon lawful permit of the Collector of Internal Revenue it shall be unlawful for any person not a duly licensed and practicing physician, pharmacist, second-class pharmacist, licensed dispensator of opium, or a duly registered user of opium, when using the same in a licensed opium dispensary only and in such quantities as may be stated in his certificate, to have in his possession opium, or any pipes, hypodermic syringes, or other apparatus or paraphernalia to be used for smoking, injecting, or using opium in any manner.

(b) Any person violating the provisions of this section shall be punished by a fine not exceeding five hundred pesos or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That all opium, pipes, and other opium apparatus and paraphernalia found in the possession of any person not authorized to have same shall be seized and forfeited to the Government.

Sec. 8. *Sign of dispensary.* Every dispensator of opium shall keep and maintain on the outside of his place of business, so that the same may be seen and easily read by the public, a sign setting forth in plain, large letters the name or firm designation and the words "Licensed opium dispensary of the 'first,' 'second,' or 'third' class," as the case may be. For a failure to keep and maintain such sign conspicuously displayed as herein provided, or for a violation of any of the provisions of this Act, the Collector of Internal Revenue, or his duly authorized representative, may cancel the license issued to such dispensator of opium, and such dispensator of opium shall not be entitled to the return of any money paid by him for such license.

Sec. 9. *Opium on hand to be delivered to official custodian.* (a) Within ten days after this Act shall go into effect every person having opium in his possession, except a duly licensed and practicing physician, licensed pharmacist or second-class pharmacist, Bureaus or officers of the Government authorized by law or by the Governor-General to have possession of the same, shall deliver to the treasurer of the province in which the opium is located, or if located in the city of Manila then to the Collector of Internal Revenue, all opium in his possession or under his control, and the official to whom the opium is so delivered shall issue receipt for same, store the opium in a safe place, and report to the Collector of Internal Revenue immediately the name of the person making delivery, the quantity and kind delivered, and such further information as may by regulation of the Collector of Internal Revenue be required. Opium so delivered shall not be released except on permit of the Collector of Internal Revenue.

(b) Reasonable charges to cover actual expense of storage and care of opium may be imposed by the Collector of Internal Revenue.

(c) Any person failing to deliver the opium in his possession or under his control as prescribed in this section shall be punished by a fine not exceeding five thousand pesos, or by imprisonment for a period not exceeding five years, or by both such fine and imprisonment, in the discretion of the court; and all opium not so delivered by such person shall be seized, forfeited, and sold as prescribed by this Act.

Sec. 10. *Imported opium placed in official custody.* All imported opium shall be delivered by the customs authorities, after payment of all proper duties, taxes, and charges thereon, to the Collector of Internal Revenue or to his duly authorized representative only, for storage in a place to be approved by the Collector of Internal Revenue, and neither the whole nor any part of the opium so stored shall be removed from such building or place except to an opium dispensary, or for export, in accordance with regulations prescribed by the Collector of Internal Revenue and approved by the Secretary of Finance and Justice, or on a permit from the Collector of Internal Revenue. Opium stored or withdrawn in any manner other than that prescribed by this Act, or by regulations of the Collector of Internal Revenue made hereunder and approved by the Secretary of Finance and Justice, shall be seized and confiscated.

Sec. 11. *Record of transactions with opium, cocaine, etc.* (a) Every dispensator of opium, pharmacist, and second-class pharmacist shall keep a book in which he shall enter, in Spanish and English, the full quantity of opium

received by him from every source, the date on which the same was received, the person from whom received, and the authorization for its receipt, the kind received, the price thereof, the date and hour of each and every sale or delivery made by him, the quantity and kind of opium sold or delivered by him, the name and authorization of the person purchasing or receiving the same, the quantity and kind of opium transferred on permit, the date of such transfer, the name and address of the person to whom transferred, together with the number of the permit for withdrawal or removal, and such other information as may be prescribed by the Collector of Internal Revenue.

Every pharmacist and second-class pharmacist shall likewise make and keep a similar record in regard to all cocaine, alpha or beta eucaine, or any derivative or preparation of such drugs or substances received, sold, delivered, or transferred by him. Pharmacists and second-class pharmacists may, on proper permit to be obtained from the Collector of Internal Revenue, or his duly authorized agent, transfer opium, cocaine, alpha or beta eucaine, or any derivative or preparation of such drugs or substances, to other pharmacists and second-class pharmacists.

(b) Any dispenser of opium or licensed pharmacist or second-class pharmacist who shall fail to keep the book and make true entries therein, as prescribed by this section, shall be punished by a fine not exceeding five thousand pesos, or by imprisonment for a period not exceeding five years, or by both such fine and imprisonment, in the discretion of the court, and the license of such pharmacist or second-class pharmacist shall be revoked by the Board of Pharmaceutical Examiners for the Philippine Islands after due notice and hearing.

Sec. 12. *Penalty for failure to keep a true record of transactions.* Should any dispensator of opium, pharmacist, or second-class pharmacist fail to make and keep the record book prescribed in the next preceding section of this Act, or should an inspection of the opium, cocaine, alpha or beta eucaine, or any derivative or preparation of such drugs or substances on hand, or should an examination of the books of any dispensator of opium, pharmacist, or second-class pharmacist, disclose a greater or less quantity of such articles than the difference between the receipts of such articles and the sales, transfers, or withdrawals thereof, respectively, should justify, then said dispensator, pharmacist, or second-class pharmacist, as the case may be, shall pay the Government of the Philippine Islands, as a penalty, double the value of any deficiency or excess that may exist, and all opium and opium pipes, hypodermic syringes, and apparatus or paraphernalia for smoking or using opium which are found on the premises on which the opium business is carried on and conducted shall be seized and forfeited: *Provided*, That the dispensator may be relieved in whole or in part from the penalties, seizure, and forfeiture provided in this section whenever in the opinion of the Collector of Internal Revenue, with the approval of the Secretary of Finance and Justice, such relief is just and equitable.

Sec. 13. *Sales to authorized buyers only; regulations; penalty.* It shall be unlawful for any dispensator of opium to sell or give opium to any person except to a duly registered user or on permit from the Collector of Internal Revenue.

Each sale, gift, or delivery of opium to a duly registered user shall be entered on the back of his certificate or on an official slip for that purpose attached to the certificate by an internal-revenue officer showing the date and hour of sale, gift, or delivery and the amount sold, given, or delivered, and it shall be unlawful for a dispensator to sell, give, or deliver to a registered user of opium in a greater quantity than that stated on his certificate as one day's allowance or the difference between that stated as one day's allowance and the

amount noted on the back of the certificate as having been sold, given, or delivered to him that day, or for a dispensator of opium to sell, give, or deliver to a registered user of opium any opium when the entry on his certificate shows that he has been furnished his full allowance for that day.

Any person violating the provisions of this section shall be punished by a fine of not less than five hundred pesos and not more than five thousand pesos, or by imprisonment for not more than two years, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That in case of the commission of a second offense under the provisions of this section the person so convicted, if other than a citizen of the United States or a citizen of the Philippine Islands, may by order of the court be deported.

Sec. 14. *Inspection of records.* The books and stock of opium of dispensators of opium or of pharmacists or second-class pharmacists shall be subject to inspection at any time by the Collector of Internal Revenue, or his duly authorized representative, and any dispensator of opium or pharmacist or second-class pharmacist failing, refusing, or neglecting to allow such inspection immediately upon demand made by the Collector of Internal Revenue, or his duly authorized representative, shall be punished by a fine not exceeding one thousand pesos, or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 15. *Licensing wholesalers and preparers of opium.* (a) No person shall import, cook, or prepare opium, or engage in the business of purchasing or selling opium or of dealing or trafficking therein, unless he shall have first secured from the Collector of Internal Revenue a license to transact such business and shall have paid the license tax prescribed by this Act. Crude opium shall not be sold to any person who is not a duly licensed wholesale dealer, and then only subject to all the provisions of section five: *Provided*, That duly licensed pharmacists and second-class pharmacists may import, buy, sell, and prepare, opium for medicinal purposes, without securing the license prescribed by this section, under such regulations as the Secretary of Finance and Justice may prescribe on the recommendation of the Director of Health and the Collector of Internal Revenue.

(b) Any person violating the provisions of this section shall be punished by a fine of not less than five hundred pesos nor more than two thousand pesos, or by imprisonment for a period of not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 16. *Bond of wholesaler.* Before any license is issued to any wholesale dealer in opium, or to any dispensator of opium, the Collector of Internal Revenue shall require that such wholesale dealer or dispensator of opium shall execute to the Government of the Philippine Islands a good and sufficient bond in the sum of ten thousand pesos, duly approved by the Collector of Internal Revenue, and conditioned that said wholesale dealer or dispensator of opium will well and truly pay the internal-revenue taxes, fines, and penalties imposed by this act; that he will not withdraw or remove any opium from the place in which it is lawfully kept or stored except as prescribed by this act, or by regulations of the Collector of Internal Revenue made hereunder and approved by the Secretary of Finance and Justice; and that he will well and truly comply with the provisions of this Act and perform all the duties by it required of him to be performed.

Sec. 17. *Taxation of dealers; provisos.* Every wholesale dealer in opium shall pay to the Collector of Internal Revenue a monthly license tax of one hundred pesos, and every dispensator of opium shall pay a monthly license tax in the following amounts: For a first-class opium dispensary, two hundred and fifty

pesos; for a second-class opium dispensary, one hundred and seventy-five pesos; and for a third-class opium dispensary, one hundred pesos, which taxes shall be paid in advance. In case any wholesale dealer or dispensator of opium begins business after the first day of a month, he shall pay for the whole month: *Provided, however*, That this shall not apply to the month of October, nineteen hundred and seven, for which month he shall pay one-half of the amount hereinbefore prescribed: *And provided further*, That no license shall be issued to any person authorizing him to sell opium outside of a licensed opium dispensary, and that any person, except a duly licensed and practicing physician or a pharmacist or second-class pharmacist, selling, giving, furnishing, or otherwise disposing of, opium outside of a licensed opium dispensary, shall be punished by a fine not exceeding one thousand pesos or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment, in the discretion of the court; and in addition all of the stock of opium found in the possession of any such person shall be seized and forfeited.

Sec. 18. *Copartners required to pay but one license tax; provisos.* Persons doing business as copartners in any one place shall be required to pay but one license tax. Should a dispensator of opium engage in business in more than one place, he shall pay the prescribed license tax for each place in which he carries on business: *Provided, however*, That if the business of a dispensator or of a wholesale dealer in opium is transferred to a place other than that for which the license was issued, the Collector of Internal Revenue may transfer the license to the new place of business, and in such case no additional license tax shall be exacted: *And provided further*, That when any person to whom a license is issued dies during the term of the license, his heirs, executors, administrators, or other legal representatives, may, without the payment of an additional tax, carry on, for the rest of the term covered by the license, the business for which the license was issued.

Sec. 19. *Payment of penalties, etc.* Unless otherwise provided by this Act, the payment and collection of all taxes and of all judgments and moneys recovered and received for taxes, costs, forfeitures, and penalties imposed by this Act and the accounting therefor shall be made as prescribed by Act Numbered Eleven hundred and eighty-nine, as amended, and the regulations of the Collector of Internal Revenue issued thereunder.

Sec. 20. *Internal revenue supervision.* (a) Before any imported opium shall be released from the custom-house there shall be paid thereon an internal-revenue tax as follows: On crude opium, two pesos and fifty centavos a kilo, net weight; and on prepared opium, seven pesos and fifty centavos a kilo, net weight. Beginning with the first day of November, nineteen hundred and seven, the internal-revenue tax on imported opium shall be increased each month by an amount equal to twenty per centum of the original tax imposed herein until March first, nineteen hundred and eight, on and after which date the said tax on opium permitted to be imported by the Act of Congress of March third, nineteen hundred and five, shall be as follows: On crude opium, five pesos a kilo, net weight; and on prepared opium, fifteen pesos a kilo, net weight. The date of payment of this tax shall for the purpose of this section be considered the date of importation. This tax shall be paid to the collector of customs, under regulations prescribed by the Collector of Internal Revenue, with the approval of the Secretary of Finance and Justice.

On all opium cooked or prepared in the Philippine Islands every wholesale dealer shall pay to the Collector of Internal Revenue at the time of such cooking or preparation an additional internal-revenue tax of five pesos on each kilo, net weight, of such cooked or prepared opium. Beginning with the first day of November, nineteen hundred and seven, the internal-revenue tax on

opium cooked or prepared in the Philippine Islands shall be increased each month by an amount equal to twenty per centum of the original tax imposed herein. The burden of proving that the internal-revenue tax hereby imposed has been paid shall be upon the wholesale dealer.

Net weight shall be determined by the customs laws and regulations covering the importation of opium into the Philippine Islands.

Before any opium is withdrawn or removed from the place in which it is kept or stored, as prescribed by this Act, it shall be marked, branded, or otherwise identified in the manner prescribed by the Collector of Internal Revenue and approved by the Secretary of Finance and Justice.

(b) The cooking or preparation of opium, or the changing of its form in any manner, except for medicinal purposes by duly licensed and practicing physicians, pharmacists, and second-class pharmacists, shall be done only under the supervision of the Collector of Internal Revenue, or his duly authorized representative, in a place to be designated and provided by the Collector of Internal Revenue, and all cooking or preparation of opium, or the changing of its form, shall in any case be subject to the inspection of the Collector of Internal Revenue.

Opium so prepared shall be immediately returned to the place of storage as provided for by this Act and shall not be released except in the manner provided herein.

The Collector of Internal Revenue is hereby authorized to make provision for the storage and preparation of opium, and to charge reasonable fees for such storage and place of preparation and for services rendered in connection with the records and the preparation of opium. Such charges shall constitute a lien upon the opium, which can be removed only by payment of all charges due.

(c) Any dealer in opium failing, refusing, or neglecting to pay the internal-revenue tax as prescribed by this section, or who shall fail, refuse, or neglect to mark, brand, or otherwise identify opium as required by this section, or who shall in any other manner violate the provisions of this section, shall be punished by a fine of not less than five hundred pesos nor more than five thousand pesos, or by imprisonment for a period not exceeding five years, or by both such fine and imprisonment, in the discretion of the court; and all good on which such tax is due and not paid as required by this Act shall be seized and forfeited.

Sec. 21. Notice of seizure. In case of the seizure of any property for the violation of any provision of this Act, the Collector of Internal Revenue shall publish a notice of such seizure once a week for three successive weeks in some newspaper of general circulation devoted to the publication of general news and published in the province in which the seizure was made, or if the seizure was made in the city of Manila, then in some newspaper published in said city. If there be no newspaper published in the province in which the seizure was made, then such notice may be published in any newspaper in the Islands devoted to the publication of general news. The notice shall describe the property seized and state the time, cause, and place of seizure, and shall require any person claiming such property to appear and file his claim within twenty days after the first publication of such notice.

Sec. 22. Bond of claimant for costs. Any person claiming such seized property shall file his claim thereto as prescribed in the notice provided for in the preceding section, and shall deposit with the Collector of Internal Revenue a bond executed to the Government of the Philippine Islands in the sum of five hundred pesos, duly approved by said Collector of Internal Revenue, and conditioned that the claimant will pay all costs and expenses of forfeiture and sale

of the property in case forfeiture and sale thereof are adjudged. On the filing of such a bond the Collector of Internal Revenue shall proceed against such seized property in the same manner as is prescribed by Act Numbered Eleven hundred and eighty-nine, as amended, for the forfeiture and sale of property seized thereunder.

Sec. 23. Books, forms, etc. The books, blank forms, certificates, and registers necessary to carry out the provisions of this Act shall be prepared by the Collector of Internal Revenue and furnished to wholesale dealers and dispensators of opium at cost plus ten per centum.

Sec. 24. Preparation of regulations. The Collector of Internal Revenue is hereby authorized and empowered to prepare and distribute regulations, directions, and instructions for the carrying out of the provisions of this Act; and such regulations, directions, and instructions, not inconsistent with this Act, whether general or specific in character, shall have the force and effect of law when approved by the Secretary of Finance and Justice.

Sec. 25. Compromising cases. The Collector of Internal Revenue, with the approval of the Secretary of Finance and Justice, may compromise any civil or other case arising under the provisions of this Act instead of commencing or prosecuting suit thereon, and, with the consent of the Secretary of Finance and Justice, he may compromise such case after action has been begun thereon.

Sec. 26. Disposition of taxes. The registration tax required to be paid by this Act shall be covered into the treasury of the municipality, township, or settlement in which collected, or if collected in the city of Manila then into the Insular Treasury to the credit of said city, and shall be deposited and disposed of as are all other deposits to the general fund of said municipalities, townships, settlements, or city of Manila, as the case may be.

The license tax and the internal-revenue tax required to be paid by this Act, except license taxes upon wholesale dealers and opium dispensaries, shall be covered into the Insular Treasury and shall constitute a special fund to be devoted solely to the following purposes:

First. The printing and dissemination among the people of information as to the evils resulting from the use of opium;

Second. The payment of the reasonable expenses, in some reputable hospital, of those desiring to cure themselves of the opium habit;

Third. The payment of salaries of Filipinos who have been appointed Insular teachers;

Fourth. The construction of schoolhouses and school buildings in the various municipalities of the Islands: *Provided*, That twenty-five per centum of all fines imposed by reason of violations of this Act shall be paid to the person who furnished the original evidence, properly substantiated, which led to the detection of the offense and the imposition of the fine. The name of the informer shall be specified in the judgment of the court when conviction is had in a court: *Provided*, That in all cases in which no fine is imposed but where the sentence is one for imprisonment or deportation, or when compromise is effected as provided in section twenty-five hereof, there shall be paid to the informer an amount approved by the Secretary of Finance and Justice, not exceeding one thousand pesos in any one case, and said moneys are hereby appropriated for the purposes of this section and shall be expended therefor on the approval of the Governor-General.

Sec. 27. Disposition of license taxes on wholesalers and dispensaries, etc. The license taxes on wholesale dealers and opium dispensaries and storage charges and fees for services rendered as provided for herein shall constitute a special fund, which is hereby made available for expenditure in the

temporary employment of special internal-revenue officers, renting of buildings, furnishing supplies, and for such other purposes as may be necessary in the carrying out of the provisions of this Act, and said moneys are hereby appropriated for the purposes of this section and shall be expended therefor on the approval of the Governor-General.

Sec. 28. *Use of cocaine, etc., unlawful; exceptions.* No person shall inhale, snuff, chew, swallow, inject, or otherwise use or permit to be used in or on his body any cocaine, alpha or beta eucaine, or any derivative or preparation of such drugs or substances, except upon the prescription of a duly licensed and practicing physician or except as otherwise specially provided in this Act.

Sec. 29. *Possession of apparatus is evidence of use.* The possession of any opium pipe, hypodermic syringe, apparatus, instrument, or paraphernalia for using or smoking opium or any hypodermic syringe for using cocaine, alpha or beta eucaine, or any derivative or preparation of such drugs or substances, or any other apparatus or instrument especially designed for using any of said drugs or substances in or on the human body, shall be deemed prima facie evidence that the person in possession of such opium pipe, hypodermic syringe, apparatus, instrument, paraphernalia, or articles, has used some one of such prohibited drugs or substances, or the drug or substance for the use of which such apparatus, instrument, and paraphernalia are especially designed, without the prescription of a duly licensed and practicing physician, unless such prescription is produced by such person.

Sec. 30. *Possession of opium, cocaine, etc., unlawful after March 1, 1908; exceptions.* On and after March first, nineteen hundred and eight, it shall be unlawful for any person to hold or to have in his possession or under his control or subject to his disposition any opium, cocaine, alpha or beta eucaine, or any derivative or preparation of such drugs or substances: *Provided, however,* That Government Bureaus or officers of the Government duly authorized by law or designated in writing by the Governor-General may have, hold, and dispose of any such drugs or substances in accordance with law: *And provided further,* That duly licensed and practicing physicians, pharmacists, and second-class pharmacists, or persons holding and having such drugs and substances on the prescription of a duly licensed and practicing physician, may have, hold, possess, and dispose of such drugs and substances for medicinal purposes only: *And provided further,* That on and after March first, nineteen hundred and eight, whenever opium, cocaine, alpha or beta eucaine, or any derivative or preparation of such drugs or substances, is found on, about, in the possession of, or under the control of, any unauthorized person, such opium, cocaine, alpha or beta eucaine, or any derivative or preparation of such drugs or substances, shall be seized and forfeited to the Insular Government.

Sec. 31. *Penalty; proviso.* Any unauthorized person owning, carrying, holding, having, controlling, having possession of, or knowingly having on his premises, any opium, cocaine, alpha or beta eucaine, or any derivative or preparation of such drugs or substances, on and after March first, nineteen hundred and eight, shall be punished by a fine not exceeding ten thousand pesos, or by imprisonment for not exceeding five years, or by both such fine and imprisonment, in the discretion of the court: *Provided, however,* That in the case of the commission of a second offense under the provisions of this section, any person so convicted, if other than a citizen of the United States or a citizen of the Philippine Islands, may, by order of the court, be deported.

Sec. 32. *Administration or use of opium unlawful after March 1, 1908; exceptions; penalty.* On and after March first, nineteen hundred and eight, it shall be unlawful for any person in the Philippine Islands to inhale, smoke, chew, swallow, inject, or otherwise use or permit to be used in or on his body any

opium, except for medicinal purposes, and then only upon prescription of a duly licensed and practicing physician.

Any person violating any of the provisions of this section shall be punished by a fine not exceeding ten thousand pesos, or by imprisonment for not exceeding five years, or by both such fine and imprisonment, in the discretion of the court: *Provided, however*, That in the case of the commission of a second offense under the provisions of this section, any person so convicted, if other than a citizen of the United States, or a citizen of the Philippine Islands, may, by order of the court, be deported.

Sec. 33. *Repeal.* Act Numbered Fourteen hundred and sixty-one, entitled "An Act for the purpose of restricting the sale and suppressing the evil resulting from the sale and use of opium until March first, nineteen hundred and eight, when its importation or use for any but medicinal purposes is forbidden by Act of Congress," is hereby repealed.

Sec. 34. *Passage.* The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

Sec. 35. *Effect.* This Act shall take effect on October seventeenth, nineteen hundred and seven.

Enacted, October 10, 1907. Acts of the Philippine Commission, 1907, Act No. 1761.

Sec. 1. *User of opium disqualified to hold office.* The sixth paragraph of section twelve of Act Numbered Fifteen hundred and eighty-two, known as "The Election Law," as amended by Acts Numbered Seventeen hundred and nine and Seventeen hundred and twenty-six, is hereby amended to read as follows:

"Unless fully pardoned, no person who is under judgment of conviction of a crime which is punishable by imprisonment for two years or more or which involves moral turpitude, regardless of whether or not an appeal is pending in the action, shall hold any public office, and no person disqualified from holding public office by the sentence of a court, whether or not an appeal is pending in the action, or so disqualified under the provisions of Act Numbered Eleven hundred and twenty-six, as amended, shall be eligible to hold public office during the term of his disqualification. No person who habitually smokes, chews, swallows, injects, or otherwise consumes or uses opium in any of its forms, shall be eligible to hold any provincial or municipal office."

Sec. 2. *Passage.* The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

Sec. 3. *Effect.* This Act shall take effect on its passage.

Enacted, October 11, 1907. Acts of the Philippine Commission, 1907, Act No. 1768.

ADULTERATION AND MISBRANDING OF DRUGS.

(Proclamation by the Governor-General, Nov. 9, 1906.)

* * * * *

Until further orders, in so far as the Philippine Islands are concerned, the duties specified in section three of the above Act^a for performance by the Sec-

^a Act of Congress, June 30, 1906 (Food and drugs act).

retary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall be performed by the Collector of Customs, the Director of Health, and the Collector of Internal Revenue; those specified in section four for performance in the Bureau of Chemistry of the Department of Agriculture and by the Secretary of Agriculture shall be performed in the Bureau of Science and by the Director of Health, respectively; those specified in section eleven for performance by the Secretary of the Treasury and the Secretary of Agriculture shall be performed by the Collector of Customs and the Director of Health, respectively; and the duties specified in said Act for performance by a district attorney of the United States shall be performed by the Attorney-General of the Philippine Islands, or under his direction and supervision.

Acts of the Philippine Commission, 1906, p. 451.

PORTO RICO.

The Federal food and drugs act of June 30, 1906, applies to Porto Rico.

REGISTERED PHARMACISTS.

Sec. 6. Qualifications of pharmacists. Any person studying pharmacy in Porto Rico shall present previously to obtaining his license, a certificate signed by an apothecary stating that said student has practiced in said apothecary's drug store for a period of not less than two years. He shall take the examination every year for a period of three years, whether successively or not, in conformity with the following plan:

First year. Inorganic General Chemistry, Natural History (Zoology, Botany and Mineralogy) and Inorganic Qualitative Analytical Chemistry.

Second year. Inorganic Quantitative Analytical Chemistry, Theoretical Pharmacy, Pharmacology and Therapeutics and Materia Medica.

Third year. Organic chemistry, Practical Pharmacy, including the study of the U. S. Pharmacopœia, Toxicology and Incompatibilities.

Sec. 15. License may be refused. The Board may refuse to issue a certificate to any person who has been guilty of felony, who is notoriously immoral or who may be addicted to the use of liquors or drugs to the extent of incapacitating him in the practice of the profession of pharmacist, or who is suffering from insanity; and for similar causes, the Board may also revoke any certificate or license issued, after due notification and hearing of the case.

Sec. 21. Violations; penalties. All persons engaged in the pharmacy profession in Porto Rico in violation of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine from fifty to one hundred dollars or imprisonment for a period not to exceed ninety days or both at the discretion of the court.

Porto Rico Acts and Resolutions, 1906, pages 155 to 158.

ADULTERATION OF DRUGS.

335. False labeling or substitution by druggist. Every apothecary, druggist, or person carrying on business as a dealer in drugs or medicines, or person employed as clerk or salesman by such person, who, in putting ^a any drugs or medicines, or making up any prescription, or filling any order for drugs or medicines, wilfully, negligently, or ignorantly omits to label the same, or puts an untrue label, stamp, or other designation of contents, upon any box, bottle, or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in conse-

^a So in Statutes.

quence of which human life or health is endangered, is guilty of a misdemeanor, or if death ensues, is guilty of a felony.

Revised Statutes and Codes, 1902, (Penal Code) pp. 552-553.

15. *Penalty for felony.* Except in cases where a different punishment is prescribed by this Code every offense declared to be a felony is punishable by imprisonment in the penitentiary not exceeding five years.

16. *Penalty for misdemeanor.* Except in cases where a different punishment is prescribed by this Code every offense declared to be a misdemeanor is punishable by imprisonment in jail not exceeding two years, or by a fine not exceeding two hundred and fifty dollars, or by both.

Revised Statutes and Codes, 1902, (Penal Code) p. 471.

RHODE ISLAND.

The law regarding adulteration and misbranding of drugs, effective January 1, 1909, resembles the Federal act. The board of food and drug commissioners is charged with the enforcement of the law.

Cocaine, opium, alpha and beta eucaine, etc., are sold at retail only upon original prescription.

REGISTERED PHARMACISTS.

Sec. 1. *Sales of drugs must be made under supervision of or by a registered pharmacist.* No person, unless a registered pharmacist, or registered assistant pharmacist in the employ of a registered pharmacist, or unless acting as an aid under the immediate supervision of a registered pharmacist or a registered assistant-pharmacist, within the meaning of this chapter, shall retail, compound or dispense medicines or poisons, except as hereinafter provided.

Sec. 2. *Qualifications of pharmacists.* Every person in order to be a registered pharmacist or a registered assistant-pharmacist, within the meaning of this chapter, shall be either a graduate in pharmacy, a practising pharmacist or a practising assistant in pharmacy. Graduates in pharmacy shall be such as have obtained a diploma from a regularly incorporated college of pharmacy and shall have presented satisfactory evidence of their qualifications to the state board of pharmacy. A practising pharmacist shall be deemed to be a person who, on the twenty-fourth day of March, one thousand eight hundred and seventy-one kept and continued thereafter to keep an open shop for compounding and dispensing the prescriptions of medical practitioners and for the retailing of drugs and medicines, and who shall give to the state board of pharmacy satisfactory evidence of his qualifications and shall have declared his intention in writing of keeping open shop for the compounding of prescriptions and the retailing of drugs and medicines, and such other persons as shall have given to the state board of pharmacy satisfactory evidence of their qualifications and shall have declared their intention in writing of keeping open shop for the compounding of prescriptions and the retailing of drugs and medicines. A practising assistant in pharmacy shall be deemed to be a person who shall have served three years apprenticeship in a shop where the prescriptions of medical practitioners are compounded, and shall have passed a satisfactory examination before the state board of pharmacy.

Sec. 7. *Penalty; proviso.* Every person, not a registered pharmacist, who shall keep open shop for the retailing and dispensing of medicines and poisons, or who shall take, use or exhibit the title of registered pharmacist, and every person who shall violate any of the provisions of this chapter shall, upon the first conviction, be fined fifty dollars and, upon the second and every subsequent conviction, shall be fined one hundred dollars; and all fines recovered shall enure, one-half thereof to the use of the state and one-half thereof to the use of the complainant: *Provided, however,* that in towns or parts of towns where there is no registered pharmacist within three miles, any person may sell the usual domestic medicines put up by a registered pharmacist and marked with

his label; such person procuring annually a certificate from the state board of pharmacy therefor, and paying one dollar for such certificate.

Sec. 8. *Exceptions.* Nothing hereinbefore contained shall apply to any practitioner of medicine who does not keep open shop for the retailing, dispensing or compounding of medicines or poisons, nor prevents him from administering or supplying to his patients such articles as he may deem fit and proper; nor shall it interfere with the making and dealing in proprietary medicines, popularly called patent medicines, unless such medicines be wholly or in part composed of some of the articles enumerated in Schedule A of this chapter, nor with the business of wholesale dealers in supplying medicines and poisons to registered pharmacists and physicians, and for use in the arts; nor shall it apply to such wholesale dealers in drugs and medicines in the trade on the twenty-sixth day of March, one thousand eight hundred and seventy-four, as the state board of pharmacy shall in their discretion deem suitable persons, and who shall keep and maintain in their employ one or more registered assistant-pharmacists, who shall have the sole charge and care of the compounding and dispensing of all medicines and poisons sold at retail.

General Laws, 1896, chap. 152, pp. 461 and 463.

Sec. 1. *Certificate may be revoked for violation of law.* Every certificate of registration hereafter granted under the provisions of this chapter (152) shall be granted upon the condition that the person registered will not violate or permit to be violated, upon the premises occupied by him thereunder, any of the provisions of this chapter or of chapters 92 or 102 of the General Laws, and every such certificate hereafter granted shall contain such condition written or printed upon the face thereof, and such certificate and the registration of the person named therein shall become and be null and void upon conviction of such person of any offence, under either of said chapters, committed upon the premises occupied by such registered person.

Sec. 2. *Board of pharmacy to enforce law.* It shall be the duty of the board of registration in pharmacy to investigate all complaints of disregard, non-compliance with, or violation of the provisions of this chapter or of the provisions of Chapter 102 of the General Laws relating to druggists and persons licensed to sell medicines and poisons, and to bring all such cases to the notice of the proper prosecuting officers.

Public Laws, 1900-1, chap. 866, p. 262.

SALE OF POISONS.

Sec. 9. *Label; records; proviso.* No person shall hereafter sell, either by wholesale or retail, any of the poisons enumerated in Schedule A of this chapter, without distinctly labeling the bottle, box, vessel or paper and wrapper or cover in which said poison is contained, with the name of the article, the word "poison," and the name and place of business of the seller; and every registered pharmacist selling or dispensing any of said poisons shall first enter in a book, to be kept for that purpose only, and subject always to inspection by the state board of pharmacy or any officer or agent thereof or other proper authority, and to be preserved for at least five years, a record of the same in accordance with Schedule B of this chapter: *Provided*, that if any of said poisons form a part of the ingredients of any medicine or medicines compounded in accordance with the written prescription of a medical practitioner, the same need not be labeled with the word "poison;" but all prescriptions, whether or not composed in part or in whole of any of said ingredients, shall be carefully

kept by the pharmacist on a file or in a book used for that purpose only and numbered in the order in which they are received or dispensed, and every box, bottle, vial, vessel or packet containing medicines so dispensed, shall be labeled with the name and place of business of the registered pharmacist so dispensing said medicine, and be numbered with a number corresponding with that on the original prescription retained by said pharmacist on such book or file. Such prescriptions shall be preserved at least five years and shall be open to the inspection of the writer thereof, and a copy shall be furnished free of expense whenever demanded by either the writer or the purchaser thereof.

General Laws, 1896, chap. 152, p. 463.

SCHEDULE A.

Arsenic and its preparations.	Oxalic Acid.
Cotton root and its preparations.	Savin.
Corrosive Sublimate.	Strychnia.
Cyanide of Potassium.	Volatile Oil of Bitter Almonds, of
Ergot and its preparations.	Pennyroyal, of Savin and of Tansy.
Hydrocyanic Acid.	Proprietary or secret medicines rec-
Opium and its preparations, paregoric	ommended, sold or advertised as
excepted.	Emmenagogues and Parturients.

General Laws 1896, chap. 152, p. 464.

COCAINE, OPIUM, ETC.

Sec. 1. *Regulating sale of cocaine, opium, etc.; provisos.* No person, firm, or corporation shall sell, furnish, or give away any cocaine, heroin, alpha or beta eucaine, opium, morphine, chloral hydrate, or any alkaloid, salt, or compound containing any of the foregoing substances, except upon the original written order or prescription of a practitioner of medicine, dentistry, or veterinary medicine, signed by the person giving the prescription or order. Such written order or prescription shall be permanently retained on file by the person, firm, or corporation who shall compound or dispense the articles ordered or prescribed, and such articles shall not be recompounded or redispensed if upon such prescription shall appear the words "Not to be repeated," signed by the prescriber. No copy or duplicate of such written order or prescription marked "Not to be repeated" shall be furnished or delivered to any person, and the original shall at all times be open to inspection by properly authorized officers of the law: *Provided, however,* that the above provisions shall not apply to preparations containing not more than six grains of opium, or not more than one quarter grain of morphine, or not more than two grains of chloral hydrate, or not more than one-sixteenth grain of cocaine, in one fluid ounce, or, if a solid preparation, in one avoirdupois ounce: *Provided, also,* that the above provisions shall not apply to preparations containing opium and sold in good faith for diarrhoea and cholera, each bottle or package of which is accompanied by specific directions for use, and a caution against habitual use, nor to liniments or ointments when plainly labelled "For external use only;" *And provided, further,* that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers, and manufacturers to retail druggists, or to qualified physicians, surgeons, dentists, or veterinarians, or to each other, nor to sales at retail by retail druggists to regular practitioners of medicine, surgery, dentistry, or veterinary medicine, or to each other, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the

manufacture of such preparations, nor to sales to hospitals, colleges, scientific or public institutions.

Sec. 2. *Prescription of cocaine, etc., unlawful.* It shall be unlawful for any practitioner of medicine, dentistry, or veterinary medicine to furnish to, or prescribe for the use of, any habitual user of the same any cocaine, heroin, alpha or beta eucaine, opium, morphine, chloral hydrate, or any alkaloid, salt, or compound of any of the foregoing substances, or any preparation containing any of the foregoing substances. And it shall also be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for any person not under his treatment in the regular practice of his profession, or for any practitioner of veterinary medicine to prescribe any of the foregoing substances for the use of any human being.

Sec. 3. *Violations; penalty.* Any person who shall knowingly violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction for the first offense shall be fined not less than fifty dollars nor more than one hundred dollars, and upon conviction for a second or subsequent offense shall be fined not less than one hundred dollars nor more than two hundred dollars for each offense, and shall be imprisoned in the county jail for not more than six months.

Sec. 4. *Forfeit of certificate.* Any registered pharmacist or assistant registered pharmacist who shall have been twice convicted of violation of the provisions of section one of this act shall be deemed to have forfeited his right to registration, and the state board of pharmacy shall thereupon discontinue his registration and shall not renew the certificate of registration of such convicted person within two years thereafter.

Sec. 5. *Regulating the prescribing of certain narcotics.* Any physician who shall prescribe any of the drugs mentioned in sections one and two of this act, except in cases where the use thereof is required by the then existing physical or mental condition of the person applying for such prescription, shall upon conviction therefor be deemed guilty of malpractice and unprofessional conduct, and it shall be the duty of the state board of health thereupon to revoke and annul the certificate of such physician to practice medicine in this state.

Public Laws, 1906, chap. 1365, pp. 111-114.

ADULTERATION OF DRUGS.

Sec. 1. *Adulteration and misbranding prohibited.* It shall be unlawful for any person, firm, or corporation to manufacture, sell, or offer for sale within this state, any drug * * * which is adulterated or misbranded within the meaning of this act, and any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and shall, upon conviction, be punished for the first offense by a fine not exceeding fifty dollars, for the second offense by a fine not exceeding one hundred dollars, and for the third and each subsequent offense by a fine of two hundred dollars or imprisonment for one year: *Provided*, that no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this act.

Sec. 2. *Term "drug" defined.* The term "drug" as used in this act shall

include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. When the substance answers both descriptions, a "food" and a "drug" as above defined, the purpose for which it was manufactured, sold, or offered for sale, as the case may be, shall determine its character.

Sec. 3. "Adulteration" defined; proviso. A drug shall be deemed to be adulterated:

First.—If, when sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity prescribed therein, unless the difference from such standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof.

Second.—If its strength, quality, or purity falls below the professed standard under which it is sold: *Provided*, that in no case shall a drug be deemed to be adulterated, as differing from such professed standard, when the variation is caused by the evaporation of any volatile ingredient or by other changes beyond control, happening after the manufacture of the same, provided that due care be taken to preserve its integrity.

Sec. 6. "Misbranding" defined; proviso. A drug * * * shall be deemed to be misbranded:

First.—If the package containing it, or the label on such package, shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, or if the same is falsely branded as to the state, territory, or country in which it is manufactured or produced. Second.—If it be offered for sale as an imitation of, or under the name of, another article. Third.—If it is in the package form, and the contents are stated in the terms of weight or measure, the same is not plainly and correctly stated on the outside of the package. Fourth.—If the package contains a proprietary or patent medicine, * * * and the label fails to bear a statement of the quantity or the proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid or any derivative or preparation of any such substances contained therein: *Provided*, that the provisions of this section shall not apply to the sale and distribution of such proprietary or patent medicines * * * as were in the possession of any dealer within this state at the time of the taking effect of this law.

Sec. 7. Guaranty to afford protection. No dealer shall be convicted under the provisions of this act, when he can establish a guaranty, signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of the food and drugs act of the United States, approved June 30, 1906, or of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

Sec. 8. Collection of samples. Every person offering for or exposing for sale or delivering to a purchaser any drug * * * included in the provisions of this act shall furnish to any commissioner, or other officer or agent appointed hereunder, who shall apply to him for the purpose and shall tender to him the value of the same, a sample or samples, of any drug * * * which is in his

possession, sufficient, after division into two equal or nearly equal parts, for the purpose of analysis. The official or agent thus taking said sample or samples shall then and there, in the presence of the person from whom he obtained it, unless said person refuse to witness the operation, divide said sample or samples into two equal or nearly equal parts or specimens, and seal and label the same, said label to state the kind of * * * drugs, the date of such taking, and, if obtainable, the name of the person from whom they were taken; also, if obtainable, the name or names of the parties, if there be any, whom said person represents. Said official or agent shall then and there deliver one of said specimens to the person from whom the same were taken. If any such sample or samples so taken shall appear to be adulterated within the meaning of this act, notice in writing of the fact of such adulteration, containing a description of such sample or samples, shall forthwith be given by mail or otherwise, directed to the person from whom the same were obtained, to the address given by him at the time such sample or samples were taken, before any prosecution shall be instituted thereon: *Provided, however*, that if the person from whom such sample or samples are taken shall omit or refuse to give his name or address, such notice shall not be required. Whoever hinders, obstructs, or in any way interferes with any commissioner or other officer or agent appointed hereunder, in the performance of his duty, shall, upon conviction, be fined a sum not exceeding one hundred dollars.

Sec. 9. Seizure and forfeiture. Any * * * drug that is adulterated or misbranded within the meaning of this act shall be liable to be proceeded against in the courts of this state within the county where found, and seized for forfeiture by the same process of law under which liquors illegally sold or for sale may be seized for forfeiture; and if such article or drug is condemned as being adulterated or misbranded or of a poisonous or deleterious character within the meaning of this act, it shall be disposed of by destruction or sale, as the court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury of the state: *Provided, however*, that upon the payment of the costs of such proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles or drugs shall not be sold or otherwise disposed of contrary to the provisions of this act, the court may, by order, direct that such articles or drugs be delivered to the owner thereof. Either party may demand trial by jury of any issue of fact in any such case, and all such proceedings shall be at the suit of and in the name of the state.

Sec. 11. Board of food and drug commissioners and duties of same. There shall be a board of food and drug commissioners (appointed by the governor, with the advice and consent of the senate, to hold office for five years unless otherwise provided for) consisting of three members, who shall hold office for the term of their appointment, and until their successors, respectively, shall be elected and qualified to act.

Sec. 12. It shall be the duty of said board to enforce the provisions of this act. They shall adopt such rules, consistent with the provisions of this act, as may be necessary for its enforcement, and shall adopt rules regulating minimum standards of strength, purity, and quality for * * * drugs, defining specific adulterations when such standards are not specified or fixed under this act or by the laws of this state, and subject to the provisions of this act, declaring the proper methods of collecting and examining drugs * * * ; but such rules and standards shall not be more stringent than, nor conflict with, the rules and standards adopted, or which may hereafter be adopted, for the enforcement of the food and drug act of the United States, approved June 30,

1906, or of any food and drug act of the United States hereafter in force, regulating the misbranding or adulteration of food and drug products for interstate commerce: *Provided, however*, that in prosecutions under this act when the strength, quality, or purity of a drug * * * is in issue and the standard of strength, quality, or purity of such drug * * * is fixed by said board, proof that such drug * * * is below the standard of strength, quality, or purity fixed by said board shall be evidence that such drug * * * is adulterated within the meaning of this act.

Sec. 16. Effect. Sections 11, 12, and 14 of this act shall take effect immediately, and all other parts of this act shall take effect January 1, 1909.

Passed May 26, 1908. Public Laws, 1908, chap. 1597, p. 295.

Sec. 1. *Inspectors of saleratus, bicarbonate of soda and cream of tartar.* The city council of Providence shall, and the town councils of the several towns may, appoint an inspector of saleratus, bicarbonate of soda and cream of tartar, for said city and towns respectively.

Sec. 2. *Duties of inspectors.* Every inspector shall, whenever requested, test any of such articles which shall be presented to him for inspection, and shall give his certificate to any person applying therefor, whether said article be impure or adulterated, and for every such certificate he shall be entitled to the sum of two dollars.

Sec. 3. *Provisions as to analysis.* Every inspector shall, whenever requested, make an analysis of any such article which may be presented to him for that purpose, and shall give his certificate to any person who shall apply therefor, of the result of such analysis, for which certificate he shall be entitled to the sum of ten dollars.

Sec. 4. *Penalty for selling an impure article.* Every person who shall sell saleratus, bicarbonate of soda or cream of tartar, which has been adulterated and thereby rendered an impure article, shall be fined twenty dollars, together with the cost of testing and analyzing such impure article; one-half of said fine to the use of the city or town where such sale shall be made, and one-half thereof, together with the cost of testing and analyzing such impure article, to the use of the person who shall sue for the same.

General Laws, 1896, chap. 138, p. 443.

SOUTH CAROLINA.

The law regarding adulteration and misbranding of drugs, effective August 20, 1907, resembles the Federal law. It is administered by the State board of health with one licensed druggist. No provision is made for Pharmacopœial and National Formulary preparations deviating from the standards prescribed or indicated. United States Pharmacopœia, National Formulary, and United States Dispensatory preparations and such as contain not exceeding a certain proportion of opium, morphine, heroin, or chloral hydrate are exempt from the declaration and apparently from the substitution provision of the misbranding clause.

Cocaine may be sold at retail only upon original prescription and to be used only under the personal supervision of a physician.

REGISTERED PHARMACISTS.

1118. *Pharmacists must be licensed.* Every pharmacist, apothecary and retail druggist, who has not been previously licensed according to law, who carries on and conducts the business of such occupation in this State must have a license therefor from one of the above named Board. [Board of Pharmaceutical Examiners.]

1120. *Exceptions.* * * * *Provided, however,* That outside of cities, towns and villages, and in towns or villages of three hundred inhabitants or less, where there is no regular pharmacist, practicing physicians shall have the right to compound and sell medicines upon their obtaining a special license from said Board of Pharmaceutical Examiners and paying therefor a fee of five dollars.

Nothing in this article, however, shall be construed as intending to hinder or prohibit any physician lawfully engaged in the practice of his profession anywhere within this State from putting up his own prescriptions or dispensing his own medicines.

Code, 1902, vol. 1, p. 434-435.

Sec. 302. *Pharmacist must have license; penalty.* Every pharmacist, apothecary or retail druggist who has not been previously licensed according to law who carries on and conducts the business of such occupation in this State must have a license therefor from the Board of Pharmaceutical Association of South Carolina; and any person who shall carry on and conduct the business of said occupations, or any of them, without such license shall be liable to indictment as for a misdemeanor, and on conviction subject to a fine not exceeding five hundred (\$500) dollars or imprisonment not exceeding six months.

Sec. 303. *Prescriptions to be compounded only by licensed pharmacist.* It shall not be lawful for the proprietor of any pharmaceutical shop to allow any person not qualified in accordance with the laws of this State regulating the

licensing of apothecaries and the sale of drugs and medicines to dispense poison or compound the prescriptions of physicians; and any person who upon indictment for violation of this Section shall be convicted of the same shall pay a fine not exceeding five hundred dollars or suffer imprisonment for a period not more than six months.

Sec. 304. Enforcement. The Pharmaceutical Association of the State of South Carolina is hereby authorized and directed to prosecute all persons violating the provisions of the two preceding Sections or any of them. In case any person convicted of violating any of the provisions of the same be punished by fine, one-half of said fine to be paid to the informer through whose agency such conviction shall be had.

Code, 1902, vol. 2, p. 332.

SALE OF POISONS.

1124. Record. Every pharmacist or other person selling any poison shall be satisfied that the purchase is made for legitimate purposes, and shall keep a book in which shall be recorded every sale of the following articles, viz.: arsenic and its preparations, all metallic cyanides and cyanides of potassium, tartar emetic, corrosive sublimate, aconite and its preparations, strychnine, and all other poisonous alkaloids and their salts, cantharides, ergot, hydrocyanic acid, the said record also to exhibit the name of the person to whom sold, place of his residence, and purpose of purchase as stated; which book shall be kept at all times subject to the inspection of the Coroner of the County and the solicitor of the said Association (State Pharmaceutical), or such other persons as either of them may designate.

1125. Labeling. All persons in this State engaged in business as pharmacutists, apothecaries, or druggists, either in the wholesale or retail of drugs, shall, to every bottle, vial, box, or other package containing any poison named in the preceding Section, or any one or more of the following articles, viz.: oxalic acid, chloroform, belladonna and its preparations, opium and all its preparations except paregoric, digitalis and its preparations, henbane and its preparations, hemlock or conium, or any other article that may be added to this list by the Pharmaceutical Association of the State of South Carolina, securely attach a label, whereon shall be either printed or legibly written with red ink the name of the poison and the name of at least one antidote, with brief directions as to the mode of using the same: *Provided*, That nothing herein contained shall be construed to apply to the filling of prescriptions made by regular physicians: *And provided, further*, That it shall be the duty of the Board of Pharmaceutical Examiners, on application at the time of registration, to furnish to the party registering a form of label for poisons.

1126. Exceptions. Nothing herein contained shall prevent merchants and shopkeepers from vending or exposing for sale medicines already prepared: *Provided*, Such merchants and shopkeepers shall attach to the article sold a copy of the label attached thereto by wholesale druggists, and in the sale of poisons shall comply with the provisions heretofore stated.

Code, 1902, vol. 1, p. 436.

Sec. 1. Regulating the sale of cocaine; proviso. *Be it enacted* by the General Assembly of the State of South Carolina, That any person, firm or company who shall sell cocaine, except on the written prescription of a practicing physician to be used under the personal supervision of such physician, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for the

first offense by a fine not exceeding \$100, or by imprisonment not exceeding thirty days; and upon any subsequent conviction shall be fined not exceeding \$500, or imprisoned not exceeding six months with or without hard labor, or both, in the discretion of the Court: *Provided*, That nothing herein contained shall prevent the sale of cocaine by wholesale druggists to the retail or wholesale druggist, nor the use of the same by any regular licensed dental practitioner in his own practice.

Acts, 1907, p. 541.

ADULTERATION AND MISBRANDING OF DRUGS.

Sec. 1. *Manufacture and sale prohibited.* It shall be unlawful for any person to manufacture or sell, or offer for sale, any * * * drug which is adulterated or misbranded, within the meaning of this Act; and any person who shall violate any of the provisions of this Section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not exceeding \$50 or by imprisonment not exceeding fifteen days for the first offense, and \$100 or thirty days' imprisonment for each subsequent offense.

Sec. 2. *Term "drug" defined.* The term "drug," as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary or United States Dispensatory for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals.

Sec. 3. *When deemed to be adulterated.* For the purpose of this Act an article shall be deemed to be adulterated:

In the case of drugs and flavoring extracts:

If, when a drug or flavoring extract sold under or by a name recognized in the United States Pharmacopoeia or National Formulary or United States Dispensatory, it differs from or does not conform to the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary or United States Dispensatory official at the time of investigation.

* * * * *

Sec. 4. *Term "misbranded" defined.* That the term "misbranded," as used herein, shall apply to all drugs * * * the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular and to any * * * drug or product which is falsely branded as to the State, Territory, or Country in which it is manufactured or produced. That for the purposes of this Act, an article shall also be deemed to be misbranded:

In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, or any derivative or preparation of any such substances contained therein: *Provided*, That the package contains more than two grains of opium, or more than one-quarter grain of morphine, or more than one-quarter grain of heroin, or more

than ten grains of chloral hydrate in one fluid ounce, or, if a solid preparation, in one avoirdupois ounce: *Provided, further*, That nothing in this paragraph shall be construed to apply to the filling of written prescriptions, furnished by regular licensed practicing physicians, and kept on file by druggists as required by law, or as to such preparations as are specified and recognized by the United States Pharmacopoeia or National Formulary or United States Dispensatory, which are in accordance therewith.

* * * * *

Sec. 5. Dealer protected by signed guaranty. That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty, signed by the wholesaler, jobber, manufacturer or other party residing in the United States from whom he purchases such articles, to the effect that the same is not adulterated or misbranded, within the meaning of this Act, designating it.

Sec. 6. Enforcement of act. That for the purpose of carrying out the provisions of this Act the State Board of Health with one licensed druggist, to be appointed by the Governor upon the recommendation of the South Carolina Pharmaceutical Association, shall take cognizance of the interests of the public health, as it relates to the sale of * * * drugs, spirituous, fermented and malt liquors, and the adulteration thereof, and make all necessary inquiries and investigations relating thereto, and for such purposes may appoint inspectors, analysts and chemists, who shall be subject to its supervision and removal. Within sixty days after this Act goes into effect, the said State Board of Health shall adopt such measures as it may deem necessary to facilitate the enforcement thereof. It shall prepare rules and regulations with regard to the proper method of collecting and examining drugs, articles of food.

Sec. 7. Appropriation. The sum of \$1,000 is hereby appropriated for the purpose of defraying the expense, if any, of analysis or examination of any article of food or drug as provided for in this Act; said sum to be expended under the supervision and direction of the State Board of Health.

Sec. 8. Effect. This Act shall go into effect six months after its approval by the Governor.

Sec. 9. Repeal. All Acts and parts of Acts inconsistent with this Act, be and they are hereby, repealed.

Approved the 20th day of February, 1907. Acts 1907, No. 5248, pp. 528-532.

SOUTH DAKOTA.

The law regarding adulteration and misbranding of drugs, effective June 6, 1907, is similar to the Federal law. It is administered by the food and dairy commission. Prescriptions and United States Pharmacopœia and National Formulary preparations are exempt from the declaration and apparently from the substitution provision of the misbranding clause (usually so called, but which in this law is part of the section defining adulteration).

Record must be kept of sales at retail of opium, chloroform, etc., and poison label attached.

REGISTERED PHARMACISTS.

Sec. 279. *Registered pharmacists only to dispense drugs; penalty; exceptions.* It shall be unlawful for any person other than a registered pharmacist to retail, compound or dispense drugs, medicines or poisons, or to open or to conduct any pharmacy or store for retailing, compounding or dispensing drugs, medicines or poisons, unless such person shall be a registered pharmacist within the meaning of this article except as herein provided; and any person not being a registered pharmacist within the meaning of this article who shall compound or dispense drugs, medicines or poisons, keep a pharmacy or store for retailing or compounding medicines, or who shall take, use or exhibit the title of a registered pharmacist, shall be deemed guilty of a misdemeanor, and for each and every offense, he shall upon conviction thereof, be punished by a fine of not less than fifty dollars, (\$50) nor more than one hundred dollars, (\$100) or by imprisonment in the county jail not less than ten (10) days nor more than thirty (30) days or by both such fine and imprisonment. Any registered pharmacist who shall permit the compounding or dispensing of prescriptions or the vending of drugs or poisons in his store or place of business, except under the supervision of a registered pharmacist or except by a registered assistant pharmacist as herein provided, or any pharmacist or assistant who, while continuing in business shall fail or neglect to procure registration, or any person who shall willfully make any false representations to procure registration for himself or any other person, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50) nor more than one hundred (\$100) or by imprisonment in the county jail not less than ten (10) days nor more than thirty (30) days or by both such fine and imprisonment. *Provided*, that nothing in this article shall apply to or in any manner interfere with the business of any physician as a physician or prevent him from supplying to his patients such articles as may seem to him proper, and *provided, further*, that no part of this section shall be so construed as to give the right to any physician to furnish any intoxicating liquors to be used as a beverage on prescription or otherwise. (*Sess. Laws, 1897, chap. 103.*)

Sec. 272. Qualifications of pharmacists; proviso. Any person of good moral character and temperate habits who shall pass a satisfactory examination before the state board of pharmacy shall be entitled to a certificate of registration as a licentiate of pharmacy; *Provided*, that nothing in this article shall be construed to invalidate any certificate of registration now in force in this state.

Sec. 273. Licentiates; proviso. Licentiates in pharmacy shall be such persons, not less than eighteen years of age, who have had three years experience in the practice of pharmacy, or who shall hold a diploma from such medical college as shall be approved by the board, or who have a diploma for the pharmacy course in the South Dakota Agricultural College and who have had before or after graduation, practiced pharmacy for one year under a regularly licensed druggist in South Dakota in a drug store where physicians' prescriptions are compounded, or any person who has had one year's work in such pharmacy course and two years' work in an accredited drug store, and shall pass a satisfactory examination by the board. The said board may in their discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state. *Provided*, that such other state shall require a degree of competency equal to that required of applicants in this state and said board may also in their discretion under such rules and regulations as may be made by them, issue to applicants for an examination temporary certificates which shall be valid only until the next regular meeting of the board.

Sec. 274. Assistant pharmacists; proviso. Any person shall be entitled to registration as assistant pharmacist who is of the age of eighteen years, of good moral character, temperate habits and has had two years' of experience in the practice of pharmacy under a registered pharmacist and shall pass an examination before the state board of pharmacy that shall show competency or qualification equal to such experience, or who shall hold a certificate of registration as such assistant from the South Dakota board of pharmacy at the time this code takes effect. Any registered assistant pharmacist shall have the right to compound medicines or sell poisons under the direct supervision of a registered pharmacist and he may take charge of a drug store or pharmacy during the temporary absence of the owner or manager thereof. *Provided*, that nothing herein shall be construed as giving such assistant authority to continuously perform any of the duties herein mentioned except under the supervision and in the presence of the manager.

Revised Codes, 1903, p. 50-51.

SALE OF POISONS.

Sec. 280. Labels; records; penalty; schedules. No person shall sell any poison named in schedule "a" by retail unless the box, bottle, wrapper or cover in which said poison is contained is distinctly labeled with the name of the article, the name and address of the person selling and the word "poison," and no person shall sell any poison named in schedule "b" to any person unknown to the seller, unless introduced by some person known to the seller, and on every sale the seller shall before delivery make entry on a book kept for that purpose stating the date of sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is required and the name of the person, if any, who introduced them. Any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than twenty-five dollars for every such omission.

SCHEDULE "A."

Acetate of lead, paris green, oxalic acid, carbolic acid, chloral hydrate, chloroform, ether, sulphate of zinc, and other poisonous medicines fatal to human life in doses of from fifteen to sixty grains.

SCHEDULE "B."

Aconite, arsenic, belladonna, opium, (except in paragoric ^a and Dover's powders) and their preparations, strychnine, corrosive sublimate, prussic acid, cyanide of potassium, nitrate ^a and sulphuric acids, tartar emetic and other poisonous medicines fatal to human life in doses of fifteen grains or less. (*Laws 1893, p. 221-222.*)

Revised Codes, 1903, p. 52.

Sec. 461. *Record; label.* No druggist, apothecary or other person dealing or trafficking in drugs or medicines, and no person employed as clerk or salesman by any apothecary or druggist, shall sell or give away any poison or poisonous substances, except to practicing physicians, in their ordinary practice of medicine, without recording in a book, to be kept for that purpose, the name of the person or persons receiving such poison, and his, her or their residence, together with the name and residence of some person as a witness to such sale, excepting upon the written order or prescription of some practicing physician whose name must be attached to such order or prescription. No person shall sell, give away or dispose of any poisonous substance without attaching to the phial, box or parcel containing such poisonous substance a label with the word "poison" printed or written upon it in plain and legible characters.

Sec. 462. *Violation a misdemeanor.* Any person violating any of the provisions of section 461 shall be deemed guilty of a misdemeanor.

Sec. 463. *Penalty for refusing to exhibit poison record.* Every person whose duty it is by section 461 to keep any book for recording the sale or gift of poisons, who wilfully refuses to permit any person to inspect said book upon reasonable demand during business hours, is punishable by fine not exceeding fifty dollars.

Revised Codes, 1903, p. 1149.

ADULTERATION AND MISBRANDING OF DRUGS.

Sec. 281. *Druggist responsible for quality of products sold; penalty for adulteration.* Every proprietor or conductor of a drug store shall be held responsible for the quality of all drugs, chemicals and medicines sold or dispensed by him, except those sold in the original packages of the manufacturer, and except those articles or preparations known as patent or proprietary medicines. Any person who shall knowingly, wilfully or fraudulently falsify or adulterate, or cause to be falsified or adulterated, any drug or medicinal substance, or any preparation authorized or recognized by any standard work on pharmacy, or used or intended to be used in medical practice; or shall mix or cause to be mixed with any such drug or medicinal substance any foreign or inert substance whatsoever for the purpose of destroying or weakening its medicinal power and effect, or of lessening its cost, and shall wilfully and knowingly or fraudulently sell or cause the same to be sold for medicinal purposes, shall

^a So in Statutes.

be deemed guilty of a misdemeanor and upon conviction thereof shall pay a penalty not exceeding five hundred dollars, and shall forfeit to the State of South Dakota all articles so adulterated. (*Laws 1887, p. 302.*)

Sec. 284. Disposition of penalties. All penalties collected under the provisions of this article shall inure to the South Dakota Pharmaceutical Association. (*Laws 1893, p. 222.*)

Revised Codes, 1903, p. 52-53.

Sec. 14. Penalty for misdemeanor. Except in cases where a different punishment is prescribed by this code, or by some existing provisions of law, every offense declared to be a misdemeanor is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Revised Codes, 1903, p. 1099.

Sec. 460. Mistake in filling order or in labeling, a misdemeanor. Every apothecary or druggist, and every person employed as clerk or salesman by an apothecary or druggist, or otherwise carrying on business as a dealer in drugs and medicines, who, in putting up any drugs or medicines, wilfully, negligently or ignorantly omits to label the same, or puts an untrue label, stamp or other designation of contents upon any box, bottle or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor.

Revised Codes, 1903, p. 1149.

Sec. 1. Department created. The Food and Dairy Department of the State of South Dakota is hereby created. Said department shall be in charge of an officer to be known as food and dairy commissioner, who shall be appointed by the governor, by and with the consent of the senate. The term of office of said commissioner shall commence on the first Monday in February of each odd numbered year and shall be for a term of two years, or until his successor shall be appointed and shall qualify. Vacancies occurring in the office for any cause, shall be filled by appointment by the governor for the unexpired term. Said commissioner shall give a bond of \$5,000.00 running to the state. The salary of said commissioner shall be sixteen hundred dollars (\$1,600.00) per annum.

Sec. 2. Commissioner may appoint analyst and assistants. The food and dairy commissioner shall have the power to appoint a department analyst and such inspectors and office assistants as shall be necessary to carry out the provisions of this act, and to fix their compensation.

Sec. 3. Must enforce laws. It shall be the duty of the said commissioner to enforce all laws that now exist, or that may hereafter be enacted, in this state for the purpose of preventing adulteration, misbranding and imitation of foods, beverages, candies and condiments; * * * and to perform such other duties as may be provided by law. He shall make annual report to the governor for each fiscal year ending June 30, showing in detail the work of this department. * * * He shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in this state.

Sec. 4. Duty of analyst. It shall be the duty of the department analyst to make such chemical analysis and tests as may be required of him by the food

and dairy commissioner and to report the result of such analysis to the said commissioner as soon as practicable.

Sec. 5. Expenses. The necessary and actual expenses of the commissioner, analyst, inspectors and other employes of the department shall be paid monthly, upon duly itemized and certified bills, in the manner provided by law.

Sec. 8. Deemed misbranded. For the purpose of this act an article shall be deemed to be misbranded in either of the following cases:

1. If it be offered for sale under the distinctive name of another article.
2. If it is labeled or branded so as to mislead the purchaser as to the true character of the composition of the article or compound.
3. If the package containing it or the label shall bear any statement, design or device regarding the ingredients, or of the substances contained therein, which statement, design or device shall be false or misleading in any particular, or if the same is falsely branded or labeled as to the state, territory or country ^a in which it is manufactured or produced.

Sec. 10. Unlawful to sell adulterated or misbranded article. It shall be unlawful for any person acting for himself or as the servant or agent of any other person, firm or corporation, to manufacture, sell, offer or expose for sale any article of food which is adulterated or misbranded within the meaning of this act. The possession by any inn keeper, hotel keeper, restaurant keeper, or boarding house keeper of any food or drug which is adulterated or misbranded within the meaning of this act shall be deemed to be the keeping of such food or drug for sale.

Sec. 34. Terms defined. That the term "drug" as used in this act shall include all articles and preparations recognized in the United States Pharmacopoeia or the National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or domestic animals. The provisions of this act shall not apply to any drugs or medicines in the possession of physicians to be administered directly to patients under their charge.

Sec. 35. When deemed to be adulterated. That for the purpose of this act drugs shall be deemed to be adulterated:

First. If when a drug is sold under or by name recognized in the United States Pharmacopoeia ^a or National Formulary, it differs from the standard of strength, quality or purity as determined by the test laid down in the United States Pharmacopoeia ^a or National Formulary, official at the time of investigation; provided, that no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision, if the standard of strength, quality or purity be plainly stated on the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.

Second. If its strength or purity fall below the professed standard of quality under which it is sold. If it be an imitation of or offered for sale under the name of another article.

Third. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label in eight-point (brevier) caps: Provided, that in case the size of the package will not permit the use of eight point cap type, the size of the type may be reduced proportionately, of the quantity of any alcohol, morphine, cocaine, heroin, alpha or beta

^a So in Laws.

eucaïne, chloroform, cannabis-indica, chloral hydrate, caffeine, phenacetine, antipyrine, or acetanilide, or any derivative or preparation of any such substance contained therein.

Fourth. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label in eight point (brevier) caps; provided, that in case the size of the package will not permit the use of eight point cap type, the size of the type may be reduced proportionately, of the quality or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaïne, chloroform, cannabis-indica, chloral hydrate, caffeine, phenacetine, antipyrine, or acetanilide, or any derivative or preparation of any such substances contained therein; provided, that nothing in this paragraph shall be construed to apply to the dispensing of prescriptions written by regularly licensed physicians, veterinary surgeons and dentists, and kept on file by the dispensing pharmacist, nor to such drugs as are recognized in the United States Pharmacopeia and the National Formulary, and which are sold under the name by which they are so recognized.

Fifth. If in package form, and the contents are stated in terms of weight and measure, they are not plainly and correctly stated on the outside of the package, or if the package containing it or its label shall bear any statement, design or device, which statement, design or device shall be false or misleading in any particular.

That any * * * medicine, drugs, * * * shall be deemed misbranded if it shall bear a geographical name which is misleading or which is not the true name of the place where the article shall have been grown, manufactured or produced, and prepared medicines which shall not bear a qualitative statement of what it is composed.

Sec. 36. Violation; penalty. Any person violating any of the provisions of the preceding section of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten nor more than one hundred dollars or by imprisonment in the county jail not to exceed thirty days or both such fine and imprisonment for each offense.

The word "person" as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent, or other person acting for or employed by any corporation, company, society or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society or association, as well as that of the person.

Sec. 45. Resistance; penalty. Whoever hinders, or obstructs or in any way interferes with the food and dairy commissioner, or his employes, deputies or inspectors in the performance of his or their duty shall be punished by a fine of fifty dollars (\$50.00) for the first offense, and one hundred dollars (\$100.00) for each subsequent offense, and shall stand committed to the county jail until such fine is paid as provided by law.

Laws, 1907, chap. 151, pp. 322-331.

TENNESSEE.

The law regarding adulteration and misbranding of drugs, effective January 1, 1908, is similar to the Federal law. The enforcement of the law is under the jurisdiction of the State board of health. Prescriptions and United States Pharmacopœia preparations are exempt from the declaration, and apparently from the substitution provisions of the misbranding clause.

Cocaine is sold at retail only upon prescription.

REGISTERED PHARMACISTS.

3635. *Exclusive right defined; exceptions.* It shall be unlawful for any person not a registered pharmacist within the meaning of this chapter, to open or conduct any pharmacy or retail drug or chemical store as proprietor thereof, unless he shall have in his employ and place in charge of such pharmacy or retail drug or chemical store, a registered pharmacist within the meaning of this chapter, who shall have the supervision and management of that part of the business requiring pharmaceutical skill and knowledge; or to engage in the occupation of compounding or dispensing medicines, or prescriptions of physicians, or of selling at retail for medical purposes, any drugs, chemicals, poisons, or pharmaceutical preparation, within this State, until he has complied with the provisions of this chapter; but nothing in this section shall apply to, or in any manner interfere with, the business of any physician, or prevent his supplying to his patients such articles as may seem to him proper; or with the making of patent or proprietary medicines; or with the selling, by any store, of copperas, camphor, borax, blue vitriol, saltpeter, sulphur, brimstone, licorice, sage, quinine, juniper berries, senna leaves, castor oil, spirits of turpentine, sweet oil, glycerine, Glauber's salts, Epsom salts, cream of tartar, bicarbonate of sodium, and of such domestic remedies as paregoric, essence of peppermint, essence of cinamon, essence of ginger, hive sirup, sirup of ipecac, tincture of arnica, sirup of tolu, sirup of squills, spirits of camphor, number six, sweet spirits of nitre, compound cathartic pills, and other similar preparations, when compounded by a regular pharmacist or wholesale druggist, and put up in bottles and boxes bearing the label of such pharmacist or wholesale druggist, with the name of the article and direction for its use on each bottle or box, or with the exclusively wholesale business of any dealer.

3647. *Qualifications of pharmacists.* The Tennessee Board of Pharmacy shall examine every person who shall desire to carry on or engage in the business of a retail apothecary or of retailing any drugs, medicines, chemicals, poisons, or pharmaceutical preparations, or of compounding or dispensing the prescriptions of physicians as proprietor or manager, touching his competency and qualification for that purpose; and upon a majority of the Board being satisfied of such qualification, and upon the payment by the applicant of an examination fee of \$5, they shall furnish the person a certificate of his competency and qualification as a pharmacist, which certificate shall entitle the person therein

named to carry on the business aforesaid as proprietor and manager thereof, upon complying with the requirements of Sections 3640 to 3642; and such Board shall also examine each person who desires to engage in such business as assistant pharmacist, touching his competency and qualification, and upon such person passing a satisfactory examination, and upon the payment by the applicant of an examination fee of \$3, they shall furnish him a certificate setting forth that he is a qualified assistant in pharmacy, which certificate shall enable the person therein named to engage in said business as an assistant pharmacist upon his complying with Sections 3640 to 3642.

3650. *Qualified assistant.* A qualified assistant within the meaning of this chapter shall be a clerk or an assistant in a retail drug or chemical store, who shall furnish to the Tennessee Board of Pharmacy such evidence of his employment as is required in Sections 3640-3642, or a person holding a certificate of said Board as an assistant pharmacist, as provided by Section 3647; but it shall be unlawful for an assistant pharmacist or qualified assistant to supervise or manage any pharmacy or retail drug or chemical store, or to engage in the occupation of compounding or dispensing medicines on the prescriptions of physicians; or of selling at retail for medical purposes any drugs, chemicals, poisons, or pharmaceutical preparations, except when engaged or employed in a pharmacy, retail drug or chemical store, which is in charge of and under the supervision and management of a regular pharmacist.

3649. *Regulations as to who may compound physicians' prescriptions.* No person not a qualified assistant shall be allowed by the proprietor or manager of a retail drug or chemical store to compound or dispense the prescriptions of a physician except as an aid under the supervision of a registered pharmacist or his qualified assistant.

3651. *Penalty.* Any person owning a pharmacy, retail drug or chemical store, who, in violation of the provisions of section 3635, causes or permits the same to be conducted by a person not a registered pharmacist, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than twenty dollars nor more than one hundred dollars, and each week that he shall cause or permit such pharmacy, retail drug or chemical store, to be so conducted or managed, shall constitute a separate and distinct offense, and render him subject to a separate prosecution and punishment therefor. A person violating the provisions of section 3640-3642, 3645 and 3646, relating to registration, or failing to conspicuously expose such certificate of registration, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding fifty dollars for each and every offense; and for the violation of any of the provisions of section 3650, such assistant pharmacist shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding fifty dollars for each and every offense. All fines assessed for the violation of any of the provisions of this chapter, shall be placed in the hands of the secretary of the board of pharmacy, to meet the necessary and legitimate expenses of the Tennessee Board of Pharmacy. Nothing in this chapter shall be so construed as to in any way affect the rights of any person to bring a civil action against any person referred to in this chapter, or for any act or acts for which a civil action may be brought. It shall be the duty of the Tennessee Board of Pharmacy, upon application being made to said board, to cause the prosecution of any person or persons violating any of the provisions of this chapter.

SALE OF POISONS.

Sec. 10. Conditions of retail trade. It shall not be lawful for any person to retail any poisons enumerated in schedules "A" and "B" (sections 10c and 10d) appended to this act, unless on inquiry it is found that the purchaser is aware of its poisonous character, and that it is to be used for a legitimate purpose; nor to sell such poisons to any person under the age of sixteen years, except upon the written order of some responsible adult person.

Sec. 10a. Labels; record; exceptions. Nor shall it be lawful for any person to sell or deliver any of the poisons enumerated in said schedules "A" and "B" (sections 10c and 10d) without first labeling the box, bottle, vessel, or package containing such article with the common name of said poison, with the word "poison," and the name and place of business of the seller. Nor shall it be lawful for any person to sell any poison mentioned in said schedule "A" (section 10c), without, before delivering the same to the purchaser, causing an entry to be made in a book to be kept for the purpose, which book shall be kept open to the inspection of the proper authorities, stating date of sale, name and address of purchaser, name and quantity of poison sold, and the name of the dispenser. But they are hereby exempted from the registration of the sale of such articles when sold at wholesale, or to a registered pharmacist or registered assistant pharmacist. But the provisions of this section (section 10-10d) shall not apply to the dispensing of poisons on prescriptions of physicians or veterinary surgeons, put up by registered pharmacists or registered assistant pharmacists, or dispensed by a physician or veterinary surgeon in his regular practice.

Sec. 10b. Penalty. Any person violating the provisions of this section (sections 10-10d) shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty nor more than one hundred dollars, and in the discretion of the court, may be imprisoned not less than one month and not more than six months in addition to said fine.

Sec. 10c. Schedule "A." Schedule "A." Arsenic, aconite, belladonna, corrosive sublimate, hydrocyanic acid, cyanide potassium, strychnia and its salts, cocaine and its salts, phosphorous,^a oil bitter almond, cotton root and its preparations, ergot and its preparations, oil tansy, oil savin, cantharides, and its tincture.

Sec. 10d. Schedule "B." Schedule "B." Carbolic acid, tincture iodine, oxalic acid, the mineral acids, digitalis and its preparations, colchicum, conium, nux vomica, morphine and its preparations, tully powder, chloral, croton oil, opium and its liquid preparations (except those containing less than two (2) grains to the fluid ounce), and all other deadly poisons.

Supplement to Code, 1903, pp. 635-636.

Sec. 1. Sale of cocaine. It shall be unlawful for anyone to sell, barter, or give away cocaine, or any compound thereof, in this state; provided, however, that this shall not apply to the sale of cocaine or compound thereof by a druggist upon prescription of physician, provided that no prescription calling for cocaine or compound thereof shall be filled more than one time; provided, that the provisions of this act shall not apply to wholesale druggists in supplying the trade, or retail druggists supplying dentists or physicians.

Sec. 2. Penalty. The violation of this act shall, upon conviction, be punished by fine of not less than \$100, and not more than \$500, or punishment by impris-

^a So in Statutes.

onment in the county jail or workhouse for a period of time not less than thirty days, nor more than six months, or both, in the discretion of the court. *Laws, 1901, chap. 5, p. 6-7.*

Supplement to Code, 1903, p. 842.

ADULTERATION AND MISBRANDING OF DRUGS.

Sec. 1. *Substitution in physicians' prescriptions unlawful.* It shall be unlawful for any corporation, firm, or person, or any combination or association of corporations, firms, or persons engaged in the business of buying, compounding, and selling drugs and medicines, to substitute any drug or medicine in lieu or stead of that given to the patient by the physician on the face of his prescription.

Sec. 2. *Act applies to employees and agents.* It shall be unlawful for any agent or employee of such person, firm, or corporation, association, or combination of persons, firms, or corporations, engaged in the business of buying and selling drugs in this state, to substitute any medicine for the specific medicine mentioned in the physician's prescription.

Sec. 3. *Penalty.* Any person, firm, or corporation, violating the provisions of this act, or aiding or abetting the violations of the same, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than \$25, nor more than \$100 for each and every offense. *Acts of 1901, chap. 27, p. 41.*

Supplement to Code, 1903, p. 823.

Sec. 1. *Manufacture of adulterated or misbranded drugs prohibited.* It shall be unlawful for any person to manufacture within this State any * * * drugs, which is adulterated or misbranded within the meaning of this Act, or to sell or give away the same; and any person who shall violate the provisions of this Act, shall be deemed guilty of a misdemeanor, and for the first offense shall, upon conviction thereof, be fined not to exceed Five Hundred Dollars, or shall be sentenced to one year imprisonment in the penitentiary of the State, or both fine and imprisonment, in the discretion of the court; and for each subsequent offense, upon conviction thereof, shall be fined not more than One Thousand Dollars, or sentenced to not more than two years in said penitentiary, or both such fine and imprisonment, in the discretion of the court; and the grand juries of the several counties of this State shall have inquisitorial power over said offenses, and the judges of the several criminal courts and circuit courts, having criminal jurisdiction, shall especially charge this law to the grand juries of the several counties of the State.

Sec. 2. *Term "drug" defined.* The term "drug" as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopeia, or National Formulary, for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals.

Sec. 3. *When deemed to be adulterated.* For the purpose of this Act, an article shall be deemed to be adulterated:

In case of drugs:

1. If when a drug is sold under or by a name recognized in the United States Pharmacopeia, or National Formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopeia or National Formulary, official at the time of investigation; Provided, that no drug defined in the United States Pharmacopeia or National Formulary, shall be deemed to be adulterated under this provision, if the

standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof. Although the standard may differ from that determined by the test laid down in the United States Pharmacopeia or National Formulary.

2. If its strength or purity fall below the professed standard or quality under which it is sold.

Sec. 4. Term "misbranded" defined. The term "misbranded" as used herein, shall apply to all drugs * * * the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular; and to any * * * drug product which is falsely branded as to the State, Territory or country in which it is manufactured or produced.

That, for the purpose of this Act, an article shall be deemed to be misbranded :
In case of drugs :

1. If it be an imitation of or offered for sale under the name of another article.

2. If the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label, of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any such substances contained therein; Provided, that no part of this section shall be construed as applying to the prescriptions of regularly licensed physicians, dentists and veterinary surgeons, when said prescriptions are filled or dispensed for the person for whom originally written; nor to such drugs as are regularly recognized in the United States Pharmacopeia and which are sold under the brand by which they are so recognized.

Sec. 5. Prosecutions; establishing guaranty. No dealer shall be prosecuted under the provisions of this Act, when he can establish a guaranty in accordance with the provisions of the National Pure Food and Drugs Act, June 30, 1906, or a guaranty, signed by the wholesaler, jobber, manufacturer, or other parties residing in this State from whom he purchases such articles, to the effect that same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sales of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

Sec. 6. Interpretation. The term "territory," as used in this Act, shall include the insular possessions of the United States. The word "person," as used in this Act, shall be construed to import the plural or singular, as the case demands, and shall include firms, corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission or failure of any officer, agent or other person acting for, or employed by any corporation, company, society or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission or failure of such corporation, company, society or association, as well as that of the person. Provided, that nothing in this section shall apply to goods, wares and merchandise in the hands of the wholesaler or retailer, at the date of the passage of this Act, when the date of receipt of said goods can be satisfactorily established by invoice or otherwise.

Sec. 7. Enforcement of act. To more fully enforce the provisions of this Act, there shall be appointed by the Governor, a person, who shall be a chemist of established reputation and ability, who shall be known as Pure Food and Drug

Inspector, and who shall hold office for a term of two years from the 15th day of January of the year of his appointment. The salary of said inspector shall be Twenty-five hundred Dollars per annum, payable monthly, out of the treasury of the State, as are paid the salaries of other State officials.

Sec. 8. *Office of inspector and establishment of laboratories.* Said inspector shall establish and maintain an office and laboratory in the capitol or elsewhere in Nashville, and sublaboratories in other place or places as may be deemed advisable or necessary by the State Board of Health; and said laboratory or laboratories shall be equipped by said inspector for proper inspection and analysis of all food and drugs mentioned in this Act; said office and laboratory to be established, equipped and conducted under the supervision of the State Board of Health. It shall be the duty of said inspector to keep himself informed as to the various food and drug products manufactured or sold in this State, and from time to time, inspect and analyze the same, and in case of any violation of this law, said State Board of Health or its duly authorized representative, shall act as prosecutor in the court having criminal jurisdiction of said offense. The sum of One Thousand Dollars, or as much thereof as may be necessary, is hereby appropriated for the equipment of the office and laboratory or laboratories provided in this section.

Sec. 9. *Purchase and analysis of samples.* Said Pure Food and Drug Inspector shall be required to obtain through purchase, or otherwise, samples of all * * * drugs manufactured or sold in this State, and inspect and analyze the same; and he shall keep a complete record in his office of all such inspections and analyses, together with all expenses attached thereto. He shall certify such expenses to the Comptroller of the State, and the same shall be paid as other expenses of the State are paid out of the treasury, but such expenses shall not exceed One Hundred Dollars for any one month during the year. Said inspector shall make such reports to the State Board of Health as they may from time to time require. He shall also make an annual report to the Governor, showing the expenses of the office, the number and character of inspections, and the results accomplished by said office.

Sec. 10. *Collection and disposition of fines.* All fines collected under the provisions of this Act, shall be turned into the treasury of the State.

Sec. 11. *Effect.* All laws or parts of laws in conflict with this Act, be and the same are hereby repealed, and that this Act shall take effect from and after January 1, 1908, the public welfare requiring it.

Passed April 4, 1907. Laws 1907, chap. 297, pp. 1005-1012.

ADULTERATION OF LIQUORS WITH POISONS.

6744. *Prohibition; penalty.* It shall be a felony:

(1). To adulterate spirituous or vinous liquors by the use of strychnine or poisonous liquids or ingredients.

(2). To sell by wholesale or retail any spirituous or vinous liquors, knowing the same to be adulterated by or with strychnine or poisonous liquids or ingredients; and any person convicted thereof shall be imprisoned in the penitentiary not less than one nor more than five years; and the grand jury may have power to send for persons or papers in cases where they may be of opinion that any person or persons have been guilty of violating any of the provisions of this article. (*Code 1858, p. 1733.*)

Code, 1896, vol. 2, p. 1646.

TEXAS.

The law regarding adulteration and misbranding of drugs, effective July 12, 1907, is similar to the Federal law. The enforcement of the law is under the jurisdiction of the dairy and food commissioner.

Cocaine, morphine, opium, etc., are sold at retail only upon original prescription.

REGISTERED PHARMACISTS.

Sec. 1. *Compounding, dispensing, etc., of chemicals and drugs must be in hands of licensed pharmacist.* It shall be unlawful for any person not licensed as a pharmacist, within the meaning of this act, to conduct or manage any pharmacy, drug or chemical store, apothecary shop or other place of business for the retailing, compounding or dispensing of any drug, chemical or poison, or for the compounding of physicians' prescriptions, or to keep exposed for sale at retail any drug, chemicals or poisons, except as hereinafter provided, or for any person not licensed as a pharmacist or assistant pharmacist, within the meaning of this act, to compound, dispense, or sell at retail any drug, chemical, poison or pharmaceutical preparation upon the prescription of a physician, or otherwise, or to compound physicians' prescriptions, except as an aid to or under the supervision of a person licensed as a pharmacist under this act. And it shall be unlawful for any owner or manager of a pharmacy or drug store, or other place of business, to cause or permit any other than a person licensed as a pharmacist or assistant pharmacist to compound, dispense or sell at retail any medicine or poison, except as an aid to or under the supervision of a person licensed as a pharmacist. Provided, however, that nothing in this section shall be construed to prevent any person from engaging in the business herein described as proprietors and owners thereof, provided such proprietors or owners shall have employed in his business to conduct same some one qualified under this act, nor to interfere with any legally registered practitioner of medicine or dentistry in the compounding of his prescriptions, or to prevent him from supplying his patients such medicine as he may deem proper, nor with exclusively wholesale business of any dealer who shall be licensed as a pharmacist, or who shall keep in his employ at least one person who is licensed as a pharmacist, nor with the selling at retail of non-poisonous domestic remedies, nor with the sale of patent or proprietary preparations, when sold in unbroken packages, nor with the sale of poisonous substances which are sold exclusively for use in the arts, or for use as insecticides, when such substances are sold in unbroken packages bearing a label having plainly printed upon it the name of the contents, the word "poison" and the names of at least two readily obtainable antidotes.

Sec. 3. *Qualifications of licensed pharmacist and assistant pharmacist; proviso.* In order to be licensed as a pharmacist within the meaning of this act an applicant shall be not less than twenty-one years of age, and shall have been licensed as an assistant pharmacist for not less than two years prior to

his application for license as a pharmacist, or he shall present to the board satisfactory evidence that he is a graduate of a reputable school or college of pharmacy, or that he has had four years practical experience in pharmacy under the instruction of a pharmacist, and he shall also pass a satisfactory examination by or under the direction of a Board of Pharmacy.

In order to be licensed as an assistant pharmacist within the meaning of this act an applicant shall not be less than eighteen years of age, and shall have a sufficient preliminary general education, and shall have not less than two years' experience in pharmacy, and shall pass a satisfactory examination by or under the direction of the Board of Pharmacy.

Provided, however, that in the case of persons who have attended a reputable school or college of pharmacy the actual time of attendance at such school or college of pharmacy may be deducted from the time of experience required of pharmacist and assistant pharmacist, but in no case shall less than two years' experience be required for registration as a licensed pharmacist.

Sec. 4. Grounds on which license may be refused. * * * The Board of Pharmacy may refuse to grant a license to any person guilty of felony or gross immorality, or who is addicted to the use of alcoholic liquors or narcotic drugs to such an extent as to render him unfit to practice, and the Board of Pharmacy, after due notice and hearing, revoke a license for like cause or any license which has been procured by fraud.

Sec. 14. Violations of act; penalty. Whoever not being licensed as a pharmacist shall conduct or manage any drug store or other place of business for the compounding, dispensing or sale at retail of any drugs, medicine or poisons, or for the compounding of physicians' prescriptions contrary to the provisions of Sections 1 and 2 of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than \$25 nor more than \$100, and each week such drug store or pharmacy or other place of business is so unlawfully conducted shall be held to constitute a separate and distinct offense.

Whoever not being licensed as a pharmacist or assistant pharmacist shall compound, dispense or sell at retail any drugs, medicine, poison or pharmaceutical preparation, even upon a physician's prescription or otherwise, and whoever being the owner or manager of the drug store, pharmacy or other place of business, shall cause or permit any one not licensed as a pharmacist or assistant pharmacist to dispense, sell at retail or compound any drug, medicine, poison or physicians' prescription contrary to provisions of Sections 1 and 2 of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$10 nor more than \$100.

Any license or permit or renewal thereof obtained through fraud or by any false or fraudulent representations shall be void and of no effect in law. Any person who shall make any false or fraudulent representations for the purpose of procuring a license or permit or renewal thereof, either for himself or for another, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$25 nor more than \$100, and any person who shall willfully make a false affidavit for the purpose of procuring a license or permit or renewal thereof, either for himself or for another, shall be deemed guilty of perjury, and upon conviction thereof shall be subject to like penalties as in other cases of perjury.

General Laws 1907, chap. 136, pp. 349-355.

SALE OF POISONS.

Sec. 1. Restrictions of sale of narcotic drugs. It shall be unlawful for any person, firm or corporation to sell, furnish or give away cocaine, salts of cocaine or preparations containing cocaine or salts of cocaine or any morphine

or salts of morphine, or preparations containing morphine or salts of morphine, or any opium or preparations containing opium, or any chloral hydrate or preparations containing chloral hydrate, except upon the original written order or prescription of a lawfully authorized practitioner of medicine, dentistry or veterinary medicine, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, or if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered and shall be signed by the person giving the prescription or order. Such written order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the article ordered or prescribed, and it shall not be recompounded or dispensed a second time, except upon the written order of the original prescriber for each and every subsequent compounding or dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person, but the original shall at all times be open to inspection by properly authorized officers of the law. Provided, however, that the above provisions shall not apply to preparations containing not more than two grains of opium, or not more than one-eighth grain of morphine, nor not more than two grains of chloral hydrate, or not more than one-sixteenth grain of cocaine, in one fluid ounce, or if a solid preparation, in one avoirdupois ounce; provided also that the above provisions shall not apply to preparations recommended in good faith for diarrhoea or cholera, each bottle or package of which is accompanied by specific directions for use, and the caution against habitual use, nor to liniments or ointments when plainly labeled "For external use only". And provided further, that the above provisions shall not apply to sales at wholesale [by] jobbers, wholesalers and manufacturers to retail druggists, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry or veterinary medicine, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such preparations, nor the sales to hospitals, colleges, scientific or public institutions; nor to the sale of patent or proprietary medicines sold by druggists or others, containing any of the foregoing substances, the sale of which is prohibited by this Act; provided, such preparations be not compounded or sold for the purpose of the evasion of this Act.

Sec. 2. *Prescriptions must not be given to habitual users.* It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine to furnish to or prescribe for the use of any habitual user of the same, any cocaine or morphine, or any salts or compound of cocaine or morphine, or any preparation containing cocaine or morphine or their salts, or any opium or chloral hydrate, or any preparation containing opium or chloral hydrate, and it shall also be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for the use of any person not under his treatment in the regular practice of his profession, or for any practitioner of veterinary medicine to prescribe any of the foregoing substances for the use of any human being; provided, however, that the provisions of this section shall not be construed to prevent any lawfully authorized practitioner of medicine from prescribing in good faith for the use of any habitual user of narcotic drugs such substances as he may deem necessary for the treatment of such habit.

Sec. 3. *Penalties.* Any person who shall knowingly violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction for the first offense shall be fined not less than twenty-five (\$25.00) dollars, nor more than fifty (\$50.00) dollars, and upon a conviction for a second offense shall be fined not less than fifty (\$50.00) dollars, nor more than one hundred (\$100.00) dollars, and upon a conviction for a third and all subsequent offenses

shall be fined not less than one hundred (\$100.00) dollars, nor more than two hundred (\$200.00) dollars, and shall be imprisoned in the county jail for not less than six months. It shall be the duty of the grand jury to make presentments for violations of this Act.

General Laws, 1905, pp. 45-46.

ADULTERATION AND MISBRANDING OF DRUGS.

Sec. 1. *Manufacture and sale of adulterated drugs prohibited; drugs defined.* No person, firm or corporation shall within this State manufacture for sale, have in his possession with the intent to sell, offer or expose for sale, or sell or exchange any * * * drug[s] which is adulterated or misbranded within the meaning of this act. * * * The term "drugs" as used in this act shall include all medicines and preparations for internal or external use recognized in the United States Pharmacopoeia or National Formulary, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or animals.

Sec. 2. *Adulteration defined.* That for the purposes of this act an article shall be deemed to be adulterated:

In case of drugs: First. If, when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation; provided, that no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.

Second. If its strength or purity falls below the professed standard or quality under which it is sold.

* * * * *

Sec. 3. *Term "misbranded" defined.* That the term "misbranded" as used herein, shall apply to all drugs or other articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular.

That for the purposes of this act an article shall also be deemed to be misbranded:

In the case of drugs: First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid or any derivative or preparation of any such substances contained therein.

* * * * *

Sec. 26. *False branding; penalty.* Whoever shall falsely brand, mark, stencil or label any article or product required by this act to be branded, marked, stenciled or labeled, or shall remove, alter, deface, mutilate, obliterate, imitate or counterfeit any brand, mark, stencil or label so required, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment in the county

jail for not less than six months nor more than one year, or by both such fine and imprisonment, for each and every offense.

Sec. 28. *Violation of act; penalty.* Whoever shall do any of the acts or things prohibited, or wilfully neglect or refuse to do any of the acts or the things enjoined by this act, or in any way violate any of its provisions, shall be deemed guilty of a misdemeanor, and where no specific penalty is prescribed by this act, shall be punished by a fine of not less than \$25 nor more than \$500, or by imprisonment in the county jail for a period of not more than ninety days or by both such fine and imprisonment.

Sec. 53. *Dairy and Food Commissioner.* On October 1st after this act shall take effect the Governor shall appoint a suitable person to be Dairy and Food Commissioner, who shall be a practical analytical chemist, and bacteriologist which office is hereby created, and which Commissioner so appointed shall hold office until the first day of January, 1909, and until his successor is appointed and qualified. At the next regular session of the Legislature, and every two years thereafter, the Governor shall appoint a Dairy and Food Commissioner, who shall be a practical analytical chemist and bacteriologist, who shall hold his office for the term of two years from the 1st day of January in the year of his appointment and until his successor is appointed and qualified. The sum of \$5000 is hereby appropriated out of any funds in the treasury not otherwise appropriated, for the purpose of paying the salary and other expenses of the Dairy and Food Commissioner and his assistants.

Sec. 56. *Salary of commissioner; under supervision of board; proviso.* Said Commissioner shall receive an annual salary of \$2000 * * *. Said Dairy and Food Commissioner shall be under the supervision of the Board of Directors of the College of Industrial Arts of Texas.

Provided, that the Board of Directors of said college shall have no power to supervise, direct, control, or in any manner interfere with said Dairy and Food Commissioner in the performance of the duties of his office, but the supervisory powers of said board shall only extend to the location of said office room for said Commissioner in said college and to making arrangements and agreements with said Commissioner whereby the students of said college may be enabled to get the benefit of such analyses and such other work of said Commissioner as may be of benefit to such students.

Sec. 57. *Duties of Dairy and Food Commissioner.* It shall be the duty of the Dairy and Food Commissioner to carefully inquire into the quality of ^a * * * and he may in a lawful manner procure samples of the same and make due and careful examination, and the analysis of all or any such * * * drugs and drink products, to discover if the same are adulterated, impure or unwholesome, in contravention of the laws of this State, and it shall be the duty of the Commissioner to make complaint against the manufacturer or vendor thereof, in the proper county, and furnish the evidence thereon and thereof to obtain a conviction of the offense charged. The Dairy and Food Commissioner, or his deputy, or any person by him duly appointed for that purpose * * * shall have power in the performance of his duties to enter into any * * * drug store or laboratory, or place where he has reason to believe ^a * * *. The person making such inspection shall take such sample of such article or product in the presence of at least one witness, and he shall in the presence of such witness mark or seal such sample and shall tender at the time of taking to the manufacturer or vendor of such produce, or to the person having the custody of the same, the value thereof, and a statement in writing of the reason for taking such sample. It shall also be the duty of the

^a Drugs apparently not covered in this clause.

Dairy and Food Commissioner to formulate, publish and enforce such rules and regulations as may be necessary to enforce this act, and he shall adopt the rulings and standards for * * * drugs, etc., and the methods of analysis authorized as official by the United States Department of Agriculture or the National Food Commission in so far as they are applicable.

Sec. 58. Securing samples. If any person shall have in his possession or control any article or articles of adulterated or misbranded * * * drugs contrary to the provisions of this act, he shall be held to have possession of property with intent to use it as a means of committing a public offense, and all the provisions of the chapter in the statutes of the State of Texas relating to search warrants and proceedings thereon shall apply, except the officer serving the warrant, in addition to his duties as therein required, shall deliver to the Food and Dairy Commissioner, or to the person by him authorized in writing to receive the same a perfect sample of each article seized by virtue of such warrant for the purpose of having the same analyzed, and forthwith return to the person from whom it was taken the remainder of each article seized. If any sample is found to be any character of adulterated or misbranded food, it shall be returned to and retained by the magistrate for the purposes contemplated in said chapter on search warrants, but if any sample be found not adulterated or misbranded food, it may be returned to the owner or the value of the same shall be paid by the Food and Dairy Commissioner as a part of the expenses of his office to the person from whom it was taken.

Sec. 59. Analysis of samples. The Commissioner, his deputy or any person by said Commissioner duly appointed for that purpose, is authorized at all times to seize and take possession of any and all drugs, substitutes thereof, or imitations thereof kept for sale, exposed for sale, exposed for exchange, held in possession or under the control of any person which in the opinion of the said Commissioner or his deputy, or such person by him duly appointed shall be contrary to the provisions of this act or other laws which now exist or which may be hereafter enacted. First, the person so making such seizure as aforesaid shall take from such goods as seized a sample for the purpose of analysis, and shall cause the remainder thereof to be boxed and sealed and shall leave the same in the possession of the person from whom they were seized subject to such disposition as shall thereafter be made thereof according to the provisions of this act. Second, the person so making such a seizure shall forward the sample so taken to the Commissioner for analysis, who shall make an analysis of the same and shall certify the results of such analysis, which certificate shall be prima facie evidence of the fact or facts therein certified to in any court where the same shall be offered in evidence. Third, if upon such analysis it shall appear that said * * * drugs or dairy products are adulterated, substitutes or imitations within the meaning of this act, said Commissioner or his deputy or any person by him duly authorized, may make complaint before any justice of the peace having jurisdiction where such goods were seized, and thereupon said justice of the peace shall issue his summons to the person from whom said goods were seized, directing him to appear not less than six days nor more than ten days from the date of issuing of said summons and show cause why said goods should not be condemned and disposed of. If the said person from whom said goods were seized can not be found, said summons shall be served upon the persons then in possession of the goods. The said summons shall be served at least ten days before the time of appearance mentioned therein. If the person from whom said goods were seized can not be found in possession of said goods, and the defendants shall not appear on the return day, then said justice of the peace shall proceed in said cause in the

same manner provided by the law where a writ of attachment is returned not personally served upon any of the defendants, and none of the defendants shall appear upon the return day. Fourth, unless cause to the contrary thereof is shown, or if said goods shall be found upon trial to be in violation of any of the provisions of this act or other laws which now exist, or which may be hereafter enacted, it shall be the duty of said justice of the peace to render judgment that said seized property be forfeited to the State of Texas, and that the said goods be destroyed or sold by the said Commissioner for any purpose other than to be used as food. The mode of procedure before said justice of the peace shall be the same, as near as may be, as in civil proceedings before justices of the peace. Either party may appeal to the county court as appeals are taken from justices courts, but it shall not be necessary for the State to give an appeal bond. Fifth, the proceeds arising from any such sale shall be paid into the State Treasury and credited to the general fund; provided, that if the owner or party claiming the property or goods so declared forfeited can produce and prove a written guaranty of purity signed by the wholesaler, jobber, manufacturer or other party from whom said articles were purchased, then the proceeds of the sale of such articles over and above the costs of seizure, forfeiture and sale shall be paid over to such owner or claimant to reimburse him to the extent of such surplus for his actual loss resulting from such seizure and forfeiture, as shown by the invoice. Sixth, it shall be the duty of each prosecuting attorney when called upon by said Commissioner or by any person by him authorized, as aforesaid, to render any legal assistance in his power in proceedings under the provisions of this act, or any subsequent act relative to the adulteration of food, for the sale of impure or unwholesome food or food products.

Sec. 60. *Unlawful for Dairy and Food Commissioner to furnish certificate of purity.* It shall be unlawful for the Dairy and Food Commissioner or his deputy or assistants while they hold office to furnish to any individual, firm or corporation any certificate as to the purity or excellence of any article manufactured or sold * * * or in the preparation of * * * drugs or drinks.

Sec. 61. *Commissioner shall make annual report.* The Commissioner shall make an annual report to the Governor on or before the 31st day of August in each year, and which shall be printed and published, which report shall cover the entire work of his office for the preceding year, and shall show, among other things, the number of manufactories and other places inspected and by whom, the number of specimens * * * analyzed, and the number of complaints entered against persons for the violation of the laws relative to the adulteration of food, drugs or drinks, the number of convictions had and the amount of fines imposed therefor, together with such recommendations relative to the statutes in force as his experience may justify.

Sec. 62. *Wilfully hindering or obstructing Commissioner.* Any person who shall wilfully hinder or obstruct the Dairy and Food Commissioner, or his deputy or other person or inspector by him duly authorized in the exercise of the powers conferred upon him by this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the county jail for not less than ten days nor more than ninety days, or both such fine and imprisonment.

Sec. 63. *Duty of Commissioner to investigate complaints.* It shall be the duty of the Dairy and Food Commissioner of the State to investigate all complaints of violation of this act, and take all steps necessary to its enforcement. It shall be the duty of all prosecuting officers of this State to prosecute to com-

pletion all suits brought under the provisions of this act, upon the complaint of the Commissioner or any other citizen. It shall be the duty of all food inspectors to examine all complaints made to them of violations of this act, and to render assistance in enforcing its provisions. It shall be the duty of all city and county health officers to take cognizance of and report or prosecute all violations of this act which may be brought to their notice, or they may have cognizance of within their jurisdiction; provided, this act shall not apply before June 1, 1908, to goods on hand at the time of the passage of this act. Provided, that in case of drugs the provisions of Section 3 of this act shall not apply to retail druggists as to goods on hand, purchased and received by them on or before June 1, 1907, where such goods were not purchased for the purpose of avoiding the provisions of this act, and where the labels on such goods bear a statement of the quantity or proportion of alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or asctanalid,^a or any derivative or preparation of any such substance contained therein.

Sec. 64. Effect. Whereas, there is now no law regulating the sale of adulterated food, drugs and drinks, and defining adulteration and materials from which they are manufactured, on the statute books of Texas, creates a public demand that such a law should be placed upon the statute books, an emergency therefore exists that the rule requiring bills to be read on three several days be suspended, and that this bill be placed upon its final passage, and the rule is hereby suspended, and that this bill take effect and be enforced from and after its passage, and it is so enacted.

Approved March 23, 1907. Takes effect 90 days after adjournment. Laws, 1907, chap. 39, pp. 62-78.

^a So in Statutes.

UTAH.

There is no recent law regarding the adulteration of drugs, legislation with regard to this having been enacted as early as 1876. The adulteration clause is weak and the misbranding clause covers only patent and proprietary remedies. Prescriptions and pharmacopœial products are exempt.

Cocaine is sold at retail only upon original prescription.

REGISTERED PHARMACISTS.

1711. *Conduct of pharmacy; term defined.* It shall be unlawful for any person other than a registered pharmacist to compound or dispense drugs, medicines or poisons, or to open or conduct any pharmacy for compounding or dispensing drugs, medicines or poisons unless such person shall be or shall employ and place in charge of his pharmacy or store a registered pharmacist within the meaning of this title. Every place in which drugs, medicines or poisons are compounded, retailed, except as hereinafter provided, or dispensed, or physicians' prescriptions compounded shall be deemed to be a pharmacy or drug store.

1722. *Penalty.* Any person who is not a registered pharmacist, duly authorized under this title to do business on his own account, who shall keep a pharmacy, store or shop for dispensing and compounding of physicians' prescriptions and shall not have in his employment in said pharmacy, store or shop, a registered pharmacist, authorized by the State board to manage a pharmacy shall for each and every offense be liable to a fine of not less than fifty nor more than two hundred and fifty dollars.

1724. *Penalty for compounding prescriptions by other than registered pharmacist.* Any proprietor of a pharmacy or the person who shall permit the compounding or dispensing of physicians' prescriptions, except by a registered pharmacist or under the immediate supervision of one, or while continuing in pursuit of pharmacy in this State, shall fail or neglect to procure his annual registration; and any person who shall wilfully make any false representations to procure registration for himself or for another or who shall violate any other provision of this title, shall, for each and every such offense be liable to a penalty of one hundred dollars. *Revised Statutes, 1898, p. 417-418, as amended, Laws 1903, chap. 45, p. 41.*

Compiled Laws, 1907, pp. 669-671.

SALE OF POISONS.

1727. *Labeling; schedules; exemptions.* It shall be unlawful for any person to sell at retail or furnish any of the poisons in the schedule hereinafter set forth, without affixing or causing to be affixed, to the bottle, box, vessel or package, a label containing the name of the article and the word poison, together with the antidote distinctly shown, with the name and place of business of the seller, all printed in red ink, together with the name of such poisons

printed or written thereupon in plain, legible characters, which schedules are as follows, to-wit:

Schedule A. Arsenic, cyanide of potassium, hydrocyanic acid, cocaine, morphine, strychnia, and all other poisonous vegetable alkaloids and their salts, oil of bitter almonds, containing hydrocyanic acid, opium and its preparations, except paregoric and such others as contain less than two grains of opium to the ounce.

Schedule B. Aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolacca, strophanthus, oil of tansy, veratrum viride and their pharmaceutical preparations, arsenical solutions, carbolic acid, chloral-hydrate, chloroform, corrosive sublimate, creosote, croton oil, mineral acids, oxalic acid, Paris green, salts of lead, salts of zinc, white hellebore or any drug, chemical or preparation which according to standard works on medicine or materia medica is liable to be destructive to adult human life in quantities of sixty grains or less. Every person who shall dispose of or sell at retail or furnish any poisons included in schedule A, shall, before delivering the same, make or cause to be made in a book kept for that purpose, an entry stating the date of sale, the name and address of the purchaser, the name and quantity of the poison, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least five years after the last entry. He shall not deliver any of said poisons without satisfying himself that the purchaser is aware of the poisonous character and that the said poison is to be used for legitimate purposes. The foregoing portions of this section shall not apply to the dispensing of medicines or poison on physicians' prescriptions. Wholesale dealers in drugs, medicines, pharmaceutical preparations or chemicals shall affix or cause to be affixed to every bottle, box, parcel or outer enclosure of an original package containing any of the articles enumerated in schedule A of this chapter, a suitable label or band in red ink with the word POISON upon it. The Board of Pharmacy shall have authority to add to either of the above schedules from time to time, whenever it shall deem such action necessary for the protection of the public. This article shall not apply to the practice of a practitioner of medicine who is not the proprietor of a store for the dispensing or retailing of drugs, medicines and poisons or who is not in the employ of such a proprietor and shall not prevent practitioners of medicine from supplying their patients with such articles as they may deem proper, and except as to the labeling of poisons it shall not apply to the sale of medicines or poisons at wholesale when not for the use or consumption of the purchaser or to the sale of Paris green, white hellebore and other poisons for destroying insects or any substance for use in the arts, or to the sale by merchants, of ammonia, bi-carbonate of soda, borax, cream of tartar, dye stuffs, essence of ginger, non-poisonous flavoring essence or extracts, licorice, olive oil, and sal soda, except as herein provided: *provided, however*, that merchants and retail dealers may sell, in original packages properly labeled, all such medicines and pharmaceutical preparations as bear the name of the manufacturer and are required by the general public. *Revised Statutes, 1908, p. 419, as amended, Laws 1903, chap. 45, p. 42.*

Compiled Laws, 1907, pp. 672-673.

1727x. *Regulating sale of patent or proprietary medicines.* It shall be unlawful for any person, firm or corporation to sell or otherwise dispose of any patent or proprietary medicine containing opium or any of its derivatives, alpha or beta, chloral hydrate or alcohol; or preparations containing acetanilid or any of its derivatives; or preparations containing antipyrine; unless

the bottle or package and the outside package containing such medicine are branded in plain English letters, "This medicine contains opium," (or chloral hydrate or alcohol; or preparations containing acetanilid, or its derivatives; or preparations containing antipyrine, as the case may be); and if the medicine contains opium, or chloral hydrate, stating the amount of such drug contained therein; or if it contains alcohol, stating what percentage of the medicine is alcohol.

1727x1. Nothing in this chapter shall apply or be construed to apply to the filling of any written prescription by a regular licensed practicing physician, and kept on file by the druggist compounding or filling such prescription as required by law, or as to such preparations specified and recognized by the United States Pharmacopœia or National Formulary.

1727x2. *Regulating sale of cocaine.* It shall be unlawful for any person, firm, or corporation to sell, or otherwise dispose of, cocaine, or any preparation wherein it is an ingredient, except upon the prescription of a practicing physician, dental surgeon, or veterinary surgeon, and said prescription shall not be refilled; provided, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers to retail druggists nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry or veterinary medicine, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such preparations, nor to sales to hospitals, colleges, scientific or public institutions.

1727x3. *Penalty.* Any person, firm or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor, and be fined in any sum not less than twenty-five dollars nor more than one hundred dollars. *Laws 1907, chap. 149, pp. 227-228.*

Compiled Laws, 1907, pp. 673-674.

4469. *Selling opium, etc., to minor.* Any person who shall sell, give, or furnish * * * any opium or any other narcotic in any form, to any person under eighteen years of age in this state shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than \$10 nor more than \$100. The provisions of this section shall not apply to the use, sale, giving, or furnishing of any narcotic upon the prescription of a physician.

4469x. *Children forbidden narcotics, etc.* Any person under the age of eighteen years who shall buy, accept, or have in his possession * * *, or any opium or any other narcotic in any form, shall be guilty of a misdemeanor. *Laws 1903, p. 186.*

Compiled Laws, 1907, chap. 53, p. 1346.

ADULTERATION OF DRUGS.

1725. *Proprietors responsible for quality of drugs.* The proprietors of all pharmacies shall be held responsible for the quality of all drugs and chemicals sold or dispensed at their respective places of business, except patent and proprietary preparations and articles sold in the original packages of the manufacturer.

Compiled Laws, 1907, p. 672.

4282. *Omitting to label or mislabeling drugs; prescriptions.* Every apothecary, druggist, or person carrying on business as a dealer in drugs or medicines, or person employed as clerk or salesman by such person, who, in putting up any drugs or medicines, or making up any prescription, or filling any order

for drugs or medicines, wilfully, negligently, or ignorantly omits to label the same, or put an untrue label, stamp, or other designation of contents, upon any box, bottle, or other package, containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor, or if death ensues, is guilty of a felony. (*Compiled Laws, 1867, p. 611.*)

Compiled Laws, 1907, p. 1311.

4065. Penalty for misdemeanor when not otherwise prescribed; corporations. Except in cases where a different punishment is prescribed by law, every offense declared to be a misdemeanor is punishable by imprisonment in a county jail not exceeding six months, or by a fine in any sum less than three hundred dollars, or by both. In all cases where a corporation is convicted of an offense for the commission of which a natural person would be punishable as for a misdemeanor, and there is no other punishment prescribed by law, such corporation is punishable by a fine not exceeding one thousand dollars.

Compiled Laws, 1907, pp. 1267-1268.

1726. Standard; alteration a misdemeanor. Unless otherwise prescribed for or specified by the customer, all pharmaceutical preparations sold or dispensed in a pharmacy, dispensary, store or place, shall be of the standard strength, quality and purity established by the last edition of the United States Pharmacopœia. Any person who shall wilfully adulterate or alter, or cause or permit to be adulterated or altered, any drug, medicine or pharmaceutical preparation, or shall sell or offer for sale any such adulterated or altered article and any person who shall substitute one material for another with the intent to defraud or deceive the purchaser, shall be guilty of a misdemeanor. All penalties collected for such violation shall be paid to the said board of pharmacy to be held by it as hereinbefore directed. (*Revised Laws, 1898, p. 419, as amended, Laws 1903, chap. 45, p. 42.*)

Compiled Laws, 1907, p. 672.

ADULTERATION OF LIQUORS.

740. Adulteration of spirituous, fermented, or malt liquors. No person shall, within this State, by himself, his servant or agent, or as a servant or agent of any other person or corporation, manufacture, brew, distill, have or offer for sale, or sell any spirituous or fermented or malt liquor, containing any drug, substance or ingredient not healthful or not normally existing in said spirituous, fermented or malt liquor, or which may be deleterious or detrimental to health when such liquors are used as a beverage, and the following drugs, substances or ingredients shall be deemed to be not healthful or not normally existing in spirituous, fermented or malt liquor, and shall be deemed to be deleterious or detrimental to health, when contained in such liquors to-wit:

Cocculus indicus, chloride of sodium, copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, arsenic, tobacco, daniel seed, extract of logwood, salts of zinc, copper or lead, alum, methyl alcohol and its derivatives, and any extracts or compound of any of the above drugs, substances or ingredients, and any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. *Laws, 1907, chap. 153, pp. 235-236.*

Compiled Laws, 1907, p. 383.

VERMONT.

The law regarding adulteration and misbranding of drugs, effective November 11, 1906, is similar to the Federal law. The enforcement of the law is under the jurisdiction of the State board of health.

REGISTERED PHARMACISTS.

5405. *Non-licensed person not to act as pharmacist.* A person not licensed as a pharmacist shall not practice pharmacy, display a sign, emblem or device indicating that his place of business is used as a pharmacy, drug or chemical store, apothecary shop or place for the retailing, compounding or dispensing of drugs, chemicals or poisons, or for the compounding of physicians' prescriptions, nor expose for sale at retail drugs, chemicals or poisons, unless such place of business is conducted, managed or controlled by a duly licensed pharmacist.

5406. *"Practice of pharmacy" construed; application of chapter.* The words "practice of pharmacy," as used in this chapter, shall be construed to mean the compounding of physicians' prescriptions and the preparation of ingredients therefor. But this chapter shall not apply to the business of a licensed practitioner of medicine, nor prevent such practitioner from supplying his patients with medicines; nor to persons who sell medicines or poisons at wholesale only; nor to the manufacture or sale of patent or proprietary medicines; nor to the sale, other than on prescription, of drugs, medicines and poisons; nor to the sale of insecticides or any substances for use in the arts; nor shall this chapter prohibit the employment in a pharmacy of apprentices or assistants for the purpose of being instructed in the practice of pharmacy, but such apprentices or assistants shall not prepare or dispense physicians' prescriptions nor sell or furnish poisons, except in the presence and under the personal supervision of a licensed pharmacist.

5407. *Prosecutions; penalties; disposition of fines.* A person who violates a provision of this chapter shall be imprisoned not more than six months or fined not more than fifty dollars nor less than twenty-five dollars. State's attorneys shall prosecute offenses under this chapter, when complaint is made by a member of said board; and one-half of the fines received shall be paid to the state school fund, and one-half to the fund of the board, to be used as other money belonging to such fund. *Laws 1896, No. 101; 1894, No. 99.*

Public Statutes, 1906, chap. 224, p. 1049.

SALE OF POISONS.

5485. *Record of sales by druggists.* An apothecary, druggist or other person who sells arsenic, corrosive sublimate, nux vomica, chloroform, strychnine, morphine, opium, cocaine, carbolic acid or prussic acid, or its salts, shall, at the time of such sale, make a record of such sale in a book kept for that purpose, specifying the kind and quantity of the article sold, and the time when and the name of the person to whom such sale is made, which record shall be open to health officers, members of the state board of health and state officials who may

wish to examine the same. (*Laws 1904, No. 143; amended, Laws 1906, No. 176, p. 189.*)

5486. Penalty. A person who violates a provision of the preceding section shall be fined not more than one hundred dollars.

5487. Does not apply to qualified practitioners of medicine. The provisions of the two preceding sections shall not apply to legally qualified practitioners of medicine, nor to their prescriptions or recipes to their patients. (*Laws 1904, No. 143, p. 200.*)

Public Statutes, 1906, chap. 226, p. 1066.

CARELESS DISTRIBUTION OF MEDICINES, ETC.

5902. Penalty. A person, firm or corporation that distributes or causes to be distributed a free or trial sample of a medicine, drug, chemical or chemical compound, by leaving the same exposed upon the ground, sidewalks, porch, doorway, letter-box or in any other manner, that children may become possessed of the same shall be fined not more than three hundred dollars nor less than one hundred dollars with costs of prosecution. (*Laws, 1906, No. 186, p. 200.*)

Public Statutes, 1906, chap. 256, p. 1137.

ADULTERATION AND MISBRANDING OF DRUGS.

5466. Sale of adulterated drugs prohibited. No person shall sell, offer or expose for sale an adulterated food, drug or substance to be used for medicine for man or domestic animals.

5467. "Drug" defined. * * * The word "drug" as used in this chapter, shall include all medicines and preparations recognized in the United States pharmacopoeia or national formulary, for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or beast.

5469. "Adulterated drug," defined. For the purposes of this chapter, a drug shall be deemed to be adulterated if, when it is sold under or by a name recognized in the United States pharmacopoeia or national formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States pharmacopoeia or national formulary official at the time of investigation, provided that no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof although the standard may differ from that determined by the test laid down in the United States pharmacopoeia or national formulary; or if its strength or purity falls below the professed standard or quality under which it is sold.

5471. "Misbranded" defined. The word "misbranded," as used in this chapter, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state or country in which it is manufactured or produced.

5473. "Misbranded" drug, defined. For the purposes of this chapter, a drug shall be deemed to be misbranded if it is an imitation of or offered for sale under the name of another article; or if the contents of the package as originally put

up have been removed, in whole or in part, and other contents have been placed in such package; or if the package fails to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any such substances contained therein.

5475. Sale of adulterated articles. A person who fraudulently adulterates for the purpose of sale an article of food, drink, drug or medicine, or knowingly sells such adulterated article or any kind of diseased or unwholesome provisions, as defined in this chapter, shall be imprisoned not more than one year or fined not more than four hundred dollars; and the articles so adulterated or such diseased or unwholesome provisions shall be forfeited and destroyed under the direction of the court.

5476. Rules and regulations of State board of health. The state board of health shall adopt such rules and regulations as it deems necessary to facilitate the enforcement of the provisions of this chapter, and for the collecting and examining of drugs, * * *. Said board shall cause such rules and regulations to be printed in pamphlet form for distribution, furnish to each local health officer a sufficient number of copies to supply the members of the local board of health and all practicing physicians in such town, and furnish to each town clerk a sufficient number of copies for distribution under the provisions of law as to the distribution of the acts and resolves of the general assembly; and it shall be the duty of said local health officers and town clerks to distribute the same. A person who violates a rule or regulation made under the provisions of this chapter shall be fined not more than five hundred dollars.

5477. Annual appropriation. The sum of twenty-five hundred dollars is hereby annually appropriated to be expended under the direction of said board for paying the expenses incurred in carrying out and enforcing the provisions of this chapter and for providing for the inspection of foods and drugs.

5480. Purchase of samples. A person offering or exposing for sale a drug * * * within the meaning of this chapter shall furnish to a member of the state board of health, or a local health officer, who applies for the same and tenders the value in money, a sample sufficient for the purpose of analysis of such drug * * *.

5481. Preservation of part of sample. The analyst shall, before commencing the analysis of the sample, reserve a part thereof, which shall be sealed; and, in case of a complaint or indictment, a part of the reserved portion of such sample alleged to be adulterated shall, upon application, be delivered to the defendant or his attorney, and the other part to the secretary of the state board of health.

5490. Application of chapter; exceptions. Nothing in this chapter shall be so construed as to prevent the state board of health from issuing to a producer or manufacturer of foods or drinks a permit to use such preservatives or coloring matters as said board may determine are not detrimental to health.

5491. Interfering with health officers; penalty. A person who in any way interferes with a member of the state board of health or a local health officer in the performance of his duties under this chapter shall be fined not more than fifty dollars for the first offense and, for each subsequent offense, shall be fined one hundred dollars.

5492. General penalty. A person or corporation which violates a provision of this chapter for which no penalty is hereinbefore provided shall be fined not more than one hundred dollars nor less than fifty dollars.

5493. Notice of violations of United States statutes. The state board of health or an agent thereof shall notify the proper prosecuting officer of a violation of

a United States statute for preventing the adulteration or misbranding of food or drugs.

5494. Prosecutions; penalties. The state's attorney to whom the state board of health reports a violation of this chapter shall cause proceedings to be commenced and prosecuted in the proper court without delay, for the enforcement of the penalties as in such case provided. Justices shall have concurrent jurisdiction with the county court of offenses under this chapter to the extent of fining the respondent fifty dollars, or may bind him over for trial by county court. *Laws, 1906, No. 176, pp. 186-190.*

Public Statutes, 1906, chap. 226, pp. 1062-1067.

ADULTERATION OF LIQUOR.

5482. Adulterating liquor; penalty. A person who, for the purpose of sale, adulterates liquor used or intended for drink, with coculus indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil wood, cochineal, sugar of lead or other substance which is poisonous or injurious to health, or knowingly sells such liquor so adulterated, shall be imprisoned not more than one year or fined not more than one thousand dollars.

Public Statutes, 1906, chap. 226, p. 1065.

VIRGINIA.

The law regarding adulteration and misbranding of drugs, approved March 14, 1908, is similar to the Federal law. Prescriptions are exempt from declaring the amount of alcohol, morphine, etc. The enforcement of the law is under the jurisdiction of the board of pharmacy.

Opium, morphine, heroin, and their preparations (with certain exceptions including tincture of opium), cocaine, alpha and beta eucaine are sold only on original prescription; they may be prescribed for habitués, and generally, only in the course of professional treatment.

REGISTERED PHARMACISTS.

Sec. 1. Board of pharmacy, duties, etc. The board of pharmacy shall regulate the practice of pharmacy and the sale of poisons, and control the character and standard of all drugs and medicines dispensed in the State, and investigate all complaints to quality and strength of all drugs and medicines and take such actions as may be necessary to prevent the sale of such as do not conform to the requirements of this act.

Sec. 2. Licensed pharmacists, qualifications, etc. The board of pharmacy shall conduct examinations of applicants for registration when so determined by the board, and not less frequently than once in six months, and may issue three grades of certificates to be known respectively as that of "registered pharmacist," "registered assistant pharmacist," and "registered apprentice," and "permits" to physicians in rural districts and towns of not over one thousand population.

Sec. 6. Qualifications for practice of pharmacy. The board of pharmacy shall not grant a license to any applicant if satisfied that the safety of the public health will be endangered by reason of the habits or character of said applicant. If any person shall have obtained a license by misrepresentation or fraud, or shall become unfit or incompetent by reason of negligence, habits, or other cause, to practice as a pharmacist or assistant pharmacist, the board of pharmacy shall have power to revoke such license after giving such person reasonable notice and an opportunity to be heard, and if any licensee shall wilfully and repeatedly violate any of the provisions of this act or the rules and regulations established by the board of pharmacy, such board shall revoke his or her license upon sufficient evidence of such violation, in addition to any other punishment by law imposed for such violation.

Sec. 9. Issuance of license. The board of pharmacy may issue licenses to practice as pharmacists or assistant pharmacists in this State, without examination, to such persons as have been legally registered or licensed as pharmacists or assistant pharmacists in other States, provided that the applicant for such license shall present satisfactory evidence of qualifications equal to those required from licentiates in this State, and that he was registered or licensed by examination in such other State, and that the standard of competence required

in such other State is not lower than that required in this State, and provided also, that the board is satisfied that such other State accords similar recognition to the licentiates of this State.

Sec. 11. *Practice of pharmacy.* Except as prescribed in this act it shall not be lawful for any person to practice as a pharmacist, or assistant pharmacist, or to engage in, conduct, carry on, or be employed in the dispensing, compounding or retailing of drugs, medicines or poisons within this State.

Sec. 13. *Application to practice.* Every person who shall hereafter desire to be registered as a pharmacist or assistant pharmacist, shall file with the secretary of the board of pharmacy an application, duly verified under oath, setting forth the name and age of the applicant, the place or places at which, and the time spent in, the study of the science and art of pharmacy, the experience in the compounding of physicians' prescriptions, which the applicant has had under the direction of a registered pharmacist, and shall appear at a time and place designated by the board of pharmacy and submit to an examination as to his or her qualifications for registration as a pharmacist or assistant pharmacist, and every such applicant shall present to the board evidence of having completed his grammar school work or its equivalent.

Sec. 14. *Qualifications for pharmacist.* In order to be licensed as a pharmacist within the meaning of this act an applicant shall be not less than twenty-one years of age, and shall have been licensed as an assistant pharmacist for not less than two years prior to his or her application for license as a pharmacist, or shall present to the board satisfactory evidence that he or she has had not less than four years practical experience in a retail pharmacy, under the personal supervision of a registered pharmacist, or two years practical experience as above, and have^a graduated in pharmacy at some school or college of pharmacy recognized by this board, and also pass an examination satisfactory to a majority of the board.

Sec. 15. *Qualifications for assistant pharmacist.* In order to be licensed as an assistant pharmacist within the meaning of this act, an applicant shall be not less than eighteen years of age, and shall have had not less than two years experience in pharmacy under the instruction of a registered pharmacist, and shall pass an examination satisfactory to a majority of the board.

Sec. 10. *Compounding and dispensing medicines, etc.* From and after the passage of this act, every place in which drugs, medicines or poisons are retailed or dispensed or physician's prescriptions compounded as hereinafter provided shall be deemed to be a pharmacy, and the same shall be under the personal supervision of a registered pharmacist, except that during the temporary absence of the registered pharmacist, a registered assistant pharmacist may act in place of the said registered pharmacist, and registered apprentices may be in temporary charge, but only with privileges of merchants and retail dealers; provided, that nothing in this section shall apply to sales of homœopathic medicines by homœopathic^a pharmacists. But nothing in this act shall be construed to interfere with any legally qualified practitioner of medicine, dentistry, or veterinary medicine, who is not the proprietor of a store for the dispensing or retailing of drugs, or who is not in the employ of such a proprietor, in the compounding of his own prescriptions, or to prevent him from supplying to his patients such medicines as he may deem proper, if such supply is not made as a sale. Provided, further, that in rural districts and in towns having a population of one thousand or less, any physician regularly licensed under the laws of Virginia may be granted by the board of pharmacy an annual

^a So in Acts.

permit to compound and sell medicines, fill prescriptions, and sell poisons, duly labeling the same as required by this act; and merchants and retail dealers may sell the ordinary non-poisonous domestic remedies; laudanum in original packages containing not over two fluid ounces and put up by manufacturers and wholesale dealers. Proprietary medicines, copperas, cream tartar, calomel, paris green, bluestone, carbolic acid, London purple, sweet spirits nitre, essence Jamaica ginger, paregoric, tincture of iron, quinine, in original packages which conform to the requirements of this act, and such other medicines as the board of pharmacy may permit; and provided, further, that nothing in this chapter shall prevent the sale and dispensing at soda fountains and by other dealers of granular effervescent and proprietary liquid preparations and beverages claiming curative properties, and whose composition are not in conflict with the provisions of this act. And provided further, that the board of pharmacy shall permit the sale of all insecticides and poisons used for the destruction of pests and other forms of disease in trees and plants, under such rules and regulations as will properly protect the lives and health of the public, and not inconsistent with this act.

Sec. 19. *Act shall not be construed as follows.* Nothing in this act shall be construed to prevent or interfere with any retail druggist or wholesale dealers, or manufacturing concern or their employees from selling, compounding or manufacturing in the regular course of business, any pharmaceutical preparations, or any patent or proprietary preparations that conform to the requirements of chapter one of this act, and the sale of which is not in conflict with section twenty-one of chapter two, or section one of chapter three of this act; or of chapter four of this act; or prevent the employment, by registered pharmacists of apprentices or assistants for the purpose of being instructed in pharmacy, but such apprentices or other unregistered employees or assistants shall not be allowed to prepare or dispense prescriptions or to sell or furnish medicines or poisons, except in the presence of and under the personal direction of a registered or registered assistant pharmacist.

Sec. 21. *Violations; penalties.* Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty dollars or more than one hundred dollars for each offense. *Chap. 2 of Act of March 14, 1908.*

Acts, 1908, chap, 291, pp. 522-528.

SALE OF POISONS.

Sec. 20. *Poison label must be attached.* It shall be unlawful for any person or persons having authority to sell or dispense medicines or poisons, to retail any poison enumerated in the following schedule, without distinctly labeling the bottle, box, vial or paper in which said poison is contained with the name of the article and the word "poison" and the name and place of business of the seller; and in addition thereto, at least one of the most readily obtainable effective antidotes to such poisonous article; arsenic and its preparations, corrosive sublimate, biniodide of mercury, ammonio-chloride of mercury, mercuric oxide and all other mercuric salts; cyanide of potassium, hydrocyanic acid, strychnine, and its salts, essential oil of bitter almonds; cocaine, alpha and beta eucaine and their salts; aconite, belladonna, nux vomica, cantharides, digitalis, colchicum, conium hyoscyamus, and their active principles and pharmaceutical preparations, preparations of opium of a greater strength than camphorated tincture of opium of the United States Pharmacopoeia, creosote, croton oil, chloroform, chloral hydrate, carbolic acid (phenol), oxalic acid,

corrosive mineral acids in concentrated form, and all other deadly poisons; and it shall be unlawful for any person to sell or deliver any poison mentioned in the above schedule, unless it be found upon due inquiry that the purchaser is aware of its poisonous nature; and it shall also be unlawful to sell or deliver any of the said poisons to any person under sixteen years of age, except upon the written order of some responsible adult. The provisions of this section shall not apply to the dispensing of poisons in usual doses on prescriptions of physicians, dentists or veterinary surgeons, when prepared and dispensed in accordance with the pharmacy laws of this State; nor to preparations containing any of the substances named in this section, when a single box, bottle, or other package, or when the bulk of one-fourth fluid ounce, or the weight of one-fourth avoirdupois ounce does not contain more than an adult medicinal dose of such substance, nor to liniments or ointments, sold in good faith as such, when plainly labeled "For external use only" nor to preparations put up and sold in the form of pills, capsules, tablets, or lozenges, containing any of the substances enumerated in this section, and intended for internal use, when the dose recommended does not contain more than one-fourth of an adult medicinal dose of such substance; nor to such preparations for diarrhoea and cholera as are described in section one of chapter three. (*Chap. 2, Act of March 14, 1908.*)

Sec. 1. Sale of morphine, opium, etc. It shall be unlawful for any person to sell, furnish or give away any morphine, heroin, opium and preparations thereof containing a higher percentage of morphine than tincture of opium of the strength ordered by the United States Pharmacopoeia, or any salt or compound of the foregoing substances, except upon the original written prescription or order of a lawfully authorized practitioner of medicine, dentistry, or veterinary medicine, which must have plainly written upon it the name and address of the patient, and must be signed by the person giving it, which prescription can be filled only once. Provided that the provisions of this section shall not apply to sales made by any manufacturers, wholesale or retail druggists to other manufacturers, wholesale or retail druggists; nor to sales made to hospitals, colleges, scientific or public institutions, or to physicians, dentists, or veterinary surgeons; nor to the sale of cough syrups and other domestic and proprietary remedies of this character, which are prepared and sold in good faith as medicines and not intended for defeating the purposes of this chapter, if such remedies do not contain more than two grains of opium or one-third grain of morphine or one-fourth grain of heroin in one fluid ounce, or if a solid preparation in one avoirdupois ounce; nor to preparations containing opium, which are prepared and sold in good faith for diarrhoea and cholera, each bottle or package of which is accompanied by specific directions for use and a caution against habitual use; nor to powder of ipecac and opium, commonly known as "Dover's Powder;" nor to liniments or ointments, when plainly labeled "For external use."

Sec. 2. Sale to habitual users. It shall be unlawful for any practitioner of medicine, dentistry, or veterinary medicine to furnish to or to prescribe for the use of any habitual user of the same, any cocaine, alpha or beta eucaine, heroin, opium, morphine, codeine, or any salt or compound of the foregoing substances or any preparations containing any of the foregoing substances or their salts or compounds. And it shall be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for any person not under his treatment in the regular practice of his profession, or for any practitioner of veterinary medicine to prescribe any of the foregoing substances for the use of any human being. Provided, however, that the provisions of

this section shall not be construed to prevent any lawfully authorized practitioner of medicine from prescribing in good faith for the use of any habitual user of narcotic drugs who is under his professional care, such substances as he may deem necessary for his treatment, when such prescriptions are not given for the purpose of evading the provisions of this act.

Sec. 3. Violation; penalty. Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, for the first offense, shall be fined not to exceed one hundred dollars, and upon conviction of a second offense, shall be fined not less than two hundred dollars nor more than one thousand dollars, or shall be imprisoned in jail six months, or both such fine and imprisonment at the discretion of the court. *Chap. 3, Act of March 14, 1908.*

Acts, 1908, ch. 291, pp. 527-529.

SALE OF COCAINE AND EUCAINE REGULATED.

Sec. 1. Shall not be dispensed except upon prescription of physician. No person shall sell, give away or otherwise dispense cocaine, alpha or beta eucaine or any mixture of either, except on the prescription of a licensed physician, and any person violating the provisions of this section shall be deemed guilty of a felony, and upon conviction thereof, shall be imprisoned in the State penitentiary not less than one nor more than five years, provided that nothing herein contained shall be construed to prohibit the sale of cocaine or of alpha or beta eucaine by any licensed manufacturing pharmacists or chemists, or wholesale or retail druggists, to other licensed manufacturing pharmacists or chemists or wholesale or retail pharmacist or druggists, or to hospitals, colleges, scientific or public institutions, or to licensed physicians, dentists or veterinary surgeons; nor to the use of cocaine or alpha or beta eucaine by any licensed physician, dentist or veterinary surgeon in the regular course of his practice.

Sec. 2. Violation; penalty. If any person except a licensed physician, dentist, or veterinary surgeon, manufacturing pharmacist or chemist, or wholesale or retail pharmacist or druggist, have in his possession cocaine, or alpha or beta eucaine, or any mixture of either with intent to sell, give away or otherwise dispense the same, he shall be deemed guilty of a felony, and punished by confinement in the State penitentiary not less than one nor more than five years; and possession of cocaine or alpha or beta eucaine or any mixture of either, except by a licensed physician, dentist, veterinary surgeon, manufacturing chemist or pharmacist, or wholesale or retail pharmacist or druggist, or on the prescription of a licensed physician, shall be *prima facie* evidence of an intent to sell, give away or otherwise dispense the same; provided, that nothing herein contained shall be construed to apply to any hospital, college or scientific or public institution.

Sec. 3. Prescription may be filled but once. Every prescription for the use of cocaine or alpha or beta eucaine must be signed by the licensed physician giving the same, and the name and address of the patient must be plainly written upon the prescription, which prescription may be filled only once, and any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty nor more than one hundred dollars. *Chap. 3, Act of Mch. 14, 1908.*

Sec. 1. Collection of fines. All fines and fees collected under this act shall be paid into the treasury of the State of Virginia. *Chap. 5, Act of March 14, 1908.*

Acts, 1908, chap. 291, p. 529.

ADULTERATION AND MISBRANDING OF DRUGS.

Manufacture and sale of adulterated or misbranded drugs unlawful. From and after the passage of this act, it shall be unlawful for any person to manufacture, sell, or offer for sale any drug which is adulterated or misbranded, within the meaning of this act; and any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not less than twenty dollars nor more than one hundred dollars or shall be sentenced to six months imprisonment, or both such fine and imprisonment, in the discretion of the court; and for each subsequent offense and conviction thereof, shall be fined not to exceed two hundred dollars or sentenced to six months imprisonment, or both such fine and imprisonment, in the discretion of the court.

Sec. 1. *Board of pharmacy shall make rules for enforcement of act.* The board of pharmacy shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of drugs manufactured or offered for sale in the State of Virginia.

Sec. 2. *Dealer exempt; guaranty.* No dealer shall be prosecuted under the provisions of this chapter when he can establish a guaranty signed by the wholesale jobber, manufacturer, or other party residing in the State of Virginia, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act; nor prosecuted under the provisions of this chapter for the sale of adulterated or misbranded drugs introduced into the State of Virginia from some other State or Territory, when the said dealer can establish a guaranty signed by the person or persons, residing in the United States, from whom he has purchased such articles to the effect that the same is not adulterated or misbranded within the meaning of the national food and drugs act of June thirtieth, nineteen hundred and six. Said guaranty, to afford protection in either case, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

Sec. 3. *Examination of samples.* The examination of specimens of drugs shall be made under the direction and supervision of the board of pharmacy, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this act, the board of pharmacy shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this chapter have been violated by such party, then the board of pharmacy shall at once certify the facts to the Commonwealth's attorney of the city or county wherein the offense occurred, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given in such manner as may be prescribed by the rules and regulations of the board of pharmacy. And that it shall be the duty of the department of agriculture and immigration of this State to make such chemical analyses as may be necessary for carrying out the provisions of this chapter. In all prosecutions arising under this act the certificate under oath of the analyst or other officer making the analysis or examinations therein be *prima facie* evidence of the facts therein certified.

Sec. 4. *Reporting violations of act.* It shall be the duty of each Commonwealth's attorney to whom the board of pharmacy shall report any violation of this act to cause appropriate proceedings to be commenced and prosecuted in the corporation or circuit court of the city or county wherein the offense occurred, without delay, for the enforcement of the penalties as in such case provided.

Sec. 5. *Term "drug" defined.* The term "drug" as used in this act shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals.

Sec. 6. *When deemed to be adulterated.* For the purpose of this act an article shall be deemed to be adulterated:

FIRST. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the tests laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: provided, that no drug defined in the United States Pharmacopœia or National Formulary, except preparations of opium shall be deemed to be adulterated under this provision, if the standard of strength, quality, or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary, and any preparation of opium except laudanum, shall not be deemed to be adulterated, provided it does not differ from the standard of strength, quality or purity, as determined by the tests laid down in the United States Pharmacopœia or National Formulary in any particular, save as to the amount and strength of alcohol contained in its menstruum, and said amount and strength of alcohol contained in its menstruum is plainly stated upon the bottle, box, or other container thereof.

SECOND. If its strength or purity fall below the professed standard of quality under which it is sold.

Sec. 7. *"Misbranded" defined.* For the purpose of this act an article shall be deemed to be misbranded:

FIRST. If it be an imitation of, or offered for sale under the name of another article; or if it be so labeled or branded as to deceive or mislead the purchaser; or purport to be a foreign product when not so.

SECOND. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package without proper alteration of the original label, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha, or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of the said substances contained therein; provided, that nothing in this section shall be so construed as to require any article recognized in the United States Pharmacopœia or National Formulary to be labeled as to its contents when such article conforms to the standard as laid down in the United States Pharmacopœia or National Formulary and is labeled and sold or dispensed as such, or to require medicines dispensed on the prescriptions of lawfully authorized practitioners of medicine, dentistry, or veterinary medicine to be labeled, except as directed by such practitioners.

Sec. 8. *The word "person" as used in act defined.* The word "person" as used in this act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and

associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for, or employed by any corporation, company, society, or association, within the scope of his employment or office, shall, in every case, be also deemed to be the act, omission, or failure of such corporation, company, society, or association, as well as that of the person. Nothing in this chapter shall prevent any person from selling in original packages without change of label, any proprietary preparation which was in his possession prior to the passage of this act. *Chap. 1, Act of March 14, 1908.*

Acts, 1908, chap. 291, pp. 520-522.

Sec. 4. Power conferred upon the board of pharmacy. The board of pharmacy shall have power to investigate all alleged violations of this act or of any other law of this State regulating the dispensing or sale of drugs, medicines or poisons or the practice of pharmacy which may come to its notice; and whenever there appears reasonable cause therefor to take and hear testimony, with reference to the same, and if in the discretion of such board, to bring the same to the notice of the proper prosecuting authorities, or bring actions in the name of the board of pharmacy, for the recovery of penalties in such cases as may be provided by law. (*Chap. 2, Act of March 14, 1908.*)

Acts, 1908, chap. 291, p. 524.

3812. Penalty. If any person fraudulently or knowingly adulterate, for the purpose of sale, any drug or medicine, or any article of food or drink, with any substance that may be injurious to health, or with barytes or any substance intended to increase the weight or quantity of such food or drink, he shall be confined in jail not exceeding one year, and fined not exceeding five hundred dollars; and the adulterated articles shall be forfeited and destroyed. (*Acts 1885-6 p. 496.*)

Code (Pollard), 1904, vol. 2, p. 2036.

DISTRIBUTION OF SAMPLES.

3814a. Restrictions; penalty. It shall be unlawful for any person, firm, or corporation to throw or place, or cause to be thrown or placed, in any yard, hall, porch, doorway or vestibule in this State, and sample or sample package of medicine without permission from the owner or occupant of such premises. Nothing in this act shall be so construed as to prevent any person, firm, or corporation from delivery of samples or sample packages of medicine, if said delivery is made direct to the owner or occupant of any house, or to any person over twelve years of age. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than fifty dollars.

Code (Pollard), 1904, vol. 2, p. 2038.

WASHINGTON.

The law regarding adulteration and misbranding of drugs, effective October 1, 1907, is similar to the Federal law. It is administered by the dairy and food commissioner.

REGISTERED PHARMACISTS.

3034. *Drugs must be dispensed by registered pharmacist.* It shall hereafter be unlawful for any person to compound or dispense drugs, medicines or poisons, or to institute any pharmacy, store, or shop for wholesaling or retailing, compounding or dispensing drugs, medicines or poisons, unless such person shall be a registered pharmacist or shall place in charge of said pharmacy, store or shop a registered pharmacist, except as hereinafter provided.

3035. *Qualifications for practice of pharmacy.* In order to be a registered pharmacist all persons must be either graduated in pharmacy, licentiates in pharmacy, assistant pharmacists or licensed physicians.

Graduates in pharmacy shall be such persons as have obtained a diploma from such college or school or pharmacy as be approved by the State Board of Pharmacy, as sufficient guaranty of their attainments and proficiency.

Licentiates in pharmacy shall be such persons not less than twenty-one years of age, as shall have had three years' practical experience in drug stores where prescriptions of medical practitioners are compounded, together with such preliminary education as may be designated by the said board, and have passed a satisfactory examination. The state board may grant certificates of registration to licentiates of such other state boards as it may deem proper without examination.

Assistant pharmacists. Assistant pharmacists shall be such persons not less than eighteen years of age as have had two years' practical experience under a registered pharmacist, together with such preliminary education as may be designated by the state board. The time of attendance at any reputable school of pharmacy to be accredited to such time, and who shall have passed a satisfactory examination before the state board of pharmacy. Persons who have passed a similar examination before any other state board of pharmacy, upon furnishing satisfactory proof thereof, may receive a certificate of registration as assistant pharmacist without further examination, at the discretion of the state board. The holder of a certificate of registration as assistant pharmacist shall be deemed competent to act as clerk or salesman in a drug store or pharmacy under the supervision of a registered pharmacist in charge thereof, and during the temporary absence of said registered pharmacist.

3043. *Penalty.* Any person not a registered pharmacist, and not having in his employ a registered pharmacist within the full meaning of this act, who shall retail, compound or dispense medicines, or who shall take, use or exhibit the title of registered pharmacist, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not to exceed fifty dollars. Any person who shall permit the compounding and dispensing of prescriptions, or vending of drugs, medicines or poisons in his store or place of business, except

under the supervision of a registered pharmacist, or any registered pharmacist or shopkeeper registered under this act while continuing in business, who shall fail or neglect to procure annually his renewal of registration, or any person who shall willfully make false representations or to procure registration for himself or any other person, or who shall violate any of the provisions of this act willfully and knowingly, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed fifty dollars; *Provided*, That nothing in this act shall operate in any manner to interfere with the business of any physician in regular practice, or to prevent him from supplying to his patients such medicines as he may deem proper, nor with the making or selling of proprietary medicine or medicines, placed in sealed packages, nor with the exclusive wholesale business of any dealer, except as hereinafter provided, nor prevent shopkeepers from dealing in and selling the commonly used medicines and poisons or patent and proprietary medicines, if such medicines and poisons are sold in the original package of the manufacturer, or in packages put up by a registered pharmacist. *Laws, 1899, p. 216 and 221.*

Ballinger's Codes and Statutes, Supplement (Mahan), 1903, p. 334 and 338.

3047. *Recovery of fines; disposition of same.* All suits for the recovery of the several penalties prescribed in this act shall be prosecuted in the name of the state of Washington in any court having jurisdiction, and it shall be the duty of the prosecuting attorney of the county wherein such offense is committed to prosecute all persons violating the provisions of this act upon the filing of proper complaint. All penalties collected under the provisions of this act shall inure one-half to the state board of pharmacy and one-half to the school fund of the county in which suit was prosecuted and judgment obtained.

Ballinger's Codes and Statutes, Supplement (Mahan), 1903, p. 340.

3046. *Itinerant vending of drugs.* Any itinerant vendor or any peddler of any medicine, drug, nostrum or ointment, or preparation for the treatment of disease or injury, shall pay a license fee of not less than one dollar nor more than twenty-five dollars per month into the treasury of the Board, subject to regulations formulated by said Board of Pharmacy. It shall be lawful for said Board to issue a license to such itinerant vendor or peddler on application made to the State Board of Pharmacy, such license to be signed by the president and attested by the secretary with the seal of the Board. And such itinerant vendor or peddler, who shall vend or sell or offer to sell any such medicine, drug, nostrum or ointment, or preparation without having a license so to do as herein provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty dollars and not exceeding fifty dollars for such offense, and each sale, or offer for sale shall constitute a separate offense.

Ballinger's Codes and Statutes, Supplement (Mahan), 1903, p. 339.

SALE OF POISONS.

3045. *Record; label; exception.* The proprietor of every drugstore shall keep in his place of business a registry book, in which shall be entered an accurate record of all sales of mineral acids, carbolic acid, oxalic acid, hydrocyanic acid, potassium cyanide, arsenic and its preparations, corrosive sublimate, red precipitate, preparations of opium (except paregoric), phosphorus, nux vomica and strychnine, aconite, belladonna, hellebore and their preparations, croton

oil, oil of savin, oil of tansy, creosote, wines, and spirituous or malt liquors, and such other dangerously poisonous drugs, chemicals and medical substances as may from time to time be designated by the state board of pharmacy, upon a recommendation to them to that effect by the Washington state pharmaceutical association. Printed notice of all such additions to the poisons named and provided for in this section shall be given to all persons registered under this act with the next following renewal of their certificate thereafter. Said record shall state quantity purchased, the date, for what purpose used, buyer's name and address, and said record at all times during business hours shall be subject to the inspection of the prosecuting attorney or any authorized agent of the board of pharmacy: Provided, that no such wines, spirituous or malt liquors shall be sold for any other than medical, scientific, mechanical or sacramental purposes, and no other license shall be necessary under any law of the state for pharmacists to make said sale in compliance with the provisions of this act. All poisons shall be plainly labeled as such and that such label shall also bear the name and address of the manufacturer if said poison is in the original package of the manufacturer, if otherwise that of the druggist putting up or selling the same. The provisions of this section shall not apply to dispensing under physicians' certificates. (*Laws 1899, p. 222.*)

Ballinger's Codes and Statutes, Supplement (Mahan), 1903, p. 339.

ADULTERATION AND MISBRANDING OF DRUGS.

Sec. 1. *Manufacture, sale, etc., of adulterated drugs prohibited.* No person, firm or corporation shall, within this State, sell, offer for sale, have in his possession with intent to sell, or manufacture for sale, any * * * drug which is adulterated or misbranded within the meaning of this act.

Sec. 2. *Term "drug" defined.* The term "drug" as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals. * * *

Sec. 3. *When deemed to be adulterated.* For the purposes of this act an article shall be deemed to be adulterated.

In the case of drugs:

First.—If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

Sec. 4. *Term "misbranded" defined.* The term "misbranded" as used herein shall apply to all drugs, * * * the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any * * * drug product which is falsely branded as to the state, territory or country in which it is manufactured or produced.

That for the purposes of this act an article shall also be deemed to be misbranded—

In the case of drugs:

First.—If it be an imitation of or offered for sale under the name of another article.

Second.—If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any such substances contained therein.

Sec. 5. Establishing guaranty. No dealer shall be prosecuted under the provisions of this act if he shall prove a written guaranty of purity in a form approved by the Dairy and Food Commissioner: Provided, That the guarantor is a resident of the State of Washington. The guaranty referred to herein shall contain the full name and address of the person, firm or corporation making the sale to the dealer, and such person, firm or corporation shall be held liable to all prosecutions, fines and other penalties which would attach to the dealer under the provisions of this act.

Sec. 6. Possession prima facie evidence of violation of act; proviso. Possession by any person, firm or corporation of any article of food or drug, the sale of which prohibited by this act, or being the consignee thereof, shall be prima facie evidence that the same is kept or shipped to the said person, firm or corporation in violation of the provisions of this act, and the Dairy and Food Commissioner is hereby authorized to seize upon and take into his possession such articles of food and thereupon apply to the superior court of the county in which such food is seized for an order directing him to dispose of or sell the same and apply the proceeds of the same to the general fund, less the amount required to reimburse the purchaser for actual loss as shown by the bill, provided he or they have a guaranty as required in section 5: *Provided, however,* That the Dairy and Food Commissioner shall first give notice to the person, firm or corporation in whose possession such goods are found, if in the possession of a common carrier, then the consignee of such food or drug, notifying such person, firm or corporation that he has seized such food or drugs, and the reasons therefor, and that he has made an application to the superior court for an order to sell or dispose of the same, and that he will call up said application for hearing on a day certain, which shall not be less than ten days from the service of such notice, and that at the hearing of said application the said person, firm or corporation shall show cause, if any they have, why the prayer of the petition should not be granted. Upon the hearing of said petition the affidavits or oral testimony may be introduced to establish the contention of the respective parties. Hearing, however, may be had at an earlier date by mutual consent of the parties to said application.

Sec. 7. Securing samples. Every person selling, exhibiting or offering for sale manufacturing or having in his possession with intent to sell or serve, or delivering to a purchaser, any article of food or drug included in the provisions of this act, shall furnish to the Dairy and Food Commissioner, or any of his deputies or any person authorized by him and demanding the same, who shall apply to him for the purpose and shall tender him the price at which the article of food is sold, a sample sufficient for the analysis of any such article of food which is in his possession.

Sec. 8. State Drug Inspector. The State Dairy Commissioner shall also be the State Food Commissioner and shall be known as the Dairy and Food Commis-

sioner, and he shall receive in addition to his salary as State Dairy Commissioner \$600 per year as extra compensation for enforcing the provisions of this act. He shall also have power to appoint such deputies as may be necessary, and pay therefor not to exceed three dollars per day. He shall appoint one of his deputies to be known as Deputy State Drug Inspector; such Deputy State Drug Inspector shall be a graduate and registered pharmacist under the laws of this state and shall receive as compensation one hundred dollars per month and necessary traveling expenses.

Sec. 9. *Analysis of samples.* It shall be the duty of the chemist of the State Agricultural Experiment Station to analyze any and all substances that the Dairy and Food Commissioner may send to him, and report to the Commissioner without unnecessary delay, the result of any analysis so made, and when called upon by the said Commissioner, the Chemist shall assist in the prosecution of violations of the law by giving testimony as an expert or otherwise.

Sec. 10. *Prosecution of offenders.* It shall be the duty of the Attorney General and the prosecuting attorneys in the counties of this State to prosecute all cases arising under the provisions of this act.

Sec. 11. *Power of Dairy and Food Commissioners.* The Dairy and Food Commissioner, or his deputies, shall have power in the performance of their official duties to enter any restaurant, eating house, hotel, public conveyance, public or private hospital, asylum, school, eleemosynary or penal institution, where foods or drugs are served or used, and take for analysis any article of food or drug, or ingredients which enter into the composition of food or drugs, there used. Any article of food, drugs or ingredients which enter into the composition of food or drugs therein used and so taken, if found to be adulterated, shall be prima facie evidence that the same is kept to be used or served to patrons, guests, boarders, patients or inmates of such institution, and the person, firm or corporation owning and operating said restaurant, eating house, hotel, public conveyance, public or private hospital, asylum, school, eleemosynary or penal institution, and having in his or its possession adulterated foods or drugs shall be deemed to have such adulterated food or drugs contrary to the provisions of this act.

Sec. 12. *Violations of act; penalty; provisos.* Every person, firm or corporation violating the provisions of this act or refusing to comply upon demand with any of the provisions thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25) and not to exceed five hundred dollars (\$500), or, in case of second offense, to be imprisoned not less than thirty days and not to exceed ninety days, or both such fine and imprisonment. Any person found guilty of selling, offering for sale, having in his possession with intent to sell or serve, or manufacturing for sale any adulterated article of food or drug under the provisions of this act, shall pay, in addition to the penalties herein provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of food or drugs, in addition to the costs of such action: *Provided*, That all penalties and costs for the violations of the provisions of this act shall be paid to the Board of State Dairy and Food Commission, or to their agent, and by them paid into the State Treasury and applied to the general fund: *And provided further*, That the dealers having goods in stock on the passage of this act, which do not comply with its provisions relating to branding or labeling, may inventory the same and stamp them with a mark for identification, and shall have the right thereafter to sell the goods so inventoried and marked, in ordinary course of business

until disposed of: *And provided further*, That this act shall go into effect on the first day of October, 1907.

Sec. 15. *Analyses, etc., shall be published monthly.* The Dairy and Food Commissioner shall publish each month a report of the work of his office, including the brand, name and address of manufacturer, analysis and fines of foods and drugs found to be adulterated, and the necessary expense, if any, of said publication, shall be defrayed as provided in section 14 of this act.

Sec. 16. *Repeal.* An act entitled "An Act to provide against the adulteration of food and fraud in the sale thereof; creating a State Board of Food Commissions, defining their duties and providing for the appointment of an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement of the law and fixing a penalty for violation thereof; making an appropriation, declaring an emergency, and repealing 'An Act to provide against the adulteration of food,' approved March 13, 1899," being chapter XCIV of the Laws of 1901, as amended by chapter 51 of the Laws of 1905, is hereby repealed.

Approved March 15, 1907. Laws, 1907, chap. 211, pp. 478-485.

WEST VIRGINIA.

The clause in the law relative to the adulteration of drugs, effective January 1, 1908, is similar to the Federal law; the force of the misbranding clause is obscure, and provisions for enforcement of law are rather inadequate. The prosecuting attorney of each county is given authority to take samples for analysis, which analysis is to be made by the chemist of the State agricultural department and the results certified to said prosecuting attorney. Prescriptions and United States Pharmacopœia and National Formulary products are exempt from the declaration and apparently from the substitution provisions of the misbranding clause.

Cocaine, opium, morphine, chloral hydrate, etc., are sold only upon original prescription.

REGISTERED PHARMACISTS.

4433a1. *Regulating conduct of pharmacy or drug store.* It shall be unlawful for any person not a registered pharmacist within the meaning of this act, who does not employ a registered pharmacist within the meaning of this act, to conduct any pharmacy, drug store, apothecary shop or store for the purpose of retailing, compounding or dispensing medicines or poisons, except as hereinafter provided.

4433a2. *Compounding and dispensing of drugs, etc.; proviso.* It shall be unlawful for the proprietor of any store or pharmacy to permit any person except a registered pharmacist or registered assistant pharmacist to compound or dispense the prescriptions of physicians or to retail or dispense the poisons named in schedule "A," "B," and "C" herein, except as an aid to and under the supervision of a registered pharmacist or registered assistant pharmacist,

Provided, That in any village of not more than 500 inhabitants where there is no person licensed as a pharmacist within less than two miles of such village, the board of pharmacy may grant to any person who is licensed as assistant pharmacist a permit to conduct a drug store or pharmacy in such village, which permit shall not be valid in any other village than the one for which it was granted, and shall cease and determine when the population of the village for which such permit was granted shall become greater than 500.

4433a11. *Qualifications for practice of pharmacy.* In order to be hereafter licensed as a pharmacist within the meaning of this act an applicant shall be not less than twenty-one years of age, and shall present to the board of pharmacy satisfactory evidence that he has had four years' experience in a pharmacy under the instructions of a licensed pharmacist, * * * and he shall pass satisfactory examination by or under the direction of the board of pharmacy. In order to be licensed as an assistant pharmacist within the meaning of this act an applicant shall be not less than eighteen years of age, shall have

a sufficient preliminary general education, and shall have not less than two years' experience in pharmacy under the instruction of a licensed pharmacist, and shall pass a satisfactory examination by or under the direction of the Board of pharmacy. *Provided*, however, that in the case of a person who has attended a reputable school or college of pharmacy the actual time of attending such school or college of pharmacy may be deducted from the time of experience required of pharmacists, but in no case shall less than two years' experience be required for registration as a licensed pharmacist.

4433a17. Qualifications for registration; responsibility. Every applicant for registration as a pharmacist or assistant shall present to the board of pharmacy satisfactory evidence that he is a person of good moral character and not addicted to drunkenness or the use of narcotic drugs; and all persons, whether registered pharmacists or not, shall be held responsible for the quality of all drugs, chemicals and medicines they may sell or dispense, with the exception of those sold in original packages of the manufacturer and those known as "patent medicines."

4433a19. Unlawful for one not a legally authorized pharmacist to conduct a pharmacy. It shall be unlawful for any person not legally licensed as a pharmacist, unless he has in his employ a registered pharmacist, to take, use or exhibit the title of pharmacist or licensed or registered pharmacist, or the title of druggist or apothecary or any other title or description of like import; and it shall be unlawful for any person not legally licensed as an assistant pharmacist to take, use or exhibit the title of assistant pharmacist or any other title or description of like import. *Acts 1907, chap. 12, pp. 506-511.*

Code, Supplement 1907, chap. 150, pp. 173-383.

SALE OF POISONS.

4433a20. Schedules. No person firm or corporation shall dispense or sell at retail any of the poisons enumerated in the following schedules except as hereinafter provided.

Schedule A.

4433a21. Arsenic and its preparations, corrosive sublimate, red precipitate, biniodide of mercury, cyanide^a of potassium, hydrocyanic acid, strychnia, and essential oil of bitter almonds.

Schedule B.

4433a22. Aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, and their pharmaceutical preparations; croton oil, chloroform, sulphate of zinc, sulphate of copper, acetate of lead, mineral acids, carbolic acid and oxalic acid.

4433a23. Label required; record of sale of poisons. Whenever any of the said poisons are sold, the box, vessel or paper in which the same is put up shall be distinctly labeled with device bearing the death's head and cross bones, and also the name of the article and the word "poison," and the name and place of business of the seller. The seller shall also ascertain upon due inquiry that the purchaser is aware of the poisonous character of the drug, and that it is to be used for legitimate and lawful purposes. He shall also, before delivering any of the poisons named in schedule A to the purchaser, cause

^a So in Code.

an entry to be made in a book kept for that purpose, which entry shall show the date of sale, the name and residence of the purchaser, the name and quantity of the poison sold, the purpose for which it is to be used represented by the purchaser and the name of the dispenser; such book to be always subject to the inspection of the proper authorities and to be preserved for at least five years from the date of the last entry.

4433a24. Exceptions. The provisions of the last four sections shall not apply to the dispensing of drugs in not unusual quantities on the prescription of physicians.

Schedule C.

4433a25. Sale of cocaine, etc., restricted. Cocaine, alpha or beta-eucaine, opium, morphine, heroine, chloral hydrate, or any salt or compound of any of the foregoing substances or any preparations or compound containing any of the foregoing substances or their salts or compound except upon the original written order or prescription of a lawfully authorized practitioner of medicine, dentistry or veterinary medicine, which order or prescription shall be dated and contain the name of the person for whom prescribed, or if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered, and shall be signed by the person giving the prescription or order. Such written order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the articles ordered or prescribed, and it shall not be again compounded or dispensed except upon the written order of the original prescribed for each and every subsequent compounding or dispensing.

4433a26. Duplication of order, etc., prohibited; proviso. No copy or duplicate of such written order or prescription shall be made or delivered to any person, but the original shall at all times be open to inspection by the prescriber and properly authorized officers of the law. *Provided*, however, That the provisions of Schedule C shall not apply to preparations containing not more than two grains of opium, or not more than two grains of codeine, or not more than one-fourth grain of morphine, or more than one-fourth grain heroine, or more than one-eighth grain of cocaine, or not more than one-eighth grain of alpha or beta eucaine, or not more than ten grains of chloral hydrate in one fluid ounce, or if a solid preparation, in one troy ounce; provided also, that the provisions of Schedule C shall not apply to preparations containing opium and recommended and sold in good faith for diarrhoea and cholera, each bottle or package of which is accompanied by specific directions for use and a caution against habitual use, nor to powder of ipecac and opium, commonly known as "Dover's Powder," nor to liniments or ointments when plainly labeled "For External Use Only;" and, provided further, that the provisions of Schedule C shall not apply to sales at wholesale, by jobbers, wholesalers and manufacturers to retail druggists, to regular practitioners of medicine, dentistry or veterinary medicines, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such preparation, nor to sales to hospitals, colleges, scientific or public institutions.

4433a27. Prescribing of certain drugs restricted; proviso. It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine to furnish to or prescribe for the use of any habitual user of the same any cocaine, heroin, alpha or beta eucaine, opium, morphine, chloral hydrate or any salt or compound of any of the foregoing substances or their salts or compounds. And it shall also be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for any person not under his treatment in the regular practice of his profession, or for any practitioner of veterinary medicine to

prescribe any of the foregoing substances for the use of any human being: *Provided, however*, that the provisions of this section shall not be construed to prevent any lawfully authorized practitioner of medicine from furnishing or prescribing in good faith for the use of any habitual user of narcotic drugs, who is under his professional care, such substances as he may deem necessary for his treatment, when such prescriptions are not given or substances furnished for the purpose of evading the provisions of this act. Any person who shall violate any of the provisions of sections twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six and twenty-seven shall be guilty of a misdemeanor; and, upon conviction, for the first offense shall be fined not less than twenty-five dollars nor more than fifty dollars; and upon a conviction for a second offense shall be fined not less than fifty dollars nor more than one hundred dollars; and upon the conviction of a subsequent offense shall be fined not less than one hundred dollars nor more than two hundred dollars and may be imprisoned in the county jail for not more than six months, and, if a licensed pharmacist, physician, dentist or veterinary surgeon, his license shall be revoked. It shall be the duty of all judges of the circuit and criminal courts of this state at every regular term thereof to charge regularly impaneled grand juries to diligently inquire into and investigate all cases of the violations of the provisions of this act, and to make a true presentment of all persons guilty of such violations. It shall be the duty of the board of pharmacy to cause the prosecution of all persons violating the provisions of this act.

4433a28. *Act shall not be misconstrued, etc.* Nor shall this act be construed to authorize any person to carry on the business of druggist without first having obtained a license therefor, or to sell, offer or expose for sale any of the liquors, drinks, mixtures or preparations mentioned in Section one of Chapter thirty-two of the Code of West Virginia, except for medicinal, mechanical or scientific purposes; and no sale of any such liquors, drinks, mixtures or preparations shall be made by any druggist or registered pharmacist for medical purposes except upon the written prescription of a practicing physician in good standing in his profession and not of intemperate habits, specifying the name of the person and quantity of such liquor to be furnished him; but no druggist or registered pharmacist who is a practicing physician shall himself or by his agent or clerk sell any such liquors, drinks, mixtures or preparations upon his own prescription. Any person carrying on or in the business of a druggist^a shall in violation of this act sell any such liquors, drinks, mixtures or preparations, he shall be guilty of a misdemeanor; and, for such offense, be fined not less than twenty-five dollars nor more than one hundred dollars. In any prosecutions against persons carrying on or interested in the business of a druggist for selling any such liquors, drinks, mixtures or preparations contrary to law, if the sale be proved it shall be presumed that such sale was unlawful unless the contrary be shown.

4433a29. *Shall not apply to physicians.* This shall not apply to physicians putting up their own prescriptions, nor to the sale of patent or proprietary medicines, nor to such ordinary drugs or dye-stuff as are usually sold in a country store, but the term "ordinary drugs" shall not be held to include any of the poisons named in Schedule A. B. and C. nor any intoxicating liquors.

4433a31. *Violations of act, etc.* It shall be the duty of the clerk of the court in which, or of the justice of the peace before whom, any conviction is had to transmit forthwith a certified copy of the record entry of such convictions to the board of pharmacy, who shall upon a second conviction revoke his license

^a So in Statutes.

and strike his name from the register, and it shall be unlawful for such person to practice the business of pharmacy, conduct a drug store, or act as a registered pharmacist or assistant registered pharmacist in this state. *Acts 1907, chap. 12, pp. 512-515.*

Code, Supplement 1907, chap. 150, pp. 383-388.

ADULTERATION AND MISBRANDING OF DRUGS.

4433a18. *Unlawful to adulterate drugs, chemicals, etc.* Any person who shall knowingly adulterate or cause to be adulterated any drugs, chemicals or medicinal preparations, or knowingly sell any adulterated drugs, chemicals or medicinal preparations, shall be deemed guilty of a misdemeanor; and, upon conviction thereof, be fined not exceeding one hundred dollars, and if he be a registered pharmacist or assistant pharmacist, his name shall be stricken from the register. (*Acts 1907, chap. 12.*)

Code, Supplement 1907, chap. 150, p. 383.

4409a2. *Sale, etc., of adulterated drugs prohibited; definition of "drug."* No person shall, within this state, manufacture for sale, offer for sale, or sell any drug or article of food which is adulterated within the meaning of this act.

The term "drug" as used in this act shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics.

4409a3. *When deemed to be adulterated.* An article shall be deemed to be adulterated within the meaning of this act:

(a) In cases of drugs; one, if when sold under or by a name recognized in the United States Pharmacopœia official at the time, if it differs from the standard of strength, quality or purity laid down therein; two, if when sold under or by a name not recognized in the United States Pharmacopœia official at the time, but which is found in some other pharmacopœia or other standard work of materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; three, if its strength, quality or purity falls below the professed standard under which it is sold.

4409a4. *When misbranded; proviso.* In the case of drugs:

First: If it be an imitation of, or offered for sale under the name of another article.

Second: If the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if the package fails to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, ascentanilide^a or any derivative or preparation of any such substance contained therein.

Provided, that nothing in this paragraph shall be construed to apply to the dispensing of prescriptions written by regular licensed practicing physicians, veterinary surgeons and dentists, and kept on file by the dispensing pharmacist, nor to such drugs as are recognized in the United States Pharmacopœia and the National Formulary, which are sold under the name by which they are recognized.

4409a1. *Powers and duties of prosecuting attorney; duties of State agricultural department; analysis of samples; proviso.* The prosecuting attorney of each county in this state shall have the power, and it will be his duty under this act, to enter during the usual hours of business into any creamery, factory, store, sales-room, drug store or laboratory, or any place where he has reason

^a So in Statutes.

to believe food, drink, or drugs are made, prepared or sold or offered for sale, and to open any case, tub, jar, bottle or package containing or supposed to contain any articles of food, drink or drugs, and examine or cause to be examined and analyzed the contents thereof.

It shall be the duty of the chemist of the state agricultural department to analyze any of the above enumerated articles that may be sent him by the prosecuting attorney, and certify the result of said analysis to said prosecuting attorney.

Provided, that if less than a whole package shall be taken under this section, the sample as taken shall be sealed and prepared in every manner for shipment to the person who shall make the analysis hereinafter provided for. No package taken and prepared for shipment shall be opened before it has been received by the analyst aforesaid. If a whole package be taken it shall not be opened before it has been received by the analyst aforesaid.

4409a5. Violations; penalties. Whoever by himself or his agents, violates any of the provisions of this act, shall upon conviction be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than twenty days nor more than sixty days, or both for each subsequent offense.

4409a6. The word "person" defined. The word "person" as used in this act shall include persons, corporations and co-partnerships.

4409a8. Additional penalties; expenses; how paid. Any person guilty of violating any of the provisions of this act, shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing any such adulterated food, drink, or drugs of which said party may have been guilty of adulterating, or selling, or keeping for sale or offering for sale, including a fee of twenty dollars to the prosecuting attorney; the costs incurred by reason of the examination of such food, drink or drugs shall be paid, when collected, into the county treasury.

4409a9. Effect. This act shall not go into effect until January the first, one thousand nine hundred and eight. *Laws, 1907, chap. 68, pp. 270, 273.*

Code, Supplement 1907, chap. 150, pp. 373-376.

WISCONSIN.

The law regarding adulteration of drugs, effective in 1903, differs materially from the Federal law. It contains no misbranding clause. The enforcement of the law is under the jurisdiction of the State dairy commissioner.

Cocaine, morphine, opium, etc., are sold at retail only upon original prescription.

REGISTERED PHARMACISTS.

1409c-3. *Qualifications necessary to practice pharmacy.* All applicants for registration who make application in accordance with the by-laws of the board and the provisions of this chapter shall be examined and if found competent shall be granted certificates.

1409d-1. *Practicing pharmacists to comply with provisions.* All persons now registered as pharmacists or assistant pharmacists, by such board, may continue to practice their profession by complying with the provisions of this chapter. Certificates of registration as pharmacists shall be issued to such persons of twenty-one years of age or over as shall have had five years' practical experience in a drug store or drug stores, in which prescriptions of medical practitioners were compounded during that time and who shall pass a satisfactory examination under the board of pharmacy and comply with the provisions of this chapter.

1409d-2. *Proviso.* Provided that graduates of the several courses of the department of pharmacy of the university of this state and of other universities and colleges giving like courses shall be entitled to such certificates upon proof of two years' practical experience in such a drug store or stores, the passing of such examination and compliance with the other provisions of this chapter.

1409d-3. *Proof of experience.* * * * Proof of experience, graduation, and character herein required shall be made to the satisfaction of the board.

1409d-5. *The board may refuse certificate of registration.* The board of pharmacy may refuse to grant a certificate of registration to any person guilty of felony or gross immorality, or who is addicted to the use of alcoholic liquors or narcotic drugs to such extent as to render him unfit to practice pharmacy; and the board of pharmacy may after due notice and hearing revoke a certificate for like cause, or any license or certificate which has been procured by fraud.

1409e-1. *Rural districts.* 1. In rural districts where there is no person licensed as a pharmacist, or as an assistant pharmacist, within less than three miles, the board of pharmacy may issue permits to dealers in general merchandise to sell such drugs and medicines as may be specified by the board, which permit shall run for a period of one year.

1409g-1. *Other than registered pharmacist retailing or dispensing drugs.* 1. Any person who shall retail, compound or dispense or permit to be retailed, compounded or dispensed drugs, medicines or poisons, except paris green put up in packages labeled "paris green, poison," or institute or conduct any pharmacy,

store or shop for retailing, compounding or dispensing drugs, medicines or poisons in any town, city or village, having five hundred or more inhabitants, unless such person shall be a registered pharmacist, or shall employ and place in charge of such pharmacy, store or shop a registered pharmacist, shall forfeit fifty dollars for each offense.

1409g-2. *Proviso.* Provided, that a registered assistant pharmacist may compound and dispense prescriptions and vend drugs, medicines and poisons, under the personal supervision of a registered pharmacist, and during the temporary absence of the registered pharmacist, such drug store or pharmacy may be left in charge of a registered assistant pharmacist without incurring such forfeiture.

1409g-3. *Temporary absence.* Temporary absence as used in this section shall mean such brief absences as are incident to the transaction of business, going to meals, etc. When it becomes necessary for the registered pharmacist to be absent for a longer period, such drug store or pharmacy may be left in charge of an assistant pharmacist not to exceed ten days.

1409g-4. *Penalty.* Any person who shall retail, compound or dispense, or permit to be retailed, compounded or dispensed, drugs, medicines or poisons, except paris green put up in packages labeled "paris green, poison," in his store or place of business in towns, cities or villages having less than five hundred inhabitants, or institute or conduct any pharmacy, store or shop for retailing, compounding or dispensing drugs, medicines or poisons in any town, city or village having less than five hundred inhabitants, unless such person shall be a registered pharmacist or registered assistant pharmacist, or shall employ and place in charge of such pharmacy, store or shop a registered pharmacist, or registered assistant pharmacist shall forfeit fifty dollars for each offense. * * *

1409g-5. *Shall not interfere with physicians.* Nothing herein shall * * * interfere with any practicing physician * * * when dispensing his own medicines, or supplying his patients with such articles as may seem to him proper.

1409g-6. *Nor with the general sale of proprietary medicines.* Nor interfere with the general sale of proprietary medicines, if the same shall be sold in sealed packages labeled to comply with the federal pure food and drug law, with the directions for using, together with the name of the manufacturer and his location; nor with the sale of alum, ammonia, borax, bay rum, bicarbonate of soda, cream of tartar, concentrated lye, olive oil, sal ammoniac, sal soda, sulphur, copperas, epsom salts, glauber salts, castor oil, glycerine, senna leaves, indigo, blue vitriol, turpentine, wood alcohol and denatured alcohol. * * * *Statutes, 1898, vol. 1, p. 1057, amended by Laws of 1899, p. 510, and Laws 1907, chap. 456.*

Approved June 29, 1907. Laws 1907, chap. 456, pp. 303-307.

Sec. 1420. *Prescriptions.* No practicing physician or surgeon shall write or cause to be written any prescription or recipe in any characters, figures or cipher other than in the English or Latin language, generally in use among medical practitioners; and for every violation hereof the offender shall forfeit not less than five nor more than twenty-five dollars.

Statutes, 1898, vol. 1, chap. 57, p. 1067.

Sec. 4603. *Prescriptions by intoxicated person.* Any physician or other person, while in a state of intoxication, who shall prescribe any poison, drug or medicine to another person, shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding five hundred dollars.

Statutes, 1898, vol. 2, chap. 187, p. 2785.

SALE OF POISONS.

1419-1. Sale of poisons regulated; exceptions. No person, co-partnership, or corporation shall sell, furnish or deliver to another person any opium, morphine, heroin, cocaine, alpha or beta eucaine, chloral hydrate or any salt or combination of the same, or any mixture, preparation or compound containing more than two grains of opium, one-fourth grain of morphine or heroin, one-eighth grain of cocaine or alpha or beta eucaine, or ten grains of chloral hydrate in one fluid ounce, or if a dry preparation, in one avoirdupois ounce, except upon the original order or prescription of a lawfully authorized practitioner of medicine, dentistry or veterinary medicine, for a person or animal under his care or treatment. Such prescription shall contain the signature of the prescriber, and the name of the person for whom prescribed, and if a veterinary prescription, it shall also state the kind of animal for which it is ordered. It shall be dated and kept on file by the person, co-partnership or corporation dispensing the articles ordered or prescribed, and shall not be again compounded or dispensed, except upon an order from the prescriber.

1419-2. Exceptions for certain remedies containing opium, etc. The provisions of this section shall not apply to preparations containing opium when recommended and sold in good faith for diarrhoea, colic or cholera, each bottle or package being accompanied by specific directions for use, nor to powder of ipecac and opium, nor to liniments, ointments and other preparations recommended and sold in good faith for external application, containing any of the narcotics named in this section when plainly labeled "for external use only," nor to sales made to physicians, druggists, manufacturers, hospitals or other public institutions which use such narcotic substances for lawful purposes.

1419-3. Prescribing of cocaine, morphine, etc., restricted. No practitioner of medicine, dentistry or veterinary medicine shall furnish to or prescribe for the use of any habitual user of the same, any cocaine, heroin, alpha or beta eucaine, opium, morphine, chloral hydrate or any salt or compound of any of the foregoing substances, or any preparations containing any of the foregoing substances or their salts or compounds. Nor shall any practitioner of dentistry prescribe any of the foregoing substances for any person not under his treatment in the regular practice of his profession, nor shall any practitioner of veterinary medicine prescribe any of the foregoing substances for the use of any human being.

1419-4. Shall not apply to lawfully authorized physician when acting in good faith. The provisions of this section shall not be construed to prevent any lawfully authorized practitioner of medicine from furnishing or prescribing in good faith, for the use of any habitual user of narcotic drugs, who is under his professional care, such substances as he may deem necessary for treatment, when such prescriptions are not given, or substances furnished, for the purpose of evading the provisions of this act.

1419-5. Sale of poisons to minors; label required, records must be kept, etc. (a) No person, co-partnership or corporation shall sell or deliver to any other person any of the poisonous salts or compounds of antimony, arsenic, chromium, lead, mercury, silver, tin and zinc, the concentrated mineral acids; oxalic, carbolic and hydrocyanic acids and their salts, formaldehyde, yellow phosphorus, the essential oils of almonds, pennyroyal, rue, savin and tansy; croton oil, creosote, chloroform, cantharides, aconite, belladonna, bitter almonds, colchicum, cotton root, cannabis indica, digitalis, ergot, hyoscyamus, lobelia, nuxvomica, physostigma, strophanthus, stramonium, veratum viride, or any of the poisonous alkaloids or glucocides derived from the foregoing, or any other

virulent poison, except in the manner following, and moreover, if the applicant be less than fourteen years of age, except upon the written order of an adult person. It shall first be learned by due inquiry that the person to whom delivery is about to be made is aware of the poisonous character of the substance and that it is desired for a lawful purpose and the box, bottle or other package shall be plainly labeled with the name of the substance, the word "poison," and the name and address of the person, firm or corporation dispensing the substance.

(b) Before delivery be made of any of the foregoing substances, excepting paris green and sulphate of copper, there shall be recorded in a book, kept for that purpose, the name of the article, the quantity delivered, the purpose for which it is to be used, the date of delivery, the name and address of the person for whom it is procured and the name of the individual personally dispensing the same; and said book shall be preserved by the owner thereof for at least three years after the date of the last entry therein, and shall be open to inspection by duly authorized officers of the law.

1419-6. *Shall not apply to physicians' prescriptions.* The foregoing provisions shall not apply to articles dispensed upon the orders or prescriptions of lawfully authorized practitioners of medicine, dentistry, or veterinary medicine.

1419-7. *Records shall not be required of wholesalers; but labels are necessary; exceptions.* The record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale to licensed pharmacists or others, but the box, bottle or other package containing such substance, when sold at wholesale shall be properly labeled with the name of the substance, the word "poison" and the name and address of the manufacturer or wholesaler.

1419-8. It shall not be necessary to place a "poison" label upon preparations containing any of the substances named in this section when a single box, bottle or other package, or when the bulk of one-half fluid ounce, or the weight of one-half avoirdupois ounce does not contain more than an adult medicinal dose of such substance, nor in the case of liniments, ointments or other external preparations sold in good faith as such, when plainly labeled "for external use only," nor in the case of preparations put up in the form of pills, tablets, or lozenges containing any of the substances enumerated in this section and intended for internal use, when the dose recommended does not contain more than one-quarter of an adult medicinal dose of such substance.

1419-9. *Fraudulent representations.* No person seeking to procure any substance the sale of which is regulated by the provisions of this act, shall make any fraudulent representations for the purpose of evading or defeating the restrictions herein imposed.

Laws 1907, chap. 366, pp. 315-318.

1419-10. *Distribution of samples; penalty.* Except as may be otherwise authorized by law, no person shall throw, cast, deposit, drop, scatter or leave, or cause to be thrown, cast, deposited, dropped, scattered or left, any drug, medicine or chemical, or any compound or combination thereof upon any public highway or place or, without the consent of the owner or occupant thereof, upon any premises in the state of Wisconsin.

Any person who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction for the first offense shall be fined not less than five dollars nor more than fifty dollars, and upon conviction for a second offense shall be fined not less than fifty dollars, or more than one hundred dollars, and upon conviction for a third offense shall be fined not less than one

hundred dollars nor more than two hundred dollars, and shall be imprisoned in the county jail for not more than six months, and if a licensed pharmacist, physician, dentist or veterinary practitioner, his license shall be revoked. It shall be the duty of the board of pharmacy to cause the prosecution of all persons violating the provisions of this act.

Approved July 16, 1907. Laws 1907, chap. 366, p. 318.

4608g. *Label on vaccine virus, etc.; penalty.* Any person who or corporation which shall sell or gratuitously distribute any vaccine virus, therapeutical serum, modified toxins or similar products with the intention that they shall be used in the prophylaxis or treatment of contagious disease, without having his or its name stamped in plain English letters thereon or on the package or bottle containing the same, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars. (*Laws 1897, p. 262.*)

Statutes, 1898, vol. 2, p. 2794.

ADULTERATION OF DRUGS.

4600. *Penalty for sale; "drug" defined.* Any person who shall, by himself, his servant or agent or as the servant or agent of any other person, sell, exchange, deliver or have in his possession with intent to sell, exchange, offer for sale or exchange any drug or article of food which is adulterated, shall be fined not less than twenty-five dollars nor more than one hundred dollars or be imprisoned in the county jail not less than thirty days nor more than four months. The term "drug," as used in this section, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics.
* * *

4601. *Definition of adulteration.* 1. In the case of drugs: First, if, when sold, or offered or exposed for sale or had in possession with intent to sell, under or by a name recognized in the United States pharmacopoeia, it differs from the standard of strength, quality or purity laid down in the latest current edition thereof; second, if when sold, or offered or exposed for sale or had in possession with intent to sell, under or by a name not recognized in said pharmacopoeia, but which is found in the pharmacopoeia of some other country, the national formulary or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in the latest current edition of such work; third, if its strength, quality or purity falls below the professed standard under which it is sold. (*Laws 1897, p. 275-276; amended, Code, 1906, chap. 187, p. 1381.*)

Code, Supplement 1906, p. 1381.

1410a. *Duties of dairy commissioner in enforcing the law.* It shall be the duty of the commissioner to enforce the laws regarding * * * the adulteration of * * * any drug, and personally or by his assistants to inspect any * * * drug made or offered for sale within the state which he may suspect or have reason to believe to be impure, unhealthful, adulterated or counterfeit, and to prosecute or cause to be prosecuted any person, firm or corporation engaged in the manufacture or sale of any adulterated or counterfeit * * * drug in violation of law. The district attorney of the county in which a violation of any such law has occurred shall when called upon by the commissioner or either of his assistants to do so, give all the aid he can to secure the execution of the law and shall prosecute cases arising under the

provisions of this chapter or other provisions of these statutes relating to the adulteration of * * * drugs and their sale. Such commissioner shall have power to appoint, with the approval of the governor, special counsel to prosecute or assist in the prosecution of any case arising under the provisions of these statutes imposing a penalty for adulterating dairy products or foods, drinks, condiments or practicing deception or fraud in the manufacture and sale thereof. All fines collected in prosecutions begun or caused to be begun by the dairy and food commissioner or either of his assistants shall be paid into the state treasury. (*Amended, Laws 1905, chap. 193.*)

Statutes (Supplement), 1906, vol. 3, chap. 56b, pp. 618-619.

1410b. Samples for analysis. The commissioner, his agent or assistant * * * may enter any place or building in which there is reason to believe that any food, drink or drug is made, prepared, sold or offered for sale, and may open any package or receptacle of any kind containing, or which is supposed to contain, any article of food, drink or drug, and examine or analyze the contents thereof. Any such article or a sample thereof may be seized or taken for the purpose of having it analyzed; but if the person from whom it is taken shall so request, at the time of taking, the officer shall then and in the presence of such person securely seal up two samples of such article, one of which shall be for analysis under the direction of the commissioner, the other shall be delivered to the person from whom the sample or article was obtained. * * *

1410c. Submission of articles for analysis; evidence. The State board of health, medical officers of local boards of health, town and village boards or common councils may submit to the dairy and food commissioner samples of water or other drinks, or food or drugs for analysis, and the same shall be examined and reports made of the analysis thereof to the body or officers submitting the same as soon as practicable; such reports shall fully specify the result of the analysis and be signed by such commissioner; they shall be accepted in all courts and places as prima facie evidence of the properties or condition of the articles analyzed.

Statutes, 1898, vol. 1, pp. 1059-1060.

DISTRIBUTION OF SAMPLES.

4601d. Restrictions; penalty. Any person who shall ~~by~~ himself, his servant or agent, or as the servant or agent of any other person ~~leave~~, throw or deposit or have in his possession with intent to leave, throw or deposit ~~upon the~~ door-step or premises owned or occupied by another or who shall deliver to any child under the age of fifteen years, when not accompanied by an adult, any patent or proprietary medicine or any preparation, pill, tablet or drug that contains poison or other ingredients deleterious to health, as a sample or in any quantity whatever for the purpose of advertising or otherwise, shall be deemed guilty of a misdemeanor and shall be punished as provided in section 4601a. [*By a fine of \$25 to \$100 or imprisonment of 30 days to 4 months.*] (*Laws, 1901, p. 468.*)

Code, 1906, chap. 187, p. 1383.

WYOMING.

The law regarding adulteration of drugs, effective April 1, 1907, differs from the Federal act in many respects. It contains no misbranding clause. The dairy, food, and oil commissioner is charged with the enforcement of the law.

Cocaine, chloral hydrate, opium, and derivatives of same are sold at retail only upon original prescription.

REGISTERED PHARMACISTS.

2213. *Only registered pharmacists can retail drugs.* It shall not be lawful for any person, other than a registered pharmacist, to retail, compound or dispense drugs, medicines or poisons, or to open or conduct any pharmacy or store for retailing, compounding or dispensing drugs, medicines or poisons unless such persons shall be, or shall employ and place in charge of such pharmacy or store, a registered pharmacist within the meaning of this chapter, except as hereinafter provided.

2214. *Registered pharmacist defined.* Any person, in order to be registered within the meaning of this chapter, must be a graduate in pharmacy, or a licentiate in pharmacy.

Revised Statutes, 1899, chap. 7, p. 626.

Sec. 1. Requirements. Licentiates in pharmacy must possess the fundamentals of an English education course, and be such persons as have had three consecutive years of practical experience in drug stores wherein the prescriptions of medical practitioners are compounded, and who have passed a satisfactory examination before the commissioners of pharmacy, hereinafter mentioned. The commissioners of pharmacy may grant certificates of registration without further examination to graduates in pharmacy who have obtained a diploma from such colleges and schools of pharmacy as shall be approved by said commission; and may also grant certificates of registration, without further examination, to the licentiates of such other state or territorial boards of pharmacy as they may deem proper. *Laws 1888, ch. 21, p. 32.*

Sec. 2. Medicines must be compounded by registered pharmacists. Any person not being, or having in his employ, a registered pharmacist within the meaning of this chapter, or who shall take, use, or exhibit the title of a registered pharmacist shall be guilty of a misdemeanor, and for each and every offense, shall be liable to a penalty of fifty dollars. Any registered pharmacist who shall permit the compounding and dispensing of prescriptions or the vending of drugs, medicines or poisons in his store or place of business, except under the supervision of a registered pharmacist, or except by a "registered assistant pharmacist," under the supervision of the registered pharmacist in charge, or any pharmacist or "registered assistant" who, while continuing in practice, shall fail or neglect to procure his annual registration, or any person who shall wilfully make any false representation to procure registration for himself or any other person, shall be guilty of a misdemeanor and for every offense shall be liable to a penalty of fifty dollars; *Provided*, That nothing in this

chapter shall apply to, or in any way interfere with the business of any physician, or prevent him from supplying to his patients such articles as may seem to him proper, nor with the making or vending of patent or proprietary medicines, nor with the exclusive wholesale business of any dealers as hereinafter provided; and *provided further*, That no part of this section shall be so construed as to give the right to any physician to furnish any intoxicating liquors as a beverage. *Laws 1888, ch. 21, p. 35.*

Sec. 7. Assistant pharmacists. That certificates as assistant pharmacists shall be issued to such persons as shall be eighteen years of age or over, having the educational qualifications prescribed in Section 1 hereof and who have had two years' practical experience in drug stores in which the prescriptions of medical practitioners have been compounded during such time, and as shall pass a satisfactory examination before said board, and comply with the provisions of this chapter. The fact of such qualifications and experience shall be shown to the satisfaction of the board. Applicants for license as assistant pharmacists shall pay to the secretary of the board a fee of \$5.00 before they shall be entitled to take such examination. Such certificate shall not entitle him to engage in the practice of pharmacy on his own account, nor to conduct or operate any pharmacy or drug store except under the supervision of a registered pharmacist. Annually thereafter during such time as he shall continue in such duties, he shall pay to the secretary a sum not exceeding \$1.50 for which he shall receive a renewal of his certificate.

Sec. 8. Refusal of license. The State Board of Pharmacy shall not grant a certificate or license to any applicant if satisfied that the safety of the public health may be endangered by reason of the habits or character of said applicant. If any person shall have obtained a license by misrepresentation or fraud or shall become unfit or incompetent by reason of negligence or intemperate habits, or other causes, to practice as a pharmacist, the State Board of Pharmacy shall have the power to revoke such license after giving such person reasonable notice and an opportunity to be heard. And if any licensee shall wilfully violate any of the provisions of this act, or the rules and regulations established by the State Board of Pharmacy, such board may revoke his license upon proof of such violation, which revocation shall be in addition to any other penalty provided by law for such violation.

Whenever the board shall revoke the license or registration of any pharmacist or registered assistant pharmacist, the secretary thereof shall notify the registered person of such action and such person shall immediately return to this board his certificate of registration.

Laws, 1907, chap. 51, pp. 54-57.

SALE OF POISONS.

2224. Labeling; exemptions; penalty. No person shall sell at retail any poisons commonly recognized as such, and especially aconite, arsenic, belladonna, biniodide of mercury, carbolic acid, chloral hydrate, chloroform, conium, corrosive sublimate, creosote, croton oil, cyanide of potassium, digitalis, hydrocyanic acid, laudanum, morphine, nux vomica, oil of bitter almonds, opium, oxalic acid, strychnine, sugar of lead, sulphate of zinc, white precipitate, red precipitate, without affixing to the box, bottle, vessel or package containing the same, and to the wrapper or cover thereof, a label bearing the name of the article and the word "poison" distinctly shown, with the name and place of business of the seller. No person shall deliver any of said poisons to any person under the age of fifteen years, nor shall he deliver any of said poisons to any person without satisfying himself that such poison is to be used for a legitimate purpose; Provided, That nothing herein contained shall apply to the dispensing of phy-

sicians' prescriptions of any of the poisons or articles aforesaid. It shall be the duty of the person vending any of the poisons aforesaid before delivering the same to the purchaser, to cause an entry to be made in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and quantity of the poison sold, and the name of the dispenser; and such book shall always be open for inspection by the proper authorities, and shall be preserved for reference for at least two years. Any person failing to comply with the requirements of this section shall be liable to a penalty of ten dollars for each and every offense. (*Laws, 1888, p. 36.*)

Revised Statutes, 1899, p. 629.

Sec. 4. *Poison labels; penalty.* Whenever any pharmacist, druggist, physician or other dealer in poisons, chemicals, medicines and drugs, whether wholesale or retail, within the State of Wyoming shall sell any drug or chemical, and the indiscriminate or careless use of which might be destructive of human life, except that such dealer shall affix to each bottle or package of such drug, chemical or poison a label printed in red ink, and a cautionary emblem of the skull and cross-bones, or the words "Caution" or "Poison" shall upon conviction thereof before any court having competent jurisdiction be fined in any sum not exceeding one hundred dollars nor less than ten dollars.

Laws, 1903, chap. 82, p. 112.

Sec. 1. *Sale of certain dangerous drugs prohibited except upon prescription.* It shall be unlawful for any person or persons, firm or corporation, to sell, barter, give away, or have in its, or their possession, or in any manner distribute, any of the drugs known as cocaine, or its derivatives; opium, or its derivatives; chloral hydrate, or its derivatives, or any other drug or combination of drugs, the natural effect of which, is to induce delirium; or to sell, barter, give away, or have in possession, or in any manner distribute, any patent or proprietary medicines, known to contain any of the drugs heretofore mentioned, or the derivatives of any such drugs; except that regular licensed pharmacists may keep for sale and sell such drugs, upon the bona fide written prescription of a regular practicing physician, which prescription must not be repeated or refilled.

Sec. 2. *Penalty.* Any person found guilty of a violation of any of the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and, for the first offense, shall be fined not less than fifty dollars, nor more than one hundred dollars, and for each and every conviction of the same offense thereafter shall be fined not less than \$100.00 and not more than \$250.00, and imprisoned in the county jail not less than sixty days and not more than six months.

Sec. 3. *Unnecessary prescriptions deemed malpractice.* Any physician who shall prescribe any of the drugs herein mentioned, except in cases where its, or their, use is necessitated and required by the then existing physical or mental condition of the person so applying for such prescription, shall, upon conviction thereof, in the manner provided by law, be deemed guilty of malpractice and unprofessional conduct, and it shall thereupon be the duty of the State Board of Medical Examiners to revoke and annul the license of such physician to practice medicine in the State of Wyoming.

Laws, 1903, chap. 98, p. 129.

ADULTERATION OF DRUGS.

2223. *Adulteration prohibited; penalty.* No person shall add to or remove from any drug, medicine, chemical or pharmaceutical preparation any ingredient or material for the purpose of adulteration or substitution, or which shall

deteriorate the quality, commercial or medical effect, or which shall alter the nature or composition of such drug, medicine, chemical or pharmaceutical preparation so that it will not correspond to the recognized test of identity or purity. Any person who shall thus wilfully adulterate or alter, or cause to be adulterated or altered, or shall sell or offer for sale any such adulterated or altered drug, medicine, chemical or pharmaceutical preparation, or any person who shall substitute or cause to be substituted one material for another with the intention to defraud or deceive the purchaser, shall be guilty of a misdemeanor, and be liable to prosecution under this chapter. If convicted he shall be liable to all the costs of the action, and all expenses incurred by the commissioners of pharmacy in connection therewith, and for the first offence be liable to a fine of not less than fifty dollars nor more than one hundred dollars, and for each subsequent offense a fine of not less than seventy-five nor more than one hundred and fifty dollars. On complaint being entered the commissioners of pharmacy are hereby empowered to employ an analyst or chemical expert whose duty it shall be to examine into the so claimed adulteration, substitution or alteration, and report upon the result of his investigation; and if said report justify such action the commission shall duly cause the prosecution of the offender as provided in this chapter. (*Laws 1888, p. 36.*)

Revised Statutes, 1899, chap. 21, p. 629.

5109.. *Penalty for fraudulent adulteration.* Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article used in compounding them, with a fraudulent intent to offer the same for sale, or to cause or permit the same to be offered for sale, as unadulterated and undiluted; and every person who fraudulently sells or keeps or offers for sale the same as unadulterated or undiluted shall be punished by a fine of not more than five hundred dollars, or imprisonment in the county jail not more than sixty days, or by both.

5110. *Penalty for selling spoiled medicine.* Every person who knowingly sells or keeps, or offers for sale, or otherwise disposes of, or tries to dispose of, any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drunk shall be fined not more than fifty dollars, or imprisoned in the county jail not more than thirty days, or both. (*Laws, 1884, p. 4.*)

Revised Statutes, 1899, chap. 6, p. 1264-1265.

Sec. 6. *Sale of adulterated drugs prohibited.* No person or persons shall within the State of Wyoming manufacture for sale, offer for sale, or sell any drug or article of food, drink or illuminating oil which is adulterated within the meaning of this act.

Sec. 7. *Term "drug" defined.* The term "drug" as used in this act shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. (*Laws 1903, chap. 82, p. 103.*)

Sec. 8. *"Adulterated" defined.* Any article shall be deemed to be adulterated within the meaning of this act—

(a) In case of drugs: (1) If, when sold under or by the name recognized in the United States Pharmacopoeia, it differs from the standard of strength, quality or purity laid down in such work; (2) if, when sold under or by the name not recognized in the United States Pharmacopoeia, but which may be found in some other pharmacopoeia, or other standard work on *Materia Medica*, it differs materially from the standard of strength or purity laid down in such work; (3), if its strength, quality or purity falls below the professed standard under which it is sold.

Session Laws 1907, chap. 82, p. 153.

Sec. 9. *Samples for analysis.* Every person manufacturing, offering or exposing for sale, whether a manufacturer or not, or delivering to a purchaser any drug or article of food or drink included in the provisions of this act shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such drug or article of food or drink which is in his possession.

Sec. 10. *Penalties.* Whoever refuses to comply upon demand, with the requirements of this act, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding three hundred dollars (\$300) nor less than fifty dollars (\$50), or imprisoned not exceeding one hundred nor less than thirty days, or both, at hard labor. Any person found guilty of manufacturing, offering for sale or selling an adulterated article of food, drugs or drinks under the provisions of this act, shall be adjudged to pay in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person shall be found guilty of manufacturing, selling or offering for sale.

Laws 1903, chap. 82, pp. 103-104.

Sec. 3. *Shortage in weight or measurement; penalty.* It shall be unlawful within the State of Wyoming to sell direct, or permit any person, whether agent, employe or servant, to sell any property of whatsoever character that shall be short in weight or measure, and any person owning or having charge of any scales or steelyards for the purpose of weighing any property, or who knowingly reports any false or untrue weight, whereby any person may be defrauded or injured, or who shall sell any article of * * * beverage or medicine that shall be short in measure by the prescribed and legal measurements of this State and shall represent the same to contain a certain quantity which it does not contain and thus defrauding the purchaser, shall be fined not more than fifty dollars nor imprisoned more than thirty days, or both, at the discretion of the court.

Sec. 5. *Use of counterfeit brands or trade marks.* Whoever vends or keeps for sale any goods, merchandise, mixture, or preparation upon which any forged or counterfeit stamp, brand, imprint, wrapper, label or trade mark is placed or fixed and intended to represent the said goods, merchandise, mixture or preparation as the true and genuine goods, merchandise, mixture or preparation of any other person, knowing the same to be counterfeit, and whoever wilfully forges or counterfeits any representation, likeness, similitude, copy or imitation of the private brand, wrapper, label or trade mark usually affixed by any person to or upon the goods, wares, merchandise, preparation or mixture of such person, or by any maker of wine from grapes, to the bottle or cask used by him to contain the same, with the intent to pass off any work, goods, manufacture, wine, compound, preparation or mixture to which such forged or counterfeit representation, likeness, similitude, copy or imitation is affixed, or intended to be affixed as the work, goods, manufacture, wine, compound, preparation or mixture of such person, shall be fined not more than two hundred dollars nor less than fifty dollars, or imprisoned not more than six months nor less than two months, or both, at the discretion of the court.

Sec. 6. *Intent to defraud.* Whoever puts up or packs any goods or articles sold by weight in any case or package and fails or omits to mark thereon the net weight thereof, in pounds and fractions of pounds, or with intent to defraud, or in any way transfer any brand, mark, or stamp, put upon any case or package, by any manufacturer to any other case or package, or with like intent

repack any case or package marked with a brand, mark or stamp of any manufacturer, with goods or articles inferior to the goods or articles of that manufacturer, upon conviction thereof, shall be fined not more than five hundred dollars or imprisoned not more than six months. (*As amended by Session Laws 1907, chap. 91, sec. 9, p. 157.*)

Session Laws 1903, chap. 82, art. 8, pp. 112 and 157.

Sec. 1. *Persons selling deemed agents of manufacturer.* For the purpose of this act, and for the purpose of getting service on foreign companies, corporations or firms, any agent or any person who shall sell, keep for sale, offer for sale or handle goods made, sold or handled by said firm, company or corporation shall be deemed the agent thereof, upon whom the process of any court of this State of competent jurisdiction may be served for the purpose of carrying into effect the provisions of this act, and service upon such agent shall be binding upon his principals.

Sec. 2. *Adulterated goods to be destroyed.* Any drugs * * * that may be found adulterated or impure to such an extent as to make it injurious to the public health and dangerous to life and thus unfit by the provisions of this act to be sold, shall be confiscated and destroyed at the discretion of the court.

Sec. 3. *State chemist; oath and bond.* It shall be unlawful for the State Chemist to enter upon his duties before having taken the oath of allegiance to the United States of America, the State of Wyoming, and having filed a satisfactory bond furnished by some competent and responsible surety company in the sum of one thousand dollars for the faithful and honest performance of his duties, which bond shall be accepted by the Secretary of State, and placed on file in his office. Trial for the enforcement of the provisions of this act shall be brought before any District Court in the State of Wyoming, and there shall be nothing that shall be construed to prohibit an appeal from the decision of said court.

Sec. 4. *City health officer; duty.* It shall be the duty of the ex-officio city health officer provided for by the State Board of Health and the State Board of Medical Examiners to collect samples and forward the same to the State Chemist for analysis and to otherwise carry out the provisions of this act.

Sec. 5. *Repeal.* All acts or parts of acts that shall be in conflict with this act or any part of it shall and are hereby repealed.

Sec. 6. *Effect.* This act shall take effect and be in force from and after the 30th day of September, 1903.

Approved February 21, 1903. Session Laws, 1903, chap. 83, art. 9, p. 113.

Sec. 1. *Dairy, food and oil commissioner.* The office of Dairy, Food and Oil Commissioner for the State of Wyoming is hereby created. Such Commissioner shall be appointed by the Governor, by and with the consent of the Senate, and his term of office shall be for four years, from the first day of April, 1907, and vacancies occurring in the office for any cause shall be filled by appointment for the balance of the unexpired term. The salary of the Commissioner shall be \$2,000.00 per annum, together with his actual and necessary expenses incurred in the discharge of his official duty, which shall be paid in the same manner as other state officers. (*As amended by Session Laws 1907, chap. 2, sec. 1.*)

Sec. 2. *Duties.* It shall be the duty of the said Commissioner to enforce all laws against frauds and adulteration or impurities in * * * drugs, * * * and unlawful labeling of same; and in the performance of such duties said Commissioner and his assistants shall have power to enter into any * * *

drug store, laboratory, or place of business, or other place where they have reason to believe food or drink is made, prepared, sold or offered for sale, and to examine the books, and to examine any cask or package containing, or supposed to contain any article of food, drink or oil, and examine or cause to be examined and analyzed the contents thereof by the State Chemist, or some other competent person under his direction, and he shall at the same time, and in the presence of the person from whom such property is taken, securely seal up two samples of the article seized or taken, one of which shall be for examination or analysis, under the direction of the Commissioner, and the other of which shall be delivered to the person from whom the articles are taken.

Session Laws, 1905, chap. 49, p. 89.

Sec. 11. *Power of commissioner.* The Dairy, Food and Oil Commissioner is hereby given power to confiscate such goods as may be condemned by order of the court, upon proper inspection and analysis by the State Chemist.

Sec. 12. *Interference with commissioner.* Any person or persons interfering with the Dairy, Food and Oil Commissioner in the discharge of his duties shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars, nor more than three hundred dollars, nor imprisonment for more than ninety days in jail, or both fine and imprisonment at the discretion of the court.

Session Laws, 1907, chap. 91, p. 157.

ADULTERATION OF LIQUORS WITH POISONS.

Sec. 1. *Prohibition; labels; penalty.* Whoever adulterates, for the purpose of sale within the State of Wyoming any spirituous, alcoholic, vinous or malt liquors used or intended for drink or medicinal or mechanical purposes, with Coccus-indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil-wood, cochineal, sugar of lead, aloes, glucose, tannic acid, or any other substance which is poisonous, adulterated or injurious to the health, or with any substance not a necessary ingredient in the manufacture thereof; and whoever sells or offers or keeps for sale any such liquors so adulterated, and whoever uses any active poison in the manufacture or preparation of any intoxicating liquor or sells in any quantity any intoxicating liquor so manufactured or prepared, and whoever engages in the manufacture and sale of intoxicating liquors and fails to brand on each package containing the same the name of the person or company manufacturing, rectifying, or preparing the same, whether a resident of the State of Wyoming or not, and also the words "containing no poisonous drugs, or other added poison," and any person guilty of violating any of the provisions of this act shall be adjudged to pay in addition to the penalties provided for by this act all necessary costs and expenses incurred in inspecting and analyzing any such adulterated liquors, whether alcoholic, vinous or malt, intended for drink of which said party may have been guilty of adulterating or selling or keeping for sale or offering for sale, shall be fined in any sum not less than twenty dollars or more than one hundred dollars, or be imprisoned not less than twenty days or more than sixty days, or both, at the discretion of the court, excepting manufacturers who manufacture and place on sale liquors containing poisons or that are not labeled as provided for in this act, shall be fined not more than one thousand dollars and imprisonment not more than six months nor less than one month.

Session Laws 1905, chap. 82, art. 7, p. 111.

