

# A TEXTBOOK OF FORENSIC PHARMACY

*By*

**THOMAS DEWAR**

Ph.D., B.Pharm., B.Sc.(Lond.), Ph.C.

**FOURTH EDITION**



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THOMAS DEWAR

PH.D., B.PHARM., B.Sc.(LOND.), F.P.S.

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW, EXAMINER  
TO THE PHARMACEUTICAL SOCIETY OF GREAT BRITAIN



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## PREFACE TO THE FOURTH EDITION

The text of this edition embodies changes effected by a number of enactments, including the following :—

Pharmacy Act, 1954.  
Poisons List Order, 1954.  
Poisons List (No. 2) Order, 1954.  
Poisons List Order, 1955.  
Poisons List (No. 2) Order, 1955.  
Poisons Rules, 1954.  
Poisons (No. 2) Rules, 1954.  
Poisons Rules, 1955.  
Poisons (No. 2) Rules, 1955.  
Dangerous Drugs Regulations, 1954.  
Dangerous Drugs Act, 1951 (Application) Order, 1954.  
Dangerous Drugs Act, 1951 (Application) (No. 2) Order, 1954.  
Dangerous Drugs Act, 1951 (Application) Order, 1955.  
Dangerous Drugs Act, 1951 (Application) Order, 1956.  
Dangerous Drugs Act, 1951 (Relaxation) Order, 1954.  
National Health Service (General Medical and Pharmaceutical Services) Regulations, 1954.  
National Health Service (General Dental Services) Regulations, 1954.  
National Health Service (General Dental Services) Amendment (No. 2) Regulations, 1955.  
National Health Service (Service Committees and Tribunal) Regulations, 1956.  
Therapeutic Substances Act, 1956.  
Therapeutic Substances Amendment Regulations, 1954.  
Therapeutic Substances (Control of Sale and Supply) Regulations, 1954.  
Therapeutic Substances (Supply of Oxytetracycline for Agricultural Purposes) Regulations, 1954.  
Therapeutic Substances (Control of Sale and Supply) Regulations, 1956.  
Food and Drugs Act, 1955.  
Licensing Act, 1953.  
Protection of Animals (Amendment) Act, 1954.  
Protection of Animals (Anaesthetics) Act, 1954.

The text also includes changes necessitated by the grant of a Supplemental Charter to the Pharmaceutical Society of Great Britain on 19th November, 1953, by the publication of the Addendum 1955 to the British Pharmacopoeia, 1953, and by the publication of the British Pharmaceutical Codex, 1954.

T.D.

1 GARDEN COURT,  
TEMPLE,  
8th October 1956.

## PREFACE TO THE FIRST EDITION

My aim has been to present in a single volume all the forensic pharmacy which is ordinarily taught to those studying for the qualifying examinations of the Pharmaceutical Society of Great Britain. The subject-matter is divided into three parts : Part I deals with pharmacy, poisons and dangerous drugs ; Part II with medicines ; and Part III with enactments, such as the Shops Acts, which chiefly concern retail business. The Poisons List, Schedules to the Poisons Rules, 1935, a list of poisons which are the subject of monographs in the British Pharmacopœia, and revision questions arranged to correspond chapter by chapter with the subject-matter of the book are included as appendices.

To facilitate recourse to the original, the text is fully annotated by footnote references to the enactments, cases or other authorities, upon which it is based. The annotations also permit of impartial judgment upon whether the writer has succeeded in his endeavour to confine himself to “judicious arrangement and impartial narration,” like the faithful editor of the immortal transactions, which provide the principal characters appearing in the ensuing pages.

The law as stated in this book is that of England. But where pronounced differences exist in any other part of Great Britain as regards the substantive law, this has been indicated as, for example, in regard to the sale in Scotland of mineralised methylated spirits. On the basis that the pharmacist is more concerned to know what to do rather than what will happen to him if he fails to do it, relatively little information has been included on the enforcement of the law. Nothing at all is given, for example, upon the punishments which may visit the law-breaker, or upon the differences applicable in Scotland in consequence of the existence there of a distinct legal system.

The fact that this book has been written primarily for students has not been taken as a pretext to exclude each and every item of information which is unlikely to appear in an examination paper. A full account is given, for example, of the constitution and functions of the Pharmaceutical Society, including the implications of the “Jenkin” judgment. Too rarely does the student possess any knowledge of the Society which he is striving to join, and too frequently is the “Jenkin” judgment quoted in support of propositions which it cannot and never purported to sustain.

T. D.

1 GARDEN COURT,  
TEMPLE,  
1st November, 1945.

## TABLE OF ABBREVIATIONS

All E.R. art.	All England Law Reports. article.
B.P. B.P.C.	British Pharmacopœia. British Pharmaceutical Codex.
C. & D.	Chemist and Druggist Qualifying Examination.
C. & E.A., 1952. Ch.	Customs and Excise Act, 1952. Law Reports of the Incorporated Council of Law Reporting, Chancery Division.
Cox C.C.	Cox's Reports of Cases in Criminal Law.
D.D.A., 1951.	Dangerous Drugs Act, 1951.
D.D.A. (Application) O., 1952.	Dangerous Drugs Act, 1951 (Application) Order, 1952.
D.D.A. (Application) (No. 2) O., 1952.	Dangerous Drugs Act, 1951 (Application) (No. 2) Order, 1952.
D.D.A. (Application) O., 1954.	Dangerous Drugs Act, 1951 (Application) Order, 1954.
D.D.A. (Application) (No. 2) O., 1954.	Dangerous Drugs Act, 1951 (Application) (No. 2) Order, 1954.
D.D.A. (Application) O., 1955.	Dangerous Drugs Act, 1951 (Application) Order, 1955.
D.D.A. (Application) O., 1956	Dangerous Drugs Act, 1951 (Application) Order, 1956.
D.D.A. (Relaxation) O., 1947.	Dangerous Drugs Act (Relaxation) Order, 1947.
D.D.A. (Relaxation) O., 1952.	Dangerous Drugs Act (Relaxation) Order, 1952.
D.D.A. (Relaxation) O., 1953	Dangerous Drugs Act (Relaxation) Order, 1953.
D.D.A. (Relaxation) O., 1954.	Dangerous Drugs Act, 1951 (Relaxation) Order, 1954.
D.D. Regs., 1953.	Dangerous Drugs Regulations, 1953.
D.D. Regs., 1954.	Dangerous Drugs Regulations, 1954.
D.D.	substance to which Part II of the Dangerous Drugs Regulations, 1953, applies.
F.A., 1918.	Finance Act, 1918.
F.A., 1920.	Finance Act, 1920.
J.P.	Justice of the Peace.
K.B.	Law Reports of the Incorporated Council of Law Reporting, King's Bench Division.

L.A., 1953.	Licensing Act, 1953.
L.G.R.	Local Government and Magisterial Reports.
L.J.	Law Journal.
L.T.	Law Times Reports.
Le. & Ca. C.C.R.	Leigh and Cave's Crown Cases Reserved.
M.S. Regs., 1952.	Methylated Spirits Regulations, 1952.
N.F.	National Formulary.
N.H.S. (Amendment) A., 1949.	National Health Service (Amendment) Act, 1949.
N.H.S.A., 1952.	National Health Service Act, 1952.
N.H.S. (General Dental Services) Regs., 1954.	National Health Service (General Dental Services) Regulations, 1954.
N.H.S. (General Medical and Pharmaceutical Services) Regs., 1954.	National Health Service (General Medical and Pharmaceutical Services) Regulations, 1954.
N.H.S. (Hospital Charges for Drugs and Appliances) Regs., 1952.	National Health Service (Hospital Charges for Drugs and Appliances) Regulations, 1952.
N.H.S. (Service Committees and Tribunal) Regs., 1956.	National Health Service (Service Committees and Tribunal) Regulations, 1956.
P1.	poison included in Part I of the Poisons List.
P2.	poison included in Part II of the Poisons List.
P.A., 1954.	Pharmacy Act, 1954.
P. & M.A., 1941.	Pharmacy and Medicines Act, 1941.
P. & P.A., 1933.	Pharmacy and Poisons Act, 1933.
P.R., 1952.	Poisons Rules, 1952.
P.R., 1954.	Poisons Rules, 1954.
P. (No. 2) R., 1954	Poisons (No. 2) Rules, 1954.
P. (No. 2) R., 1955.	Poisons (No. 2) Rules, 1955.
Ph.C.	Pharmaceutical Chemist Qualifying Examination.
Pharm. J.	Pharmaceutical Journal.
Pr. Anim. A., 1911.	Protection of Animals Act, 1911.
Pr. Anim. (Anaesthetics) A., 1954.	Protection of Animals (Anaesthetics) Act, 1954.
Pr. Anim. (Amendment) A., 1927.	Protection of Animals (Amendment) Act, 1927.
Pr. Anim. (Amendment) A., 1954.	Protection of Animals (Amendment) Act, 1954.
Q.B.	Law Reports of the Incorporated Council of Law Reporting, Queen's Bench Division.

r.	rule.
reg.	regulation.
s.	section.
S1.	poison included in the First Schedule to the Poisons Rules, 1952.
S4.	poison included in the Fourth Schedule to the Poisons Rules, 1952.
S7.	substance specifically named in the Seventh Schedule to the Poisons Rules, 1952.
S.A., 1950.	Shops Act, 1950.
S.R. & O.	Statutory Rules and Orders.
S. Regs., 1912.	Shops Regulations, 1912.
S. Regs., 1937.	Shops Regulations, 1937.
S. Regs., 1939.	Shops Regulations, 1939.
Sol. J.	Solicitors' Journal.
Supp. Chart.	Supplemental Charter granted to the Pharmaceutical Society of Great Britain on 19th November, 1953.
T.L.R.	Times Law Reports.
T.S.A., 1956.	Therapeutic Substances Act, 1956.
T.S.A. Regs., 1953.	Therapeutic Substances Amendment Regulations, 1953.
T.S.A. Regs., 1954.	Therapeutic Substances Amendment Regulations, 1954.
T.S. Regs., 1952.	Therapeutic Substances Regulations, 1952.



## TABLE OF DEFINITIONS

*In this book, unless the context otherwise requires, the expressions in the first column of the following table have the meanings respectively assigned to them in the second column. When any definition is identical with, or is based upon, a definition given in any statute or other enactment, this has been indicated by the addition of an appropriate reference.*

Antimonial poisons	chlorides of antimony, oxides of antimony, sulphides of antimony, antimonates, antimonites, and organic compounds of antimony (P.R., 1952, r. 2 (1)).
Arsenical poisons	halides of arsenic, oxides of arsenic, sulphides of arsenic, arsenates, arsenites, copper acetoarsenites, sodium thioarsenates, and organic compounds of arsenic (P.R., 1952, r. 2 (1)).
Authorised seller of poisons	a pharmacist, body corporate or representative of a pharmacist who complies with the respective conditions set out on pp. 30–35 (P. & P.A., 1933, s. 29—modified).
British Pharmaceutical Codex	the book published by that name by the Society including supplements (P. & M.A., 1941, s. 17 (1)—modified).
British Pharmacopœia	the latest edition for the time being in force of the book published by that name under section 23 of the Medical Act, 1950, including amendments.
Byelaws	byelaws made by the Council of the Society (P.A., 1954, s. 24 (1)).
Certificate of registration	certificate signed by the registrar and countersigned by the President of the Society or two members of the Council that a person is registered as a pharmaceutical chemist (P. & P.A., 1933, s. 29; P.A., 1954, s. 5 (1)).
Commissioners	Commissioners of Customs and Excise.
Dangerous drug	substance subject to control under the Dangerous Drugs Act, 1951.
Dangerous drug, crude	substance to which Part I of the Dangerous Drugs Act, 1951, applies.
Dangerous drug, medicinal	substance to which Part III of the Dangerous Drugs Act, 1951, applies.
Dentist	registered dentist, i.e., a person registered under the Dentists Act, 1878 (Dentists Act, 1921, s. 14—modified).

Dispense	supply a drug, medicine or poison on and in accordance with a prescription duly given by a medical practitioner, dentist, veterinary surgeon or veterinary practitioner (P. & P.A., 1933, s. 29 ; Veterinary Surgeons Act, 1948, s. 23, Second Schedule).
Drug Tariff	statement prepared by the Minister of Health in accordance with the provisions of the National Health Service (General Medical and Pharmaceutical Services) Regulations, 1954, for the purpose of enabling arrangements to be made for the supply of drugs and appliances of proper quality (N.H.S. (General Medical and Pharmaceutical Services) Regs., 1954, reg. 27).
Eighth Schedule poison	poison included in the Eighth Schedule to the Poisons Rules, 1952.
Fifth Schedule poison	poison included in the Fifth Schedule to the Poisons Rules, 1952.
First Schedule poison	poison included in the First Schedule to the Poisons Rules, 1952.
Fourth Schedule poison	poison included in the Fourth Schedule to the Poisons Rules, 1952.
Health prescription	prescription given by a medical practitioner or dentist under and in accordance with the National Health Service Act, 1946, or the National Health Service (Scotland) Act, 1947, or given by a medical practitioner or dentist upon a form issued by a local authority for use in connection with a health service of that authority (P.R., 1952, r. 12 (5)).
Listed seller of Part II poisons	a person entitled, subject to the provisions of the Pharmacy and Poisons Act, 1933, and of the Poisons Rules, to sell Part II poisons by virtue of the entry of his name in a local authority's list kept in pursuance of section 21 of the Act (P.R., 1952, r. 2 (1)).
Medical practitioner	duly registered medical practitioner, i.e., a person registered under the Medical Acts (Medical Act, 1858, s. 34—modified).
Medicinal dangerous drug	substance to which Part III of the Dangerous Drugs Act, 1951, applies.
Part I poison	poison included in Part I of the Poisons List.
Part II poison	poison included in Part II of the Poisons List.
Pharmacist	a duly registered pharmaceutical chemist (P. & P.A., 1933, s. 29—modified).
Pharmacy Acts	the Pharmacy Act, 1954, and, where the context so admits, the Pharmacy and Poisons Act, 1933 (P. & P.A., 1933, s. 29—modified).

Poison	a poison included in the Poisons List (P. & P.A., 1933, ss. 17 (6), 29).
Poisons Board	an Advisory Committee constituted in the manner provided by section 16 of the Pharmacy and Poisons Act, 1933 (P. & P.A., 1933, s. 16 (1), (2)).
Poisons book	the book required to be kept for the purpose of entries made under section 18 (2) of the Pharmacy and Poisons Act, 1933.
Poisons List	the list of poisons, as in force for the time being, prepared in accordance with the Pharmacy and Poisons Act, 1933, s. 17 (P. & P.A., 1933, s. 17 (6)).
Poisons Rules	rules made in accordance with the provisions of section 23 of the Pharmacy and Poisons Act, 1933, by a Secretary of State, after consultation with or on the recommendation of the Poisons Board.
Prescriber	a medical practitioner, dentist, veterinary surgeon or veterinary practitioner who has given a prescription.
Prescription book	the book in which entries are made under section 19 (3) of the Pharmacy and Poisons Act, 1933.
Public analyst	person appointed by a Food and Drugs authority to be an analyst of food and drugs within the area of that authority (Food and Drugs Act, 1955, s. 89 (1)).
Register	the register of pharmaceutical chemists (P.A., 1954, s. 24—modified).
Register of premises	the register required to be kept under section 12 of the Pharmacy and Poisons Act, 1933, of premises where authorised sellers of poisons carry on their businesses so far as they comprise the retail sale of drugs (P. & P.A., 1933, s. 12 (2)).
Registered premises	premises duly registered under Part I of the Pharmacy and Poisons Act, 1933, including, unless otherwise indicated, any such premises having no pharmacist in control (D.D. Regs., 1953, reg. 37 (1) modified. See also p. 33).
Registrar	the registrar appointed under section 1 of the Pharmacy Act, 1954 (P.A., 1954, s. 24 (1)).
Representative	an executor, administrator, trustee, or committee, or a person authorised under section 1 of the Lunacy Act, 1908, to exercise any of the powers of a committee, and includes, in respect of the period of three months after the death of a pharmacist leaving no executor who is entitled and willing to carry on his business, any person beneficially interested in the estate of the pharmacist (P. & P.A., 1933, s. 10 (6)).

Second Schedule poison	poison included in the Second Schedule to the Poisons Rules, 1952.
Society	Pharmaceutical Society of Great Britain (P.A., 1954, s. 24 (1)).
Statutory Committee	the Committee of the Society constituted in the manner provided by section 7 of the Pharmacy Act, 1954 (P.A., 1954, s. 7).
United Kingdom	Great Britain and Northern Ireland. The United Kingdom does not include the Channel Islands and the Isle of Man (Royal and Parliamentary Titles Act, 1927, Interpretation Act, 1889, s. 18 (1)).
Veterinary practitioner	a person registered in the Supplementary Veterinary Register in pursuance of the Veterinary Surgeons Act, 1948.
Veterinary surgeon	veterinary surgeon registered in pursuance of the Veterinary Surgeons Act, 1881, either in the register of veterinary surgeons or in the register of existing practitioners (P. & P.A., 1933, s. 29—modified).
Writing	writing includes printing, lithography, photography, and other modes of representing or reproducing words in a visible form (Interpretation Act, 1889, s. 20).

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# A TEXTBOOK OF FORENSIC PHARMACY

## PART I

### CHAPTER I

#### PHARMACEUTICAL SOCIETY OF GREAT BRITAIN

Nothing appears more surprising to those who consider human affairs with a philosophical eye, than the easiness with which the many are governed by the few.

HUME, *Essays : First Principles of Government.*

#### **Objects, Powers and Duties**

The Pharmaceutical Society of Great Britain (subsequently referred to as "the Society") was formed in 1841 and was incorporated by Royal Charter in 1843. According to the preamble of the Charter, the Society was formed for :

1. advancing chemistry and pharmacy ; and
2. promoting a uniform system of education of those who should practise the same ; and
3. the protection of those who carry on the business of chemists and druggists ; and
4. to provide a fund for the relief of the distressed members and associates of the Society and of their widows and orphans.

By a Supplemental Charter granted to the Society in 1953 the Charter of Incorporation (except in so far as it incorporated the Society, and authorised it to have a common seal and to sue and be sued) was revoked. The present objects of the Society under the Supplemental Charter are as follows :

1. To advance chemistry and pharmacy.

2. To promote pharmaceutical education and the application of pharmaceutical knowledge.
3. To maintain the honour and safeguard and promote the interests of the members in their exercise of the profession of pharmacy.
4. To provide relief for distressed persons, being (1) members ; (2) persons who at any time have been members or have been registered as pharmaceutical chemists or as chemists and druggists ; (3) widows, orphans or other dependants of deceased persons who were at any time members or registered as aforesaid ; or (4) students.

The revised objects of the Society had become necessary by reason of changes in the composition of the membership of the Society and of extensions in the scope of the benevolent fund which had been authorised by statute.<sup>1</sup> Membership of the Society was originally limited almost entirely to persons who were in business on their own account. This is no longer the case (see below), and the original object of the protection of those who carry on the business of chemists and druggists had long since ceased to be sufficiently comprehensive to embrace the changed membership of the Society.

The Society's present constitution is almost exclusively contained in or governed by provisions of the Supplemental Charter. Additional powers and duties have, however, been conferred or imposed upon the Society by different statutes. These powers and duties include:

1. The appointment of a registrar<sup>2</sup> who is required to keep registers of :
  - (1) pharmaceutical chemists ;<sup>3</sup> and
  - (2) premises where authorised sellers of poisons carry on their businesses so far as they comprise the retail sale of drugs.<sup>4</sup>
2. The appointment of examiners to conduct examinations for registration as pharmaceutical chemists,<sup>5</sup> and the making, subject to confirmation by the Privy Council, of byelaws governing these examinations.<sup>6</sup>

<sup>1</sup> See now P.A., 1954, s. 17.

<sup>2</sup> P.A., 1954, s. 1.

<sup>3</sup> P.A., 1954, s. 2.

<sup>4</sup> P. & P.A., 1933, s. 12 (1), (2); P. & M.A., 1941, s. 1 (5).

<sup>5</sup> P.A., 1954, s. 3 (1).

<sup>6</sup> P.A., 1954, ss. 3, 4, 24 (1).



3. The enforcement of certain provisions of the Pharmacy and Poisons Act, 1933, the Pharmacy and Medicines Act, 1941, the Pharmacy Act, 1954, and the Therapeutic Substances Act, 1956.<sup>1</sup>
4. The exercise of disciplinary powers through a Statutory Committee (see Chapter II).

The Society has power to make byelaws, and to alter and amend existing byelaws for the purpose of carrying out the Society's objects and of performing its statutory powers and duties.<sup>2</sup> The byelaws are required to be confirmed by the Privy Council.<sup>2</sup>

### The "Jenkin" judgment

The scope of the Society's objects, powers and duties has been considered by the High Court in *Jenkin v. Pharmaceutical Society of Great Britain*.<sup>3</sup> The plaintiff, who was a member of the Society and, prior to the commencement of the action, a member of the Council, commenced the action for the purpose of testing whether a number of functions which the Society proposed to undertake were within the scope of the Society's powers. The judgment delivered by Mr. Justice Peterson in this case is one of the few authoritative statements of the law affecting the constitution of the Society, and a study of the judgment enables a number of general principles to be deduced apart from the specific points raised by Jenkin. Since the date of the judgment the Society's constitution has been substantially modified; in particular, the original object of "the protection of those who carry on the business of chemists and druggists" has been replaced by another, which is more in accord with the present-day membership of the Society. It appears probable, however, from a consideration of the reasoning contained in the judgment that the decisions summarised below remain unaffected by changes in the Society's constitution.

#### General Principles

1. The objects, powers and duties of the Society are in effect subject to a limitation to those contained in the Charter or in statutes.
2. The Society may not, either directly or through another body

<sup>1</sup>P. & P.A., 1933, s. 25 (1); P. & M.A., 1941, s. 15 (1); P.A., 1954, s. 25 (1), Third Schedule; T.S.A., 1956, s. 13.

<sup>2</sup>Supp. Chart; P.A., 1954, ss. 16, 24 (1); P. & P.A., 1933, s. 29, P.A., 1954, s. 25.

<sup>3</sup>(1921) 1 Ch. 392; Pharm. J., 1920, **105**, 405.