

PUBLIC HEALTH

# Conferences Leave Teeth In Pure Food and Drug Bill

## Committees Provided to Balance Secretary's Power; Formulae Not Required on Labels of All Proprietaries

THE REVISED Copeland bill, the Pure Food and Drug Bill, Model 1934, emerges from the Senate conference somewhat changed from what it was like when Dr. Rexford Tugwell, assistant secretary of agriculture, first handed it to Senator Copeland for his foster-fatherly care. What some anxious statesmen and businessmen considered to be a too fiercely scowling aspect has been softened somewhat; yet its friends, after looking it over pretty carefully, are for the most part agreed that the operation did not remove any necessary vital organs, and that the infant may soon be well able to take over, and perform better, the task of guarding the health and pocketbooks of the nation that has been the job of the veteran Food and Drug Act of 1906 for nearly a generation.

The most outstanding change, perhaps, is the provision for two Presidentially-appointed committees, one on public health and one on foods, to advise the Secretary of Agriculture on regulatory measures which he may suggest as necessary. The scheme is a beautiful example of the traditional machinery of checks and balances so dear to the American political heart. The committees cannot initiate regulatory proposals; the Secretary does that. If they agree that a regulation is desirable in a given instance, they proceed to draft the measure. After notice and public hearing, the Secretary may then promulgate the regulation with the force of law—but only if at least three of the five members of the committee concerned vote affirmatively.

This set-up takes over the regulation-making activities contemplated in the original bill for the Secretary of Agriculture himself, without the checks-and-balances mechanism. Such broad powers delegated to the Secretary were looked upon with alarm by some business men, who now state that their fears are allayed.

The novel feature of the new legislation, the inclusion of cosmetics along

with food and drugs as a proper field for governmental protection of the consumer, is not materially changed. The larger and stabler group of cosmeticians seem to be willing to purchase the elimination of fly-by-night, unethical skin-ruiners and hair-destroyers at the price of a bit of overseeing of their activities by federal officials.

The toughest, most controverted parts of the bill, now as in 1906, turned on the proprietary, or "patent medicine" question. Here the gentry whose practices are, to say the most charitable, "marginal" in their nature cluster thickest, and here the fight was hardest. Yet in the face of opposition that was often underhanded and extremely dirty in its tactics, the main provisions of the original bill have come through. The extension of truth-telling from labels to advertising is retained. Where a change was made, it was merely to substitute less formidable language without significant change in meaning.

The provision that formulae of all proprietary preparations must be printed on the label was stricken out, at the insistence of those who felt their "trade secrets" were being endangered; but in its place are listed a number of compounds which must be declared on the label. Among them are stimulant-depressants like alcohol, sedatives such as acetanilid, and cumulative poisons like mercury and arsenic. Provision is also made for requiring in appropriate circumstances label warnings against overdoses and other unsafe use. Preparations which are merely palliative must bear on their labels a plain statement of just how they act in the relief of the conditions they purport to palliate.

One change smacks a little of an attempt to muzzle the press, and for this reason may not be liked by editors. The original bill provided that when a case is filed in court against a manufacturer or distributor for violation of the law the Department of Agriculture would be authorized to give out a statement of the action. This provision has been

deleted. Under the bill as now drawn such information may be had only from the court where the action is being tried—and such a court may be a long distance from Washington. Only after judgment has been rendered may the Secretary of Agriculture and his subordinates discuss the matter publicly. It is more or less analogous to a prohibition of the news mention by a district attorney of the indictment of a person accused of a misdemeanor or crime, except insofar as such news might be obtained from the court records themselves. Nobody seems to know just why this provision was inserted by the conferees.

A rival to the Copeland bill has been introduced in the House by Rep. Loring M. Black. It is sponsored by the National Drug Trade Conference, which includes a number of associations of manufacturers of both pharmaceutical and proprietary preparations, wholesale and retail druggists, etc. Its provisions are in general much less stringent than those of either the original Tugwell bill or the present Copeland bill as offered in the Senate.

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## Health Work Supported In Spite of Depression

IN SPITE of hard times and depression, states, counties and towns are continuing to support public health activities, the Commonwealth Fund has found. Child guidance clinics also have, in general, weathered difficulties due to budget reductions.

Nearly half of the Fund's appropriations for the past year went into public health work of various types, according to the annual report published in New York recently. This included rural public health service, rural hospital service, medical education and medical research, and mental hygiene projects.

In assisting the states of Tennessee, Mississippi and Massachusetts to improve public health and medical conditions, the Fund found the health departments of these states giving continued support to the joint program in spite of severe budget reductions. In Fargo, N. D., the child health demonstration financed by the Fund seems to have had lasting results.

The Fund's support was withdrawn five years ago, but the health department has continued to function effectively.

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