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Harrison E. Howe, Editor

EDITORIALS

6 **THE COPELAND BILL.** As passed by the Senate the Copeland Bill, S.5, was materially weakened by an amendment which severely limits multiple seizures of misbranded products.

Not only does the bill as now before a committee of the House specify that not more than one seizure shall be instituted in cases of misbranding, but it provides "that said single seizure action shall, on motion, be removed for trial to the jurisdiction of the claimant's residence." Imagine the possibility of convicting a prominent offender in his own home town! The purpose of multiple seizure is to afford immediate protection to the public by sweeping up material offered for sale and which is either (a) inimical to health; (b) putrid or decomposed; (c) so deceptively misbranded as to be a definite cheat to the public; or (d) so grossly adulterated or misbranded as to be unquestionably harmful to honest manufacturers.

Those sponsoring the amendment have made it impossible thus far simultaneously to protect all the public and have steadfastly resisted the inclusion in the descriptions of articles subject to seizure of the phrase "or grossly deceptive." They have graciously conceded the right to seize multiple interstate shipments "so misbranded as to render them imminently dangerous to health" but are unwilling to consent to protection against grossly misbranded articles or against those less dangerous than "imminently."

This situation in itself shows conclusively the sort of opposition that has been organized in an effort to make impossible a full guarantee of purity of product and righteous dealing with the consuming public. It should be sufficient to rally all advocates of such legislation to the support of this bill, that it may suffer no further weakening as it passes the House, and if possible have it regain some of the lost ground.

Some confusion exists relative to the status of chemists under the bill. It must be remembered that a law can include such definitions as may be deemed wise for the purposes of that act alone. This is made

clear in Section 201, which says, "as used in this act, unless the context otherwise indicates." In this section we find "and the term 'scientific opinion' means the opinion within their respective fields of competent pharmacologists, physiologists, or toxicologists." When this language appeared more than a year ago, officials of the AMERICAN CHEMICAL SOCIETY conferred with those in authority to learn how this would affect the chemist. One must go further in the bill to learn this.

Under misbranded drugs and devices, Section 402, Paragraph B, we find: "Any representation concerning any effect of a drug or device shall be deemed to be false under this paragraph if such representation is not supported by demonstrable scientific facts or substantial and reliable medical or scientific opinion." The same language is to be found in the chapter on false advertisement, where, in Section 601A, this same sentence is used. First, it should be noted that there is a clear demarcation between demonstrable scientific facts and opinion, and that in each case the application is to the effects of drugs or devices. In the enforcement of this act, the forte of the scientist, and in particular the chemist, is in the field of demonstrable facts and in their sound interpretation. Furthermore, a man by merely calling himself a pharmacologist, a physiologist, or a toxicologist does not thereby become one in the eyes of the court, and the professional man who calls himself a chemist and who can be qualified before the court as one skilled and competent in the field of pharmacology, physiology, or toxicology can unquestionably testify in those branches of science.

In Chapter II, Paragraph B, the term "drug" for the purposes of this act now includes "all substances and preparations recognized in the United States Pharmacopeia, Homeopathic Pharmacopeia of the United States, or National Formulary, or any supplement to any of them." While it is the contention of some, including attorneys, that the preamble and context of the act make it clear that the substances and preparations are to be only those concerned in foods, drugs, and cosmetics, nevertheless the language may be too