

CANADIAN DRUGGIST.

DEVOTED TO THE INTERESTS OF THE GENERAL DRUG TRADE AND TO THE ADVANCEMENT OF PHARMACY.

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Conviction Against the T. Eaton Company.

On the 20th day of September a very interesting case to the Druggists of Ontario took place before Col. Denson, Police Magistrate, in the City of Toronto. Two informations were laid by Frank Stanley Warner against the T. Eaton Company, Limited, a corporation carrying on an extensive business in the City of Toronto, for breach of the Pharmacy Act.

First, that the said T. Eaton Company, in violation of Section 24 of the said Act, did keep open shop for retailing and selling certain articles mentioned in Schedule "A" of the Pharmacy Act of 1884, as amended by Act of 1889.

The second information was, the T. Eaton Company sold poisons without labelling, etc., as required by Section 26 of the said Act.

The T. Eaton Company carry on an extensive business in the sale of dry goods and other articles, including so called patent medicines. Among the articles purchased by the informant, Warner, was Dr. Collis Browne's Chlorodyne and Boschee's German Syrup. Mr. E. T. Malone, who is Solicitor of the Ontario College of Pharmacy, in conjunction with County Crown Attorney Curry, conducted the prosecution, while J. J. Maclaren, Q. C., defended the T. Eaton Company. After the purchase was clearly proven, Mr. Malone put Prof. Ellis in the box, who gave the result of his analysis and showed clearly the poisons in the case of the German Syrup; that it contained Morphine about $\frac{2}{3}$ of a grain in a fluid oz., together with other ingredients which are set out in the Schedules of the Act.

As to Chlorodyne, the two ounce bottle contained about two grains to the ounce of Morphine and about 15 per cent. of chloroform. Mr. Malone then called Dr. Chambers, who had heard Prof. Ellis' evidence, and he showed the effect of the Chlorodyne, that $\frac{2}{3}$ of a grain had proved fatal in the case of an infant, and in the case of an adult $\frac{1}{3}$ of a grain had proved fatal, that there was sufficient in the two oz. bottle of Chlorodyne to kill three adults. Other cases were cited by the Dr. showing the fatal effects of Chlorodyne. A Mr. Barnes, of West Toronto Junction, and Dr. Carleton, of the same place, then took the box, when it was shown that Mr. Barnes had purchased some of the German Syrup and that his two year-old child had in some way got possession of the bottle and drank some of it, which proved fatal. English cases were cited on both sides, particularly a case decided in London, Eng., where the Public Prosecutor summoned a Mr. John Thistlewood Davenport, Great Russell street, in May last to answer a charge of having sold a bottle of Dr. Collis Browne's Chlorodyne without the poison label. On this case the prosecution laid great stress. The result was that the Magistrate convicted in both cases, imposing a fine of \$20 and costs. It is understood that there will be an appeal to Osgoode Hall on one of the convictions.

The facts cited above afford to every druggist doing business throughout the Province, ample evidence that where the Council have a reasonable chance to secure a conviction against one who will fully violates the provisions of the Pharmacy Act, they will not hesitate to use it, if by so doing, the protection of the trade can be secured.

Under the evasive method adopted by the T. Eaton Co., the difficulty of preferring a proper charge was very much increased, but, as impunity increases under freedom from restraint, that firm finally overstepped the bounds of prudent sale, and as a result have the penalty to pay. The action of this firm for some time past has been a constant menace to the prosperous conduct of the city retail drug trade, as they have wantonly used for advertising purposes, not merely the drug sundries, but also such medicines and drugs as the protection afforded by Mr. Lewis' certificate would permit the sale of.

While the Council as representatives of the drug trade are willing to afford ample protection to the public, and to

that end have introduced into their Act clauses which impose restrictions upon their own sales, they are unwilling, and naturally so, to continue to give protection without receiving any. The contention that Pharmaceutical legislation is intended solely for the protection of the public is right only in a limited sense, as the clauses in the Act assuring the safety of the public, do so by making prohibitive the supply of poisons and their compounds by other than qualified druggists, thus making the druggist a privileged and protected individual as well, in so far as the handling of such preparations is concerned.

The law always grants protection to those who comply with its requirements in qualifying for professional privileges, and in pharmacy, as in other pursuits, a like compliance demands a like return. If clause 26 of the Act did not mean to afford that protection it would have properly read as follows. "Any person may sell any poison named in the first part of Schedule 'A', either by wholesale or retail, if the box, bottle, vessel, wrapper or cover in which the poison is contained is distinctly labelled with the name of the article and the word 'poison,' and if sold by retail, then also with the name and address of the proprietor of the establishment in which such poison is sold," as for example,

MORPHINE - POISON.

T. Eaton & Co., - Toronto.

while clause 24 would have read, "Any person may sell or keep open shop for retailing, dispensing, or compounding poisons, or sell, or attempt to sell, any of the articles mentioned in Schedule 'A' of this Act, provided they employ for these purposes one who is registered and has taken out a certificate under the provisions of Section 18 of this Act for the time during which he is selling, dispensing or compounding poisons."

The iniquitous injustice of such an interpretation is at once apparent, as it would immediately open the door to capital to abuse, with the aid of a graduate, the privileges, and limited ones at that, which the trade now enjoy. No such interpretation has yet been given in Canada, and we trust never will.

In an article appearing in the *Canadian Pharmaceutical Journal* commenting on the case, the moral and material benefits derivable from such a prosecution have been by pen-picture so minimized, that