1437 p 313

Drugs, Oils and Paints

Independent—Progressive—Trustworthy
MONTHLY

FEBRUARY, 1922

OFFICES:

509 and 510 THE BOURSE

PHILADELPHIA, U. S. A.
Bell Telephone, Lombard—1239.

SUBSCRIPTION PRICE, $2.00 PER ANNUM.
Great Britain and Colonies, 8 shillings 6 d. Postpaid.
Single Copies, 20 cents (1 shilling) each.

G. B. HECKEL, Editor and Publisher.

WM. ARTHUR BORLAND, Managing Editor

Admitted to the Philadelphia Post-Office as Second Class Matter.

Paint Legislation Again

Virginia has once more broken out with a paint law, sponsored by the State Hardware Association and backed by a petition signed by some 600 members of that association.

Since its first introduction it has been amended and reamended so that it has been hard to keep track of its metamorphoses, but, at last accounts seems to be the familiar formula labeling bill, with its provisions restricted to house paints, paste paints (not colors in oil) and similar materials.

In this form it was found acceptable by the Richmond Paint, Oil and Varnish Club, which seems to have been "frightened stiff" over the situation.

Meanwhile, in the Hardware Association itself a backfire has been started by some of the wiser members who recently sent the following letter to all their fellow-members over their joint signatures:

Charlottesville, Va.,
February 9, 1922.

SENATE BILL No. 159, KNOWN AS THE "PURE PAINT LAW," NOW PENDING BEFORE THE VIRGINIA LEGISLATURE.

We, the undersigned hardware and paint dealers and members of the Virginia Retail Hardware Association, are opposed to this bill for the reasons hereinafter given and urge our representatives and friends in the Legislature, as well as dealers and consumers throughout the State, to spare no effort to DEFEAT this bill.

We are aware of the fact that Mr. Thomas B. Howell, secretary of Virginia Retail Hardware Association, and Messrs. Fulton & Wicker has sponsored this bill, and that Mr. Howell, in his official capacity, has secured endorsements of it in the form of a postal prepared by himself and self-addressed and asking the members of the Hardware Association to sign at once and return to him. It was MOST NATURAL for them to do this without taking time to digest it. They knew that Mr. Howell's intentions were good and probably never dreamed that he had fallen into the error he has done.

We not only do not object to any fair law which will be beneficial to the public, but will do all in our power to help frame one. This one should be defeated like its predecessors of a similar nature have been defeated several times before, notably in 1916 when such high class men as Senotors Kenneth N. Gilpin, Geo. L. Browning and the late S. M. Page and a number of others put themselves to much trouble to help kill it.

We object to this bill—

First.—Because it subjects the innocent dealer to heavy fine and even imprisonment if paint, turpentine, oil, etc., which is not strictly pure, or incorrectly labeled, or with letters of a wrong size or on paper of a wrong color. Such a requirement would be unjust in the extreme, for it is admitted that the catalogue houses and irresponsible manufacturers outside the State CANNOT BE REACHED under this law, but could continue to do as they are now doing. Even if the guilty party could be reached, which would be rarely, if ever, done, it would surely be a glaring wrong to make an innocent one a joint criminal with him.

Second.—This law does not restrain any irresponsible or deceptive painter, for he can adulterate the very best class of goods and apply them at such a time that he could not be detected. It lays the foundation for him to claim that the goods were sold him in adulterated form and to cause endless controversies. For example, suppose he were sold turpentine substitute as a **turpentine substitute** and afterwards claimed it was sold him as pure turpentine.

Third.—This law would necessarily INCREASE PRICES. It would narrow down competition and the tax and red tape incident to its enforcement would necessarily be reflected in each one's costs and no one would be benefited but the schemer who could not be reached and would continue to flood the country with worthless goods, reaping a harvest, while the already burdened merchant within the State would suffer. Is this any time for piling prices on the customer?

There are other objections, but these are enough. **Let your representative know that you want the bill killed** and ask Mr. Howell to acknowledge the mistake, for it was a mistake and withdraw his support of the bill.

Charlottesville Hardware Company, Inc.,
J. Edwin Wood Co., Charlottesville, Va.
R. F. Harris & Co., Charlottesville, Va.

What effect this letter may have is at present unknown, but we do know that the reasoning is sound.

Just why, how, or by whom the Virginia dealers were persuaded to attempt "hari kari" we have no means of guessing; but that is what it amounts to for them. That painters should advocate and back such measures is quite understandable, but that dealers should fall into the trap is incomprehensible. Perhaps, after they wake up they will find that they have been sitting on the wrong end of the limb while plying the saw!

Any honest man may advocate a law such as that of Massachusetts, Illinois, Pennsylvania, Ohio, Georgia and Colorado, penalizing misbranding and misrepresentation and requiring a statement of net weight or measure and a responsible name and address on the package, whether of paint or of any other commodity. Such a law, if enforced, protects the public against fraud and enables him to buy what he wants or thinks he wants; but laws that go beyond that limit simply facilitate the task of the hot-air salesman and instil in the public a false sense of security.

The formula on the can may mean something to the man who knows what it means, but of itself it certainly does not mean either good paint or bad paint: and from the point of view of public service, it is vicious in that it sets up a false and misleading standard.

Formula laws are now on the statute books of North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Wyoming and Mississippi. In the last named two states they are new, in the rest, of eight or more years standing. In some of them they are enforced. In some of them they are spasmodically enforced. In none of them are they strictly enforced. A law unenforced is infinitely had these laws been enforced there would have been only one kind of paint available in the states concerned, and this one kind of paint would have afforded but little comfort to the dealer.

In those states, as soon as the laws were safely on the statute books the wide-awake salesmen promptly began to liven the business by carrying their competitors' formulas in their pockets and pointing out the superiority of their own. It was no longer a question of service or reputation or quality, but simply a matter of composition without regard to workmanship or technical experience. Then was there and then will there always be, in like circumstances, weeping and wailing and gnashing of teeth for those dealers who happened not to be the agents of the preferred formulas.

The weak point in the paint industry is the distributive machinery. Between the manufacturer and the consumer stand the salesman, the jobber, the retailer, and often also, the painter, each of whom requires his modicum of lubrication that the machine may function. Between the maker of lead in oil and the consumer stands only the painter (the dealer doesen't count because if he doesen't keep and sell the commodity at the right price, the painter will buy direct). Between the mail order house and the consumer stands only the printed catalogue.

In the year of our Lord, 1921, it cost the consumer less than $2.00 to make a gallon of lead and oil paint (not counting his labor), while the dealer sold him high-grade prepared paint at from $3.50 to $4.00. And now, in Virginia behold him backing a measure that, whatever else it may do, must inevitably increase the cost of prepared paint. There may be logic in it, but the logic is not apparent to a plain outsider.

Painters back such measures for reasons well understood by themselves and by those who know the painting business. Anything that hampers or retards the prepared paint industry is clear gain to them—for the present.

Finally a state paint law is not merely a law unto itself. "Behold how great a forest a little fire kindleth." North Dakota is sire to all the rest of the brood, some of which, if closely examined, would show the bar sinister. We confidently predict that if this Virginia bill becomes a law, even in its mildest form, it will promptly prove as prolific as a guinea pig and that its progeny will bear little resemblance to their mother. Any manufacturer who, from mistaken motives of self-interest, may now contemplate this measure with complacency will find that he has been indulging in day-dreams in close proximity to a hornet's nest.

U. S. Senator W. S. Kenyon of Iowa, author of the Kenyon paint bill, now pending in the Senate, has been appointed a Federal Judge, U. S. Circuit Court of Appeals, Eighth District, by President Harding. The appointment on the Federal bench has long been the Senator's ambition and was made by President Harding as soon as the vacancy occurred. It is predicted that the ultimate failure of the "Agricultural bloc," of which Kenyon was the virtual leader, will soon follow.