



**JOURNAL  
OF THE  
CHEMISTS &  
DRUGGISTS  
ASSOCIATION  
MADRAS.**



*Editor:*

**SHRI R. GANESAN**

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**AUGUST 1962**

**No. 11**



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OFFICIAL ORGAN OF THE ASSOCIATION

Editor

SHRI R. GANESAN

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## Spurious Drugs Racketeers

Elsewhere in this issue we publish some very distressing news about the recent seizure in the markets of large quantities of sub-standard preparations of distilled water and normal saline injections. The Drug Control Administration in Madras have frozen over 3 lakhs of ampoules, while in Maharashtra (Bombay), Mysore, Kerala, and Gujarat States too very large quantities of ampoules have been frozen by the respective States' Governments.

The most striking feature is that according to the Drugs Control Administrations of all these States, the stocks so freezed and kept with the dealers appear to have come from West Bengal and not manufactured locally. So far as Madras is concerned there is only a small production of distilled water ampoules and normal saline. The entire requirements of the State are mostly imported from other States, particularly West Bengal. According to newspaper reports these ampoules are said to have been manufactured by some firms in Calcutta, but no names are given. This is indeed a serious handicap not only to doctors and hospitals and dealers in mofussil areas who might be unknowingly using the same brand which has been found to be impure. Again, the public are afraid to purchase any medicine coming from any Calcutta Manufacturer. It is therefore very essential that Government give out early the names of manufacturers whose preparations have been found to be impure.

Although strangely enough, there has been no news of these sub-standard preparations of distilled water being found or freezed in Calcutta itself, it is gratifying to learn that the West Bengal Government have decided to appoint a Commission to enquire into the alleged reports of manufacture of sub-standard and impure distilled water and normal saline ampoules and have also assured the public that strong action will be taken against the culprits.

**Views expressed in the Journal are not necessarily  
the views of the Association.**

—EDITOR



The trouble does not end there. It has also been reported that some important drugs as amino-phyline, Glucose and Atrophine injections have been freezed too. Here also the names of the manufacturing concerns have not been divulged. But, it is said these also have been manufactured by some firms in Calcutta whose products of distilled water and saline injection ampoules had been freezed earlier.

Apart from the scare these revelations have created in the medical field and the Drugs Market and also the disruption of public confidence in the latest medicinal preparations, the dealers themselves in whose hands these freezed stocks lie are put to a very hard, test and have to face unnecessary trials resulting from Government action. Although under section 19 of the Drugs Act the Dealers are in no way liable for holding stocks of sub-standard or spurious preparations if they can give correct details of the sources of supply, yet it is they who have to bear the brunt of the investigations made and other steps taken by Government to trace the real culprit viz. the Manufacturing firms and/or their distributors who flooded the markets with such sub-standard goods. In any case, it is up to the dealers to ensure that they keep all relevant records relating to the purchase by them of these goods and produce the same when required by the authorities as provided in the Drugs Act.

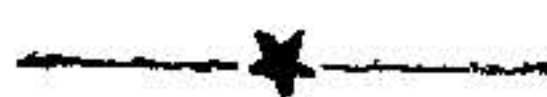
Every one will agree that the manufacture and sale of impure drugs constitute a very serious menace to public health much more dangerous than adulteration of foodstuffs, and there can be no two opinions that such "Spurious drugs racketeers" should be dealt with severely. We have no doubt that the Commission of Enquiry to be set up by the West Bengal Government will institute a thorough probe re. the sources of production of such sub-standard preparations so as to enable the complete eradication of these dangerous unsocial elements. It is stated that the Union Government has also alerted the State Governments in the matter and it is understood that Inspectors might also be appointed by the Centre too as provided in section 21 of the Drugs Act.

In this connection, we invite the special attention of the Drugs Control Administration to the following remarks of the second Presidency Magistrate, Madras in his judgement delivered on May 18, 1962, in the so-called Spurious Gripe Water Case, in which a person was convicted for selling spurious Gripe water.

"It appears to me from the circumstances that the accused was used by some person to pass over the spurious drug. He has given his neck for somebody who is behind the screen and really responsible for the manufacture and sale of the spurious gripewater."

It is imperative therefore that the Drugs Control authorities should try to trace out the source of production and supply of such spurious or sub-standard preparations that are found and bring the real offenders to book instead of launching prosecution proceedings against bonafide dealers, who possess these drugs unawares.

We would in this connection like to sound a note of warning to dealers that they should take particular care to ensure that no purchases of drugs are made from dubious sources or quarters and that all purchases are properly covered by invoices and guarantees wherever necessary. It will be highly desirable if every dealer makes it a point to purchase drugs from licensed wholesalers only. The Drugs Control authorities too should see that no dealer is unnecessarily subjected to any harassment when once he furnishes correct particulars of the sources of supply of any suspected drug or drugs in his possession.





# The Antibiotics

BY

Professor K. S. SRINIVASA VARADAN, M.A , M.SC., A.R.I.C.

(President of the Madras Branch of the Indian Pharmaceutical Association)

[ In this article Prof K. S. Srinivasa Varadan gives an interesting description of how a mere accident in the laboratory of Dr Fleming led to the discovery of Penicillin, and how this casual incident of penicillin discovery led to the discovery of other antibiotics. Also he describes how another incident led to the commercial production of it, and gives the modern method of it. ]

The post-second world war period in the field of medicine can be truly called the age of antibiotics. Ever since penicillin was introduced in clinical medicine, vigorous search has been going on to develop more and more useful and newer and newer antibiotics. As they are very effective in conquering various infections, it is no wonder that they form the main bulk of quick-selling drugs in retail pharmacy today. Hence, it is attempted to give some insight into these compounds to the retail dealers in pharmacy.

Antibiotics are produced by lower forms of life called micro-organisms like the fungus or mold, bacteria, and the soil organisms the streptomyces. The various varieties of streptomyces have given very valuable and clinically effective antibiotics. These are produced by these organisms as they grow either naturally or as they are grown in artificial surroundings. Though every organism can produce a compound, the compounds produced by all of them are not useful in medical practice. They must be, not only highly useful in curing infections but also be incapable of producing toxic results either immediately on use or after prolonged administration. Therefore, though a number of compounds have been isolated from organisms, only a few of

them have found their way in clinical use. They act by either killing the disease-producing organisms, or by preventing them from multiplying in the system thereby holding the infection under check. Penicillin the first drug in the series to be introduced in medicine is produced by the various forms of the 'Fungus Penicillinum'. It is a common fungus and similar to the one found growing on moist leather or exposed pieces of water melons. The discovery of Penicillin was an epoch making one and is full of remarkable incidents.

Dr. Fleming was growing the disease-producing organism 'Staphylococcus' in a covered dish containing all the matter required for its growth. Though he was careful, as usual, to see that no other organism got mixed up with this, the fungus 'Penicillinum' managed to get into the dish from the air just as it begins to grow on exposed water-melons. As the laboratory, where this work was carried out, was adjacent to the stables, the air which ordinarily contains a small amount of this mold was exceptionally rich in this, so that when a small mistake was committed in the technique, it managed to get into the dish and it began to multiply even as the original organism the Staphylococcus. When the dish was examined at the end of the experiment, it was found



that *Staphylococcus* had grown in all places excepting the parts surrounding the growing fungus.

**Normally, the dish would have been washed as the *Staphylococcus* had got contaminated, but Dr. Fleming as a pioneer research worker systematically proceeded to identify the mold and to get an explanation for this strange occurrence! He was able to come to the correct conclusion namely that the fungus when it grew produced a new substance which spread out into the material in the dish and wherever it came into contact with the *Staphylococcus*, it prevented its growth. He proved his conclusion by cultivating the pure mold in the laboratory, and the solution containing the substance produced, freed from the mold, was given intramuscularly to human beings suffering from infection caused by the *staphylococcus*. It acted miraculously and the infection was cured and the patients were saved, thus marking the birth of the antibiotic. Thus, what was really an accident in the laboratory turned out to be a momentous discovery leading to the conquest of many diseases, thanks to the brilliant research ability and the penetrating power of the intelligence of Dr. Fleming who is rightly called the father of antibiotics.**

Though the discovery of penicillin is due to the most fruitful accident known in the history of medical research, the discovery of the other compounds that followed in clinical medicine was due to painstaking, hard and laborious research work carried out at enormous cost by teams of selfless research workers in the fields of medicine, chemistry, bacteriology, pharmacology and biology.

Many other favourable factors also contributed to the introduction of antibiotics

in medicine. There is also another commonly occurring organism in the air which is capable of producing a compound called penicillinase, that is effective in destroying penicillin and if by any chance this organism also had gained access into the dish along with the mold, the discovery of penicillin would not have been made at all. Further, penicillin is the least toxic of all antibiotics used in medicine and till recently penicillium is the only mold that has yielded a non-toxic compound and if on the other hand penicillin had toxic effects, it would have acted as a deterrent and no search would have been made on these lines and the subsequent discoveries would not have resulted at all. Lastly, penicillin is found to be active both in 'vitro' and in 'vivo' that is, both outside and inside the body. Many drugs do not share this property and are effective either in vivo or in vitro, and if penicillin had not been useful in vivo the course of the history of the antibiotics would have been different.

If the story of the discovery of penicillin is a remarkable one interspersed with a number of noteworthy incidents, the commercial production of it is equally interesting and many factors contributed to its success. The second world war was on and the effectiveness of penicillin was proved. It was realised that it can save a number of persons suffering from infections caused by wounds in the war. Hence, top-most priority was given to the project of the production of penicillin. Ample funds were placed at the disposal of the research workers. Closest co-operation was maintained between the scientists in U.S.A. and U.K. Teams of workers from both the countries met frequently to discuss in person and take stock of the progress made periodically and to plan further work. No effort was spared and no stone left unturned to produce this in as large a quantity as possible and as pure as



possible. **In Short, this project ranked as one of the military operations, and but for this consideration, the commercial availability of penicillin would have taken a long time. Thus, even as the darkest cloud has got its silver lining and as out of evil comes good, the second world war which destroyed a number of lives, by a strange irony of fate, gave a gift to the suffering humanity, the wonder drug, penicillin-which saved a number of lives.**

Another accidental discovery was made, that the variety of the mold found on the water melons kept for sale in a U.S.A. market had the remarkable property of giving the maximum yield of penicillin, and also the maximum quantity of penicillin G. Even to-day, this strain of the mold is used commercially. Equally important was the discovery that the water used for soaking corn before producing malt, if used as the medium for growing the mold increased the yield of penicillin considerably.

The commercial production of all the antibiotics follows more or less the same line. The particular strain of the organism which gives the maximum yield of the antibiotics is selected. It is then enriched for this capacity by artificial means namely

X-ray irradiation and chemical treatment. It is then grown in large vessels called fermentation tanks containing sterile liquid with growth promoting substances and suitable chemicals. The growth is allowed to take place with agitation with sterile air, till the maximum production is obtained as tested during the course of fermentation. The antibiotic present in the fermentation liquid is separated and purified by special technique. The purification is carried out till the standards laid down in the Pharmacopoeia are satisfied. The antibiotics are then processed to give suitable forms of administration under a variety of conditions. Almost all the antibiotics are prepared from natural sources excepting chloramphenicol which is synthesised.

**Just as mighty rivers have small obscure origins, the antibiotics which to-day represent the most versatile chemotherapeutic agents have their origin in the accidental discovery of penicillin in the bacteriological laboratory caused by a contamination in the dish used for growing micro-organisms. Even as the benefits produced by rivers are manifold and varied, the uses of the antibiotics have been considerable and mankind must ever be grateful to Dr. Fleming for this wonderful discovery.**

**A.G'S Arrowroot**



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# Price Structure of Drugs

BY

Shri S. SUBBIAH, B.A.

[In this article the possibilities that exist for adopting a fixed system of Uniform Selling Prices are discussed. It contains an exhortation to all dealers to unite together and decide among themselves, without waiting for outside help.]

## Introduction

Is man happy? The answer is difficult and is not readily forthcoming. Why is it so, one might be tempted to ask. The individual man, unlike his forbears, is not at all happy. He stands aghast and baffled at the rapid events occurring around him. He is helpless. He of course wants to live decently and nicely but essential food-stuffs are very costly. He wants his ailments to be cured but the medicines are costlier still. The modern man expects to get good value for his money but then he is not at all sure he is getting it. In the case of food items he at least knows definitely what he is buying. He has also the feeling that he has bought something of which he has a good knowledge. But the same is not the case with medicines and drugs that he has to buy. He buys with caution and with suspicion. Why is it so?

In the first place, he has no knowledge of the medicines. Secondly he has to be careful to see that he is not cheated. In this regard he has to believe the medicine dealer. How then, in the circumstances, can the dealer infuse confidence into the man's mind both as regards price and quality? The object can only be achieved by the quality maintenance of the drugs and the fixation of a uniform selling price. It is common knowledge that there are lots of spurious pharmaceutical products in the market and

unless the quality is maintained, there is every risk of the confidence of the common man being undermined. While therefore it is clear for one thing that quality is to be assured, there is the other important factor namely, the price. In fact, it is this aspect of the trade that is proposed to be dealt with in the present article.

One should not forget that medicine is as vital to man as food. He consumes more medicines now than ever before. It is therefore of vital importance that medicines are readily and easily available to the common man at a price which he will accept with confidence. Hence, a great deal of responsibility rests on the makers and sellers of modern medicines. They are faced with the problem of having to devise a workable price-formula which will at once ensure a fair return to the manufacturer, an equitable margin of profit to the dealer and a fair priced product to the consumer. This can be achieved only by an organised system of fair selling from the manufacturer down to the consumer.

## Necessity of Price Regulation

Now, what is to be done to secure this object of stabilising a uniform selling price, the need for which is accepted on all hands? Of late, much attention is being paid to this question by all concerned. This was one of the main recommendations of the Pharmaceutical Enquiry Committee and great



stress has been laid on this point in its Report. The All India Federation of Chemists and Druggists and other Drug Trade organisations in the country are trying to find out ways and means to make it possible for the public to obtain all medicines at fair uniform prices.

### **Government Control**

Apparently, a system of control may be brought in by a piece of legislation to meet the situation. This would certainly be an effective method and very desirable too; but it is doubtful whether such a legislation would be undertaken by Government. Even if the Government is in favour, it will entail serious delays.

### **Manufacturers Fixing Prices**

The second method that suggests itself is for the manufacturers and distributors to come forward to solve the matter by adopting a price policy which would ensure a fixed minimum consumer's price for the retailers. It is quite possible that the manufacturers might help in this way but one cannot be sure, since this method does not do away with the dependence of the dealers on the manufacturers. This system, though seemingly simple, cannot also be free from possible complications, considering the fact that manufacturers give retailers rebates on the maximum turnover, certain quantity concessions, attractive bulk-prices and the like. These concessions are no doubt beneficial to the dealers, but, human nature being what it is, there is nothing to prevent

an unscrupulous dealer from under-selling the products. The natural sequence will be to ask the manufacturers to stop supplies of medicine to the offending dealers. Will the manufacturers accept this proposal? It is hard to say. It is perhaps very very difficult to devise a system which can be fool-proof and satisfy all concerned.

### **Wholesalers and Retail Trade**

Another serious difficulty is the fact that certain wholesalers are also in possession of retail selling licences. These traders, because of the concessions they get as wholesalers, are tempted to sell their goods in retail at reduced prices. This can only be remedied by approaching Government with a request not to issue retail licences to the wholesalers. But, Government may not agree so easily. Again, it is a matter of constitutional right too that is sought to be questioned.

### **Dealers Convention**

The net result of the above arguments would go to show that neither Government Control nor manufacturers fixation of prices alone would solve the problem in any satisfactory manner. The question is whether this problem cannot be solved by the dealers themselves? It would perhaps be better to explore the possibilities for adopting the fixed price system without having recourse to Government or other assistance. This can be done by mutual understanding and the enforcement of discipline within the trade and formulation of certain healthy conventions.



## Conclusion

The only solution as we have read many a time in the fables, is "self help." The retailers should therefore shoulder the burden themselves by coming together and agreeing to sell the drugs at a particular price with an agreed percentage of margin. Unity and co-operation are the essential watch-words. In arriving at the formula

the dealers should remember that public confidence is a necessary pre-condition to quality drugs. Once the quality is assured and a fair uniform price is settled, the relations between the dealer and the consumer becomes less suspicious, cordial and smooth, leading to a wholesome and healthy progress of trade to the benefit of all concerned.



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The value of legislation as an agent in human advancement has usually been much over-estimated. To constitute the millionth part of a legislature by voting for one or two men once in three or five years, however conscientiously this duty may be performed, can exercise but little active influence upon any man's life and character. Moreover, it is every day becoming more clearly understood, that the function of Government is negative and restrictive, rather than positive and active, being resolvable principally into protection of life, liberty and property. Laws, wisely administered, will secure men in the enjoyment of the fruits of their labour, whether of mind or body, at a comparatively small personal sacrifice; but no laws, however stringent, can make the idle industrious, the thriftless provident, or the drunken sober. Such reforms can only be effected by means of individual action, economy, and self-denial, by better habits, rather than by greater rights.

—Smiles.

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"There is hardly anything in the world that some man cannot make a little worse and sell a little cheaper, and people who consider price only, are this man's lawful prey"

—Ruskin.

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Government and co-operation are in all things the laws of life; anarchy and competition, the laws of death.

—Ruskin.

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"Yes, it's great stuff, this tonic," said the salesman. It will make you feel ten years younger, sir."

"Ten years? Well, it's no good to me," said Brown, "I would not mind feeling sixteen years younger, but ten years - no."

"How's that?" asked the salesman "

"I've been married since the last fifteen years..... that is why."



# News & Comments

## **Insects Found in Distilled Water Ampoules**

It is reported that the Drugs Control Department of the Government of Maharashtra have frozen stocks of 100,000 ampoules of distilled water and saline injections following the discovery of sub-standard quality and impure water. It is stated that the Drug Control Department had been on the look out for more than a month since receipt of information of sales of substantial quantity of impure saline water.

Mr. M. K. Rangnekar, Drug Controller of Maharashtra has alerted all other states and he is personally conducting the investigation.

### **Madras**

It is reported that Shri C.V. Narasimhan, Assistant State Drugs Controller, Madras has stated that nearly three lakhs of common ampoules, used for various injections, have been frozen by the Drugs Control section of the Medical Department, in Madras.

He is also said to have informed further that an intensive drive against substandard or spurious drugs is going on vigorously.

### **Kerala**

It is stated that over two lakh ampoules of distilled water manufactured by some firms outside Kerala have been frozen and kept under seal by the Kerala Government in different medical shops in Kerala.

Further, Medical shops in Kerala are said to be under orders not to take delivery of a

consignment of 1,28,000 ampoules of distilled water which had arrived at Kottayam Railway station.

### **Gujarat**

Mr. Mohanlal Vyas, Gujarat's Minister for Health, informed the State Vidhan Sabha recently that about two lakhs ampoules of distilled water were frozen in the State by the State Drug Control Administration.

The Health Minister, who was replying to the discussion on supplementary demands of his department, assured the House that legal action against the manufacturer would be expedited.

### **Mysore**

According to a Press note issued in Bangalore, it is learnt that the Drugs Control Administration of the Government of Mysore has frozen about 40,000 ampoules of distilled water used for injections manufactured by firms outside the state.

It is also stated that samples tested by the Central Drugs Laboratory, Calcutta, have been found to be impure and unfit for human use.

The Government have advised the consumers to obtain their requirements only through licensed dealers.

### **Sale of Amino-Phyline, Glucose and Atrophine Injections Banned in Maharashtra State**

It is understood that the Director, Drugs Control Administration of Maharashtra has banned the sale of three drugs viz. amino-phyline, glucose and atrophine injections



manufactured by a particular firm in Calcutta. (The name of that firm has not however been divulged.)

It is stated that it is the same firm whose stocks of distilled water and saline injections were frozen recently as they were found to be sub-standard preparations.)

### **New Assistant State Drugs Controller**

We are glad to learn that Shri C.V. Narasimhan, B.Sc., (Chemistry) B.Sc. (Pharmacy) has taken charge of the Office of the Assistant State Drugs Controller on 18th July '62 from Dr. K. P. Sarathy, M.B.B.S., M. Sc., who has been appointed as Dean of the Government Hospital, Kilpauk.

Our congratulations and good wishes.

### **Dr. K.P. Sarathy**

Humane and understanding, capable and courteous, Dr. K. P. Sarathy held the office of the Assistant State Drugs Controller & Assistant Director of Medical Services from the year 1957. He served as a Professor of Pharmacology in Madras Medical College and had toured the Continent of Europe. With his vast knowledge and information, he was perhaps the right man to be chosen to this office at that time. Those were the days when the Drugs Regulations had not yet begun to be enforced strictly. So, it was altogether a considerably difficult job for Dr. Sarathy; for he had to use all his dexterity and ability, sympathy and understanding to set things in order. The five years of his office were to be an evidence of this, smooth were the relations between Drug Control department and the Public, and personally, between himself and the office too resulting in a good name to our State. Dr. Sarathy exhorts that manufacturers should concentrate on quality and dealers always should be watchful of "Spurious Drugs." "If both take proper

care of themselves, where is the need for Government to come into the picture at all?" He hopes that in about 5 years, India would be one of the major manufacturers of Drugs in the world! He is now the Dean of the Kilpauk Medical College and Hospital.

### **Shri C. V. Narasimhan**

Simple and refined, young and god-fearing, Shri C. V. Narasimhan steps into the shoes of Dr. Sarathy, as Assistant State Drugs Controller. He took charge of the office on the forenoon of 18th July 1962. Graduate of the Madras University in Chemistry, and later in Pharmacy, he joined the department in the year 1952 as Drugs Inspector in the first set and worked in the districts of Madura, Ramnad, Tirunelveli and North Arcot. Good-will and capability marked him as the senior most Inspector, and if he is now raised to this status of responsibility, he deserves it. We are sure he will adorn the house built by Dr. Sarathy in a befitting manner. These words of his show his zeal and spirit in his work: "I wish the profession of Pharmacy to grow up in a healthy way and serve the suffering humanity with a noble spirit taking profits as a secondary motive. That alone should be the true aim of a pharmacist. I would always co-operate with the trade in the fulfilment of their work towards the above end. To repeat, requirement in this profession is heart."

### **Honorary Presidency Magistrates**

The appointment for the second term in succession of the following gentlemen as Hony. Presidency Magistrates in the City has been notified in the Government Gazette dated 4th July 1962.

1. Sri C. D. Damodaran,
2. „ C. A. Vasudevan,



3. „ Lakshmidhand Metha,
4. „ K. Venkatapathy Naidu.

All the four above mentioned gentlemen are members of the Chemists and Druggists' Association, Madras, and we offer our hearty congratulations.

#### **Hindustan Chamber of Commerce**

Shri Mohanlal D. Tolia of M/s. C. J. Sheth, Madras has been elected as the President of the Hindustan Chamber of Commerce at the Annual General Meeting of the Chamber held on 9th July 1962.

Mr. Tolia is a very long standing and active member of the Association. He

was also the Vice-President of the Association during the year 1960-61. Our congratulations and best wishes to Shri Mohanlal D. Tolia.

#### **Tamil Chamber of Commerce**

Messrs. C. L. Metha and C. A. Vasudevan the Vice-President and Treasurer respectively of our Association have been, we are glad to learn, elected as the Secretary and Joint Secretary respectively of the Tamil Chamber of Commerce at the 18th Annual Meeting of the Chamber held on 30th July 1962. Our hearty congratulations and good-wishes to both.



## **Market Possibilities:**

### **United Arab Republic (Egypt)**

#### *Market for Chemicals and Pharmaceutical Products*

Information has been received from the Embassy of India, India Trade centre, Cairo, U.A.R., that the requirements of U.A.R. of medicines and drugs are being met by the Laboratories in that country except for a few which were imported. A firm in Cairo expressed interest in importing from India the following —

Chemicals like Kieselguhr, red oxide powder, vermiculite, mica flakes, sodium bichromate, talcum lumps/powder, yellow oxide, fullers earth activated, vitamin B-12, ascorbic acid (vitamin C), Vitamins B-1, B-2, B-6, vitamin, A, aspirin, caffeine, phenacetin and vials.

It is understood that the Cairo firm requires about 12 million vials for packing penicillin in their factories and that the total requirements of the U.A.R. of vials

for packing penicillin are in the neighbourhood of 36 million. They are also interested in importing from India, Codeine, dionine and ephedrine, items which are now largely being imported from the United Kingdom, Germany, and France, and to some extent from Japan. The particular firm showed interest in 50 per cent water dispersible D D.T. powder and hair darkener of specific brands. Their present need for raw materials is estimated to amount to about 1½ to 2 million Egyptian pounds per annum and India stood a good chance of securing a share in this trade if she could offer these items to U.A.R. at competitive rates.

Manufacturers/exporters in India who are interested in the enquiry may approach the Director General of Commercial Intelligence and Statistics, 1, Council House Street, Calcutta-1. for name of the Cairo firm, furnishing their own Bank reference and Enrolment number.

*I.T.J. July 14, 1962.*



# Our Association News

## Levy of Sales Tax on Excise Duty

[This question has already been taken up with the Commissioner of Commercial Taxes by the Association and the letter was published in the July number of the Journal. A reminder was sent and a reply has also been received. Both are reproduced below for the information of our members.]

CT/345/62.

13th July, 1962.

The Commissioner of Commercial Taxes,  
Board of Revenue (C.T.)  
Chepauk—Madras-5.

Sir,

*Sub*:—Question of levy of Sales Tax on Excise Duty.

We would like to invite your kind attention to our letter No. CT/324/62 dated 27th June, '62 in which we have asked for clarification as to whether or not sales tax is leviable on the price of the medicine inclusive of the Excise Duty, shown in the invoice separately as surcharge. In other words we will be glad to know whether or not the excise duty on the medicinal preparations is except from sales tax.

This is a problem facing our Chemists and Druggists in their every day business and want of this information is causing considerable difficulties and lots of inconvenience in the preparation and presentation of invoices.

The clarification sought for, you will appreciate, is in the vital interest of our members. May I therefore, in the interest of the trade, ask you the favour of a very early reply to our letter.

August 1962

Praying for your immediate attention, we remain,

Yours faithfully,  
For C. & D. Association,  
(Sd.) \_\_\_\_\_  
General Secretary.

[In reply to the above letter, the Deputy Commissioner of Commercial Taxes, Madras Division, Madras-7, writes on 24-7-'62.]

L. Dis. 21453/62.

24-7-'62.

Sri P. N. Vedanarayanan, I.A.S.,

*Sub*.—M.G.S.T. Act 1959—The Chemists and Druggists' Association—Certain clarification—Issued.

*Ref*.—Letter from the Chemists and Druggists' Association addressed to the Commissioner of Commercial Taxes dated 27-6-'62.

The attention of the Chemists and Druggists' Association Madras is invited to Rule 6 of the Madras General Sales Tax Rules 1959 regarding levy of tax on only the taxable turnover of a dealer and how the taxable turnover has to be computed. The Association is informed that from out of the total turnover under rule 6 (i) the excise duty if any paid by the dealer in respect of the goods sold by him is also permitted to be deducted in arriving at the taxable turnover.

(Sd.) P. N. Vedanarayanan,  
Deputy Commissioner, (CT).

To

The Chemists and Druggists' Association,  
No. 1, Memorial Hall Street, Madras-3.

(True copy)

(Sd.) \_\_\_\_\_,  
Asst. Commercial Tax Officer.



### **Supplies of Drugs to Government Hospitals—Inclusion of Excise Surcharge in the Bills.**

Government Hospitals objected to the inclusion of the Surcharge in the Bills. The Director of Medical Services was addressed in the matter earlier and this letter was published in our July issue. As no reply has been received a reminder was sent and this is reproduced below :

Ex./369/62. 27th July, '62

The Director of Medical Services,  
Madras State,  
79/81, Mount Road, Madras-6.

Madam,

*Sub.*—Surcharge on supplies of Pharmaceutical Specialities etc. to Government Hospitals in the State of Madras.

Please refer to our letter No. Ex./307/62 dated 19-6-'62 on the subject mentioned above. We believe the matter is still engaging your attention.

In addition to what we have stated already, we would like to bring to your notice that Government Hospitals are refusing payment on the ground that the surcharge added to the cost of the drugs was not mentioned in the quotation originally submitted by the dealers.

It is needless to point out that the levy of this surcharge could not be foreseen by any dealer at the time of giving quotation. Any surcharge or duty that is levied by the Government later is outside the scope of the dealer and could only be collected from the consumers now when effecting sales. Already, the tenders submitted by dealers do not fetch any big margin and delayed payments by Government departments wipe out these margins too. Now, if the hospitals refuse to

pay the surcharge levied by Government, the Dealers will have to lose very heavily. Such a step on the part of Government Hospitals is likely to lead to unnecessary litigation too, as the inclusion of the same in the Bills on supplies made is quite in order under the terms of the Government measure imposing the levy.

In the circumstances, we request you once again to kindly issue necessary instructions to all Government Hospitals and Dispensaries asking them to accept the bills including the surcharge levy of Government and effect payment without undue delay.

The issue is important and the urgency of settling the bills needs no special emphasis. The favour of a very early compliance is solicited.

Thanking you,

Yours faithfully,  
For C. & D. Association,  
(Sd.) \_\_\_\_\_,  
General Secretary.

### **Excise Duty on Patent and Proprietary Medicines**

The letter addressed previously and the reply received from the Central Board of Revenue had already been published in our previous issue. We have written again to the Central Board of Revenue as under :

Ex. 372/62. 28th July, '62.

The Under Secretary,  
Central Board of Revenue,  
Government of India,  
New Delhi.

Sir,

*Ref.*—Your letter No. F. 7/38/62-CX-VI dated 18-6-'62.

While thanking you for your above letter we have to submit that the All India Federation of Chemists and Druggists, Bombay,



in their letter dated 23-5-62 and again in their subsequent letter dated 22-6-'62 have clearly explained the repercussions of the levy of excise duty on almost all pharmacopoeial drugs simply because a pharmaceutical drug is being put in a container bearing the symbol, monogram, seal or a short name of the re-packer, merely for identification purposes. These repacked drugs should not therefore be liable for an excise levy as these drugs are nobody's patent. It is something like Old wines being put in new bottles which entails no change in their substance. The fact that the drugs are put in new containers with new marks is no reason for treating them as belonging to any new brand.

Further, the omission of the symbol or trade mark on the container may well lead to the emergence of several spurious drugs also. This is a matter which deserves very careful consideration. It is not therefore desirable to drive the genuine manufacturers to the extent of discarding the monogram or other identification mark with a view to avoid the levy of excise duty. This is a matter in which there is the risk of the health of several millions of people being involved. This is decidedly much more important than the question of increasing the revenues of the State.

In these circumstances, we entirely agree with the observations made by the All India Federation of Chemists and Druggists in the last paragraphs of their letter dated 22-6-'62 and would request you to give the subject your very earnest and sympathetic consideration and do the needful to eliminate "Drugs and Medicines" from the imposition of any Excise Duty.

Thanking you,

Yours faithfully,  
For C. & D. Association,  
General Secretary.

August 1962

Copies of the letter sent to The Drugs Controller (India) New Delhi and The State Drugs Controller, Madras, also.

### Uniform Selling Prices

#### 5th Retail Sub-Committee Meeting

The Retail Sub-Committee met on 5th July '62 for the 5th time at the premises of M/s. A. G. Stores, 100, T. H. Road, Madras-21. There was a good attendance of retail dealers — both members and non-members.

The dealers were very enthusiastic and were eager to put into effect the scheme of Uniform Selling Prices.

A few areas remain to be covered which will be done during this month. Immediately after, the city Dealers' Convention will be convened.

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#### New Dealers.

We are glad to welcome M/s. Udaya and Company the new firm of Chemists and Druggists who have commenced business on the 9th July, '62 at 53-A. Usman Road, T. Nagar, Madras-17. Dr. Balakrishnan is the proprietor of the concern. We wish him all success and extend to him our invitation to join the Association.

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#### New Members.

We welcome the undernoted firms who have been elected as members of the Association:—

(i) M/s. Lepetit Ranbaxy Laboratories Ltd., 3, Errabalu Chetty Street, Madras-1.

(ii) The Popular Drug House, 104, T. H. Road, Madras-21.

(iii) M/s. Ramesh Medical Hall, 84, Perumal Mudali Street, Madras-1.



## News from other Associations

### **The Saurashtra Chemists and Druggists Association**

The Working Committee of the Saurashtra Chemists and Druggists' Association met at Rajkot on 1—7—'62 and the following is a gist of some of the important decisions taken.—

The applications of many members of the Association and their staff, asking to be declared as "Qualified Persons" under the Drugs Rules, had been kept pending for a very long time. The Committee observed that in view of the fact that the lapse of time had further contributed to the individuals' experience their applications should be approved without further delay.

In the case of its members whose licences had been suspended for a number of days for selling Schedule H and L drugs without prescriptions of Registered Medical Practitioners, the Committee decided that the authorities should see that in such cases a warning preceded any drastic action. In the case of minor lapses, as for instant, improper storage of drugs, incomplete maintenance of registers etc. also, it was observed that request should be made not to make such lapses grounds for taking drastic action of suspending the licences.

### **The Chemists and Druggists' Association, Baroda.**

#### *Permit for Transport of notified Drugs*

In a letter addressed to the Director, Prohibition and Excise Department, Sachivalaya, Ahmedabad, the Association explains the difficulties and requests that

suitable modifications in the rules might be made. Some excerpts of the letter are given below :—

"Our greatest hitch are Sections 13 & 14 of the rules under the heading - *Transport of Notified Drugs* - Every time even for 1 or 2 lbs. of Notified Drugs required urgently to be supplied to a Doctor or a Hospital or a person with a prescription, a licensee will have to rush up to the Government Treasury to pay the fees, and to get a court fee stamp and then apply and await till he gets a transport permit. At least 2 to 4 days will pass away in all these procedure and by the time the drug is available either the disease or the patient will not be there.

Further, this rule for dealers to obtain a compulsory transport permit every time they make purchase will create discrimination of opportunity to trade between retailers and wholesaler. You will please see from the figures given herebelow that the cost for getting transport permit to a retailer will come from 0-27 np to 0-30 np. per bottle whereas the same will cost about 0-03 np to 0-06 np per bottle to a wholesaler.

Moreover, there is almost an absurdity in the Act, regarding the limit of purchase and limit of possession-both the limits for retailers being kept too low. The maximum limit for purchase of common notified drugs for a Medical Practitioner is 10 bottles at a time, whereas the limit for a retail dealer, who has to supply notified drugs to a number of such practitioners is only 8 bottles at a time."

(See page 18)



# Legal News

## Manufacture of Medicines

*Duty on Alcohol - Rule 38 of the M & T P.*

*(Excise Duties) Rules Held ultra vires.*

In a recent judgement delivered by His Lordship Mr. Justice G. R. Jagadisan on writ petitions filed by M/s. Bharath Laboratories and the Associated Pharmaceutical Industries, Madras, it was held that Rule 38 made under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, which provides for the levy of duty and penalty on "excess wastage of alcohol" not properly accounted for by the manufacturers of pharmaceutical and medicinal preparations, as ultra vires.

This rule, His Lordship observed, was repugnant to the substantive provisions of the Act and it was also in excess of the rulemaking powers conferred under Section 19 of the Act. (The Medicinal and Toilet Preparations (Excise Duties) Act.)

His Lordship observed that it was a trite law that a statutory rule could not go beyond the statute or subvert it or be repugnant to its provisions. Under this rule (Rule 38), an arbitrary percentage of wastage in the production of dutiable goods was empowered to be fixed by the Central Government or the State Government and any wastage exceeding the allowed limit, which was not properly accounted for, was subject to a levy of duty. Two things plainly emerged from this rule. One was that the duty was not on the medicinal or on toilet preparations, but on the alcohol which exceeded the maximum wastage limit prescribed by the competent authority and which was not properly accounted for to

their satisfaction and the other was that the basis of the rate of levy was not the same as prescribed in the Schedule of the Act.

## Madras General Sales Tax Act: 1959

*Tax on Medicinal Preparations Containing Alcohol*

In a recent order passed by the Sales Tax Appellate Assistant Commissioner (C.T) Madras, it was held that no sales tax is leviable on medicinal and toilet preparations containing alcohol coming under the provisions of Medicinal and Toilet Preparations (Excise Duties) Act, if the excise duty on alcohol is paid.

It may be pointed out that a Government Press Note No. 5/ 15-3-62 issued under Government memo No. 107127 M2-62-6 dated 17-3-'62 had already clarified that the exemption from Sales Tax is allowable on Medicinal Preparations containing alcohol coming under the purview of Medicinal and Toilet Preparations (Excise Duties) Act.

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*(Continued from previous page)*

## The Poona Region Chemists and Druggists Association, Poona

The Poona Region Chemists and Druggists Convention was held in Poona on the 28th July, 1962, and Dr. F. J. Mendonsa, M.B.M.S., F.C.C.P., F.C.P.S., Dean B.J. Medical College and Sassoon Hospitals, Poona, inaugurated the Convention.

Shri M. K. Rangnekar, Director, Drugs Control Administration, also attended the Convention and had discussions with the members of the Association.



## **U.S. Scientist Report—New Blood Test To Detect Malaria**

A sensitive test which can chart the production in human blood of immunizing substances (antibodies) against malaria is being used with good preliminary results by scientists at the National Institutes of Health, near Washington, D.C.

Dr. Kuvin, noted that the test also might be employed to determine the number of people suffering from malaria who do not show symptoms of the disease. Without such a determination, many human carriers of malaria go undetected.

(USIS)

## **Supervision on New Drugs**

The British Medical Association's Annual Conference called for a Government-sponsored Body to license and supervise the introduction of new drugs. A leading British Surgeon, Professor Harold Rodgers, Professor of Surgery at Queen's University Belfast, who moved the resolution, said such a Body should be introduced to prevent another "dreadful catastrophe" such as that following the use of Thalidomide. Thalidomide is the sedative drug which led to the birth of an estimated 600 limbless babies in Britain when prescribed for mothers in the early stages of pregnancy.

Business was a bit dull in town, so the carpet-sweeper salesman thought he'd try to rural neighbourhood. When he began his sales talk the hillbilly interrupted with, "Don't waste your breath. I got a carpet sweeper."

The salesman was ready for his reply. "Good," he said. Then I can make you a generous allowance on your old sweeper in part payment on a splendid new model."

The hillbilly seemed tempted, then shook his head. "No," he said, "I can't make that kind of a deal. After all, I took her for better or wuss."

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"I hear Mrs. Snott is down with blood-poisoning."

"That old gossip! I should think that she must have bitten her tongue."

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According to a tailor, men's shoulders are becoming broader. It's just as well, with income-tax what it is,

---

"I admire the harmony that seems to prevail between you and your wife, Don't you ever have differences of opinion?"

"Oh, yes, very often."

"And yet you get over them so quickly?"

"Ah, I never tell her about them!"



## **The Tiruchirapalli District Chemists and Druggists Association**

The 3rd Annual General Meeting of the Tiruchirapalli District Chemists and Druggists' Association was held at the Medical Association premises, Tiruchirapalli on 12th August, '62.



# Legislation

**Certain new alcoholic preparation declared as restricted preparation under Medicinal and Toilet Preparations (Excise Duties) Rules.**

(G.O. Ms. No. 1973, Home, 5th June, 1962)  
II—1 No. 2956 of 1962.

The following notification of the Government of India, Ministry of Finance (Department of Revenue) Medicinal and Toilet Preparations, dated New Delhi, the 28th April 1962, is republished:—

G S. R. 588—In pursuance of sub-rule (3) of rule 60 of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, the Central Government hereby declares the new alcoholic preparation “Capvintone” intended to be manufactured by Messrs. Fr Superior Monte Mariano Church, Farangipet (South Kanara), to be a restricted preparation and directs that the said preparation shall be included in the schedule.

P.T. SREEKUMARA PANIKKER,  
Deputy Secretary to Government.

*Fort St. George Gazette : July 4, 1962.*

**Patent or Proprietary Medicines—  
Manufacture, Wholly or Partly, out of  
Imported Material—Adjustment of  
Countervailing Customs Duty towards  
Central Excise Duty—Procedure regard-  
ing.**

The following is an Order, dated the 31st May 1962 of the Central Board of Revenue:—

Manufacturers using imported material will have to maintain Bill of Entry—wise particulars to facilitate identification at the time of receipt of medicines and their co-relation with the original duty—paying documents. If a Bill of Entrywise account of an imported consignment of medicines is maintained and the amount of countervailing duty paid on it is known, it should not be difficult to work out the countervailing duty on the imported ingredient contained in the medicines manufactured indigenously for which set off is to be given. The problem of manufacturing losses will also not arise as the adjustment of countervailing duty allowed relates to the imported material contained in the patent or proprietary medicines indigenously manufactured. Where large-scale manufactures of medicines import several consignments of the same kind of medicines adjustment may be allowed on the basis of principle of “first in, first out.”

The reference to “original” Bill of Entry should be to the “Triphcate” copy of the Bill of Entry which the importers get from the Customs House.

A register in the form appended should be maintained.



FORM 'A'

**Accounts of Imported Material Used in the Manufacture  
of Patent and Proprietary Medicines**

Date of Receipt.	Description of Imported Materials.	Quantity.	Value on which Countervailing Import Duty was assessed.	Tariff head under which Customs Duty was assessed.
1	2	3	4	5
Name of the Custom House and Bill of Entry No. and Date.		Amount of Countervailing Import Duty paid.	Pro-rata rate per kg. or litre of Countervailing Import Duty.	
6		7		8
Date on which imported materials used for the manufacture of Patent and Proprietary Medicines.		Quantity issued.	Description of the Patent and Proprietary Medicine for the manufacture of which issued.	Balance.
9		10		11
Description of the Patent and Proprietary medicine cleared.		A.R.I. No. and Date.	Quantity cleared.	Quantity of Imported material used for the manufacture of quantity cleared in col. 15.
13		14	15	16
Amount of countervailing import duty to be deducted from Central Excise duty Col. 16 and Col. 8.		Remarks.		
17			18	

*I.T.J. July 21, 1962.*

**Ministry of Commerce and Industry**

New Delhi, the 16th July 1962

S. O. 2234—In exercise of the powers conferred by clause (c) of section 2 of the Spirituous Preparations (Inter-State Trade and Commerce) Control Act, 1955 (39 of 1955), the Central Government hereby specifies the State of Kerala as being a

State in parts of which the consumption of alcoholic liquors is generally prohibited by law.

No 32(5)—Com (Genl)/60

S O 2235—In exercise of the powers conferred by section 12 of the Spirituous Preparations (Inter — State Trade and Commerce) Control Act, 1955 (39 or 1955),



the Central Government hereby directs that the power to make rules under section 3 of the said Act shall be exercisable also by the State Government of Kerala subject to the condition that the rules made by the said State Government shall have no effect in so far as they are repugnant to any order or rule made under the said Act by the Central Government.

No. 32(5)—Com (Genl)/60

T. S. KUNCHITHAPATHAM,

Under Secretary.

*The Gazette of India July 21, 1962.*

### **Reconstitution of the Drugs Technical Advisory Board**

S.O. 2254—In pursuance of section 5, of the Drugs Act, 1940, (23 of 1940) here in after referred to as the Act, and in supersession of all previous notifications on the subject, the Central Government hereby reconstitutes the Drugs Technical Advisory Board and directs that the said Board shall consist of the following members, namely:—

#### *Chairman*

The Director General of Health Services  
Ex-officio

#### *1. Ex-officio Members*

1. The Drugs Controller, India, Ex-officio.
2. The Director of the Central Drugs Laboratory, ex-officio.
3. The Director of the Central Research Institute, ex-officio.
4. The Director of the Indian Veterinary Research Institute, Mukteswar, ex-officio.
5. The Chief Chemist, Central Revenues, ex-officio.

August 1962

## *II. Nominated Members*

Nominated by the Central Government under section 5(2) (vi) of the Act.

6. Shri M. R. Shastri, Government Analyst, Gujarat Drugs Laboratory Gujarat, Baroda.

7. Dr. P. M. Toshniwal, Government Analyst, Madhya Pradesh Drugs Testing Laboratory, Indore.

## *III. Elected Members*

(i) Elected by the Scientific Advisory Board of the Indian Council of Medical Research under section 5 (2) (vii) of the Act.

8. Dr. B. Mukerji, Director, Central Drug Research Institute, Chattar Munzil Palace, Lucknow.

9. Dr. M. L. Chatterjee, Professor of Pharmacology, School of Tropical Medicine, Calcutta.

(ii) Elected by the Medical Council of India in pursuance of section 5 (2) (viii) of the Act.

10. Dr. B. L. Taneja, Maulana Azad Medical College, Mathura Road, New Delhi.

11. Dr. Bankat Chandra, Dean, Osmania Medical College, Hyderabad, Deccan.

12. Lt. General B. M. Rao, 27, Tuglak Road, New Delhi.

(iii) Elected by the Pharmacy Council of India in pursuance of section 5 (2) (ix) of the Act.

13. Shri M. K. Rangnekar, Director, Drugs Control Administration, Maharashtra State, 127, Mahatma Gandhi Road, Bombay—1.



14. Dr P. K. Sanyal, Government Analyst, School of Tropical Medicines, Calcutta-12.

15. Dr. P. C. Dandiya, Department of Pharmacology, S.M.S. Medical College, Jaipur.

(iv) Elected by the Council of the Indian Chemical Society in pursuance of Section 5 (2) (x) of the Act.

16. Dr. U. P. Basu, Director, Bengal Immunity Research Institute, 39, Lower Circular Road, Calcutta-16.

17. Shri B. Maitra, Managing Director, M/s. Calcutta Chemical Co., Ltd., 35, Panditia Road, Calcutta 29.

(v) Elected by the Central Council of the Indian Medical Association in pursuance of section 5 (2) (xi) of the Act.

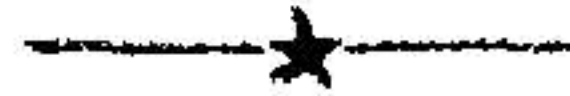
18. Dr. M. A. Panwala, Mahatma Gandhi Road, Ghatkopar, Bombay-38.

No. F. 4—3—'60 D.

A. C. RAY,

Under Secretary.

*The Gazette of India : July 21, 1962.*



John : " I've got a cold in my head."

Susie : " Never mind, John. Don't grumble. Even if it's only a cold it's something."

\*

\*

" Ashes to Ashes, Dust to Dust :

If nobody else does it, the Secretary must. "

C. & D.



# Letters to the Editor.

## Distilled Water Scare

DEAR SIR,

Following the discovery of substandard nature of certain makes of distilled water ampoules the Drug Control Authorities have been inspecting all the shops in the markets everywhere and freezing the stocks. This is done in a way all too suddenly, while the dealings in these ampoules have been going on for certain years passing the attention of all persons concerned. There is no secrecy about it as far as trading in them is concerned. Every dealer has a purchase bill and he openly sells it, because purchasing and selling is carried on only between one licensee and another. Now when it is discovered that the ampoules are bad, and following that, when these are seized as from an offender, and when lots of talk, reports, comments and proposals are appearing in the papers and the Assemblies and Parliament criticising the offence, and stiffening the rules, everyone connected with the industry - manufacture and sale - is put to dismay. He is disheartened, and frightened. As in all cases, it is some bad element or elements that are responsible for these things and for this the rest who carry on honourable dealings are made to suffer. As it is, the dealers do not know exactly which of the makes of these distilled water ampoules are bad. And they do not know what is going to happen to the value

of the stocks that are freezed and as to their part in possessing and selling these stocks while at the same time they cannot be at all held responsible. The dealers in these circumstances are actually intimidated and if this sort of things should repeat, no wonder everyone would think of taking the extreme of closing his establishment. Therefore I appeal to the Government that they consider all aspects and see it is proper to catch only the real thieves, and while doing so, do not speak about or deal with the entire trade in a derogatory fashion. After all, it is worthwhile to quote what Dr. Helen Tausig of John Hopkins University is reported to have said in an article in the "Scientific American" regarding the condemned Drug 'Thalidomide': She says the medicines containing the drug had not been sold in the United States on a large scale, "because of a lucky combination of circumstances and the alertness of a staff physician at the Food and Drugs Administration - and not because of the existence of any legal requirement that the drug might have failed to meet". This clearly demonstrates that no amount of rules will have any value. What is required is personal honesty and integrity and systematic check on quality by the Government.

Madras, }  
14-8-62. }

—A DEALER.

[The Editor invites further Correspondence on the subject.]

