Drugs and Compounds, What to Be Labeled. Druggists, Duty Of to Label Drugs. Pure Drug Law, Construction Of.

Pure drug law considered and construed.

January 6, 1912.

Dr. T. D. Tuttle,
Secretary, State Board of Health,
Helena, Montana.

Dear Sir:

I acknowledge receipt of your letter asking for a construction of Chapter 130, Laws of 1911, as to what drugs or compounds shall bear upon the label a statement of the quantity or proportion of the drugs named in Sub-division 2, Section 8, of said chapter.

It is fundamental that druggists are charged with the knowledge

of the properties of the drugs and medicines they sell. Said Chapter 130 in Sub-division 1, of Section 2, thereof clearly recognizes the United States Pharmacopoeia and National Formulary and the names of drugs and medicines used therein. Hence in dispensing or selling a drug or compound so recognized the same may be sold under or by the name recognized in the United States Pharmacopoeia or National Formulary and without any statement as to the proportion of the ingredients. This applies not only to compounds and drugs sold in original packages but also to compounds which are prepared by the druggist from others which are so recognized. From this statement we may deduce the following general rules:

1. The official preparation or compound, that is, one recognized in the United States Pharmacopoeia or National Formulary may be dispensed and sold by druggists under or by the name there given it without any "statement on the label" of the proportion of the ingredients.

2. Where two or more of such official preparations, drugs or compounds are mixed by the druggist and the compound thus formed is one recognized in the United States Pharmacopoeia or National Formulary, then such compound may be dispensed or sold under and by the name or designation there given it and without any statement on the label of the proportion of the ingredients.

3. Where such new compound formed by the mixing of two or more of such official preparations or compounds is not recognized in the United States Pharmacopoeia or National Formulary, then this statement on the label must name the proportion of the ingredients as required by Sub-division 2, Sec. 8, of said Chapter 130.

4. Where the new compound is formed by the mixing of ingredients or compounds not recognized in the United States Pharmacopoeia or National Formulary, or by the mixing of a compound that is so recognized with one that is not recognized and the new compound in either case is not one recognized by the United States Pharmacopoeia or National Formulary, then the statement on the label must name the proportions of the drugs named in said Sub-division 2, of Sec. 8, Chap. 130.

5. "Extemporaneous preparations," that is, those put up at the time on call and not sold as a distinctive, specific, peculiar, particular or distinguishing compound, that is, one not kept in stock or prepared or sold under a trade name or characteristic, need not bear a statement on the label of the quantity or proportion of the drugs named in said chapter.

It must be kept in mind, however, that this has no reference to Chapter 11, Laws of 1911, regulating the dispensing, selling or giving away of opium, morphine, etc.

Yours very truly,

ALBERT J. GALEN,

Attorney General.