

disease or to prescribe a remedy, the theory being that the patient himself applied for, selected and bought the remedy in question.

This class may be sub-divided as follows:

Cases in which the defendants were locally known and supposed to be possessed of certain skill or experience, the questions raised being principally as to proof of diagnosis and prescription, the attempt to evade the Act being confined to evidence that there was no separate charge for advice, the fee paid being nominally the price of the medicine supplied.

Cases of organized attempts to evade the Act by obtaining from patients written statements of symptoms; and I must say that this class requires special attention in considering exactly what amendments there should be made to the Act. These organized attempts to evade the Act are characterized by written statements of symptoms, procured, for the most part, on printed forms, with the understanding and representation that they are to be forwarded to the advertising physician residing in the United States, from whom advice is to be subsequently received by mail by which the patients will be enabled to apply for the advertised remedies. In some cases elaborate series of questions are supplied on printed forms, which omit any reference to advice in the United States, but include directions which enable the patients themselves to select the remedies according to the answers given.

Then there is another sub-class which consists simply of attempts to inform patients suffering from disease, both by printed literature and by lectures, with the object of enabling persons suffering from various diseases to purchase remedies as advertised and orally recommended. A very well-known example of this class is the organization for the sale of "Viavi" remedies.

There is no objection to the lawful and proper vending of patent medicines, but the Act as it stands has not for a long time been regarded as satisfactory, in that it does not appear to contain sufficiently clear and effective provisions to enable the authorities successfully to deal with professed evasions of the Act. This, I may say, is one subject which came up for discussion when the College of Physicians and Surgeons, some years ago, asked for amendments to the Act, and is, therefore, one of the matters to which I wish to draw your Lordship's attention, and in doing so I do not wish to be regarded as attacking patent medicines, as such; they are lawfully sold by chemists; they are sometimes no doubt prescribed by physicians; sometimes no doubt people are attracted by advertisements in the newspapers to ask for them, and they purchase them. Of course, if a man chooses, relying upon