Legislative Council,

Tuesday, 26th August, 1913.

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Statutes of the University of Western Australia. 2, By-laws of the Kalgoorlie Roads Board. 3, By-laws of the Fremantle Board of Health. 4, Annual report of the Government Labour Bureau. 5, Annual report of the Department of Lands Titles. 6, Regulations under the Lands Act, 1898.

ADDRESS-IN-REPLY—PRESENTATION.

The PRESIDENT: I have received from His Excellency the Governor the following letter:—

> Mr. President and members of the Legislative Council. In the name and on behalf of His Most Gracious Majesty the King, I thank you for your Address. Harry Barron, Governor, 12th August, 1913.

BILL—FRIENDLY SOCIETIES ACT AMENDMENT.

Introduced by the Hon. J. E. Dodd (Honorary Minister) and read a first time.

PAPERS—RETIREMENT OF PUBLIC SERVANT, CAPTAIN HARE.

On motion by the Hon. Sir E. H. Wittenoom (for Hon. D. G. Gawler) ordered "That all papers in connection with the retirement of Captain Hare, ex-Commissioner of Police, and also all papers relating to the charge laid by Constable Campbell against Captain Hare be laid upon the Table of this House."

MOTION—FOOD AND DRUGS REGULATIONS.

Hon. W. KINGSMILL (Metropolitan) moved—

> *That Subsections 6, 7, and 8 of Regulation No. 16 and the whole of Regulation No. 62 of the Food and Drugs Regulations, 1913, be disallowed.*

He said: I am glad that the action which the Government have taken in respect of these regulations makes my task, if not an easier one, at all events a more pleasing one than might have been the case had the Government gone on to consider the regulations as having the force of law because they had laid on the Table of the House for 30 days. At all events, I will have this satisfaction, that I am endeavouring to avert what I consider an evil instead of expressing resentment at what I consider a wrong. In the first place it will be necessary for me, as I explained in the little debate which took place when I moved the adjournment of the House in regard to the tabling of these regulations, to somewhat amend the motion which stands in my name, and that I understand can be done by the permission of the House. I explained when I spoke before, that Regulation No. 4 was included under a misapprehension. It is a most harmless little regulation, and I have no objection to it whatever, but the regulation which I had not time to pick out was Regulation 16. Nor, indeed, do I object to the whole of Regulation 16. It is only part of it which appeals to me as being likely to do harm, and it is more with the object of extricating the Health Department from a somewhat awkward and misleading position that they have got themselves into that I am going to include this regulation in my motion, insofar as Sub-sections 6, 7, and 8 of the said regulation are concerned. For the benefit of hon. members who have not read these regu-

lations, I may state that the regulation in question deals with a subject which is at least as important, if not really more important, than the subject of patent medicines. It deals with the regulations relating to infants' food. I am sorry that copies of the regulations have not been passed round, and unfortunately I have secured for the time being the copy which has been laid on the Table, so that it may be as well if I read the regulation in order that hon. members may know with what I am dealing. The regulation is headed "Infants' Food and Invalids' Food," and is as follows :—

> Infants' food shall be any food described or sold as an article of food suitable for infants. It shall not contain more than one trace of woody fibre, nor any mineral substance which is insoluble in acid.

That is the first sub-section. That has been amended slightly by striking out the word "one" before "trace" and inserting "a" in lieu. I do not know how on earth "one trace" got into the regulation. If they put two traces in I suppose that would have something to do with harness. At all events, they saw that it was somewhat awkwardly worded and they altered it in the way I have indicated. Then sub-section 2 reads :—

> In the case of Infants' food, if any such food, when prepared as directed by any accompanying statement or label,—
>
> (a) Does not conform approximately in proportional composition to human milk, the principal label attached to every package of such food shall contain the words, "This food is ordinarily unsuitable for infants under the age of six months, and should not be given to such infants except under medical direction."
>
> (b) Contains starch in a proportion not exceeding one part per centum, but otherwise conforms approximately in proportional composition to human milk, the principal label attached to every package of such food shall contain the words, "This food is not to be given to infants under the age of one month, except under medical direction."
>
> The words inserted in the principal label in accordance with this regulation shall form the first line of such label, and be written in bold-face sans-seriff capital types of not less than six points face measurement.

I am sorry to inflict upon hon. members so much of these technicalities, but I notice all the journalistic members seem to know all about them. The regulation continues—

> 3. Infants' food shall contain no preservative or other foreign substance.
>
> 4. Invalids' food shall be food substances modified, prepared, or compounded, so as to possess special nutritive and assimilative properties which render them specially suitable for use as food by invalids.
>
> 5. Invalids' foods shall contain no preservative or other foreign substance.

To those sections I have quoted I take no exception whatever. They seem to be quite necessary, and to my mind all that is necessary for the purpose of insuring that infants and invalids shall obtain only suitable and proper foods for their nourishment. Now comes the debateable part of the regulation. Subsection 6 is as follows:—

> There shall be written on the principal label attached to any package containing any article of food described as or purporting to be infants' food or invalids' food, a statement of the names and proportions of the ingredients contained in it.

That formed the original regulation 16. Subsequently two other subsections were added to it which are as follow:—

> 7. Exemption from compliance with the provisions of the foregoing paragraph (6) will be granted upon the following conditions, and such exemption will remain in force so long as such conditions are complied with:—
>
> (a) That the particulars required by the Regulation in respect of the food for which exemption is sought be deposited with the Commissioner of Public Health.

(b) That no change whatever be made in the composition of the food without such change being notified to the Commissioner.

(c) That the manufacturer or importer of, or agent for such food, sign an undertaking that all such food sold or exhibited or intended for sale in Western Australia shall comply with the particulars deposited in accordance with the regulations.

8. All information deposited with the Commissioner under the provisions of the preceding paragraph (7) shall be kept strictly confidential by the Commissioner and shall only be used for the purposes of the Act and of these Regulations. The Commissioner or any Public Health official publishing or disclosing any such information contrary to these regulations shall be deemed to be guilty of a breach thereof.

That is the regulation, to the latter three subsections of which I take exception, and move to have the said subsections disallowed, for reasons which I will state. On the 12th May there was published in the *West Australian*, a cutting from which I am now reading, a letter from the British manufacturers of infants' and invalids' foods, and I may say that a very great proportion of the infants' and invalid foods sold in Western Australia are of British manufacture. The British manufacturers complained of this regulation and stated distinctly that they would certainly not deposit any such formulæ with the Department of Public Health. They absolutely and explicitly refused to deposit their formulæ with the Department of Public Health.

The Colonial Secretary: Are you quite sure?

Hon. J. W. KINGSMILL: I am going to deal with that. It was somewhat of a surprise, therefore, to find in the *Government Gazette* of the 20th June a notice stating that practically all these British manufacturers had deposited their formulæ with the Department of Public Health, in spite of the protest they had made and the refusal they had given, and the curiosity of certain interested people being aroused they took the trouble to write to these British manufacturers and inform them of what had been done, sending them copies of the *Government Gazette* in question. In each case—I think I am justified in saying in all cases—the reply of the British manufacturer was the same. I will read one or two samples of these replies in order to allow you, Sir, and hon. members to form an estimate of the position of the Health Department in this matter. The Health Department had stated in the *Government Gazette* that these formulæ had been lodged. On being acquainted with this statement the proprietors of Virol, an infants' food which is used in children's hospitals and Government institutions, wrote as follows:—

> We are in receipt of your favour of the 23rd ultimo, and it is also a surprise for us to learn that your *Government Gazette* contained a notification to the effect that our formula had been deposited with the department. We can assure you that our formula has not been divulged in any way and therefore the notification above referred to is incorrect. We have simply sent out an analysis in the manner agreed upon by the food manufacturers here, and, as you are aware, the analysis of Virol is no secret, as we have already published it on frequent occasions in our literature to the medical profession, etcetera. . . .

Again, this is from Savory & Moore, Ltd., who also contribute very largely to the foods consumed in Australia by infants—

> We beg to acknowledge the receipt of your favour of 23rd June. If, as you state, there is a notification in the *Government Gazette* that we have deposited the formula of our food, then the statement has been made in error. As you are aware, the principal food firms in this country held numerous meetings and decided to take common action.

The common action alluded to there is the action taken in the letter published in the *West Australian* of the 12th May, the letter of protest against the wish of the Government that these formulæ should

be lodged with the Health Department. The letter goes on to say—

> The Western Australian authorities informed us in a letter from Dr. Atkinson, that—"What is required is a statement of the amount of proteids, carbohydrates and fats found in the finished food; practically the same information as is already published in the authorities to which reference has been made." In view of this communication the food section of the London Chamber of Commerce passed the following resolution:—"That, as it appears from the recent amendments to Regulation 16 and the letters received by various members from the Department of Public Health, Perth, that the Government will accept as satisfactory the deposit of an analysis of the dry powder or food as solid, which is merely the approximate chemical analysis of the article, as is already published by most manufacturers, the members of this committee, whilst still adhering to their expressed intention not to deposit or disclose either the formula or the ingredients of the infants' and invalids' foods manufactured by them, are of opinion that it is advisable to allow any manufacturers who may decide to deposit only the approximate chemical analysis of the dry powder or food as sold, to do so." We thereupon supplied the department with an analysis of the food, which was published some years ago, showing the proportions of proteins, carbohydrates, etc., in the dry powder. In doing so we only gave the information we do not hesitate to communicate to any doctor or scientist who may be interested in infant feeding, and we took occasion to point out that the composition of the dry powder as found in the tin and that of the food prepared for use as given to the child were totally different.

Those are the formulæ which have been deposited under this regulation with the Department of Public Health and the statement published in the *Government Gazette* of the 20th June, which hon. members can very easily find for themselves, is misleading and, as can be seen from the correspondence which has passed, these proprietors have not deposited their formulæ and do not intend to do so. What they have given is what they have given to the public all along, and what was available to the Health Department before this regulation was promulgated, and no more, and, therefore, I maintain that the action of the Government over this particular regulation is undoubtedly an ignominious backdown. What I want the Government to do is to amend this regulation so that it will appear to the whole world at large that what is wanted to enable these infants' foods to comply with the regulation is not the formulæ but an analysis only, and the same with regard to patent medicines also.

Hon. F. Connor: What you want to see is more kids and less legislation?

Hon. W. KINGSMILL: Yes, something like that. That is the position with regard to regulation 16. Let me turn to regulation 62. Regulation 62 is a somewhat shorter one and deals with patent medicines. I do not think that I need read it to hon. members but the gist of it is this: that a patent medicine of any kind shall bear upon the label a complete statement of the formula used in making up that patent medicine. If that is not done exemption may be had from the regulation by depositing, as in the case of infants' and invalids' foods, with the Department of Public Health the formula from which the medicine is manufactured. The same objection has been taken in this respect as in the other, and I am sorry to say a very great many of the manufacturers of the most useful of the patent medicines have refused to lodge such a formula. One man who was speaking to me on this subject hoped that the action I was taking was not due to any party feeling. I have always endeavoured in this House to keep as free as I can from party feeling. If I were guided by party feeling in this instance I would have supported the Government to the utmost of my power, as no more deadly blow could be dealt to the present Government than that arising from a regulation such as

this, which affects the people who sent them into power more than any other class of people in Western Australia. So, if I were guided by party feeling in this respect, I would allow the Government to take their course and even support them in it. I propose to look at this patent medicine regulation from two points of view: first, that of public convenience, and secondly, which is less important, from the point of view of the effect on the trade and the business people engaged in this trade in Western Australia. First, with regard to public convenience. I have already read to hon. members, and will read again, in order that they may see what is being done, a list of some of the principal medicines which would be affected by this regulation. That list is as follows: Beecham's pills, Cockles' pills, Elliman's embrocation, Eno's fruit salts, Collis Brown's chlorodyne, Kay's essence of linseed, Powell's balsam of aniseed, Sanatogen, Singleton's eye ointment, Antiphlogistine, Scott's emulsion, St. Jacob's oil, Painkiller, Seigel's syrup, Bonnington's Irish Moss.

Hon. R. G. Ardagh: They are all good ones, what about the bad?

Hon. W. KINGSMILL: The hon. member is quite at liberty to pick out the bad ones. I am going to deal with the bad ones. Many of the bad ones are not found in this list but are hidden behind the placing of their formulæ in the possession of the Department of Public Health; that is where most of them have taken refuge. Now hon. members will at once admit, I think, that the medicines in the list I have given are medicines which deal with very many of the ailments from which men and, in some cases, animals suffer, and are largely used in towns where doctors are readily available. Some one, two, three or more of these medicines may be found in practically every household in Western Australia, not excepting Perth, where doctors are readily available. But what shall we say of the agricultural districts where doctors are not so readily available, and where it is a matter of time and expense to secure the services of a medical man; and what also can we say of those more remote parts of Western Australia where the services of a doctor are out of the question, districts such as those represented by Sir Edward Wittenoom and the Hon. F. Connor? What are the people in those districts going to do without these simple remedies which have stood the tests of years, and which will be denied them if this regulation becomes law? I say it is a most unthinkable regulation. The Hon. Mr. Ardagh asked, what about the bad medicines? I am quite prepared to allow the public to judge which are good and which are bad ones, so long as the hon. member is prepared not to debar the public from those medicines which have stood the test of years, which have alleviated suffering, and which have saved life in cases where, perhaps, they were the only chance which suffering humanity had. What formulæ may we expect to be lodged with the Department of Public Health? Does it not appeal to the common sense and business acumen of hon. members, does it not strike them, that the formulæ which will be most readily lodged with the Public Health Department will be the formulæ least valuable, the formulæ which have nothing to lose, so to speak? It is undoubtedly the man who has a formulæ which he wishes to bring before the public who will rush to the Department of Health and thrust it under the nose of the Commissioner, as long as he is satisfied that those people who possess patent medicines from which he can expect very severe opposition are not prepared to do so. This is the chance of the second rate man; I do not wish to speak disrespectfully, but this is the opportunity for the second-rate man who has not made a reputation to make a reputation, to gain, I do not say a monopoly, but a very much better footing on the market than would have been possible before, by the substitution of an inferior article when he knows that the proprietors of the better known medicines are standing aloof because they do not care to trust their formulæ to the Public Health Department. I think we may expect those formulæ to be handed

in, and we may expect another class of formulæ, namely, those lodged by persons who wish to take refuge behind the screen of secrecy with which they are supposed to be invested in the hands of the Department of Public Health. There they are to be absolutely safe. I await with interest a reply to a question I have asked the Colonial Secretary as to what steps the Government propose to take in respect to the criticism of those medicines the proprietors of which have deposited formulæ. But the Government will find themselves in a very awkward position indeed, because I do not suppose the Government analyst, being entitled to use the formulæ handed in for the purposes of the Act and regulations, would bother to make analyses except to confirm the formulæ. That being so, would not the publication of his report of those medicines be a breach of that confidence with which the Government have invested them? I fancy the Government will find themselves in a most peculiar position in regard to the reporting on those other patent medicines. It is a most unjust thing to publish scathing reports in regard to certain patent medicines which have hitherto borne a very good name in Western Australia, and to leave unscathed patent medicines which may be much worse in composition and in effect because their formulæ have been lodged with the Department of Public Health. It is a most untenable position, and the regulation which it is proposed to be imposed does not affect the purpose which it seeks to effect. I certainly will give the Government every encouragement and every assistance to stamp out patent medicines which are worthless, the effects of which are deleterious, either to the bodily system, or the financial status of the taxpayer; but I am not prepared to forfeit for the public of Western Australia these good medicines in order that a few bad medicines may be punished, if indeed they are punished, by means of these regulations. With regard to the criticisms of patent medicines which have appeared, I was going to say in the public Press—I stand subject to correction by my journalistic friends if I am wrong in alluding to the *Government Gazette* as the public Press—I do not think any of the newspapers have reprinted the criticisms which have appeared in the *Government Gazette*. With regard to these criticisms I wish to make a few remarks. It seems to me from evidence which has come under my notice that the publication of these criticisms amounts to nothing more nor less than a somewhat serious breach of faith with certain gentlemen who waited on, I think, the Hon. W. C. Angwin, some time back with regard to that section of the Act which gives the power to make these very analyses and to make these criticisms. There was an honourable understanding arrived at between the Hon. W. C. Angwin and the gentlemen who thus waited upon him with regard to the placing in operation of this particular section. Section 186, the marginal note to which reads as follows :—

> The Commissioner may examine and report on advertised food, etcetera.

It is taken from the New South Wales Act of 1908, Section 61, which gives to the Commissioner of Public Health the same power. But in the New South Wales Act provision is made that if any person thinks he has suffered wrong from criticism and report of analysis appearing in the *Government Gazette* he has power to appeal to the Supreme Court. That power of appeal is not present in our Act, and when these gentlemen waited on the Hon. W. C. Angwin, the Honorary Minister was good enough to promise them that no such criticism or report would be made until an amending Bill was brought in containing a provision for appeal to the Supreme Court in the case of people who thought themselves aggrieved. There was some doubt on this matter, so telegrams were sent to the two representatives who were present at that interview. I may say that the first of those savage attacks on patent medicines, the formulæ of which have not been lodged with the Health Department, appeared in the *Government Gazette* of 18th July. Now the

reply to one of these telegrams is as follows:—

> Referring to *Gazette* 18th July Angwin interviewed March last presence Dr. Atkinson, Huelin, Department Health, definitely and positively promised McKenzie and me provide appeal before action Section 186 Health Act eleven based similar Section Sydney Act.

That reply is from Mr. Cullenward, secretary to the Manufacturing Chemists' Proprietary Association, Sydney. There is definite evidence that this promise was given. Yet in face of this promise no attempt has been made to introduce an amending Bill giving power of appeal and this savage attack is made on these patent medicines. For confirmation here is another reply. This is from Mr. McKenzie, the McKenzie alluded to above. These two gentlemen were the delegates from the Association of Manufacturing Chemists to the Hon. W. C. Angwin. The reply is as follows :—

> In the presence of Dr. Atkinson and Secretary Huelin Minister Angwin definitely promised delegates appeal to Clause 186 on lines of New South Wales appeal.

Of course, Mr. Drew may be able to explain it away, but on the face of it it looks to me as if Mr. Angwin definitely gave this promise and then apparently either forgot all about it or, not having forgotten it, broke the promise he had given to the two delegates. I shall be very pleased to hear a satisfactory explanation from the Minister in this regard. It seems to me that in the minds of the Government it is sufficient that it is a patent medicine to condemn it. Perhaps not quite enough. In order to further condemn it, they make an analysis of it. In regard to the analyses of substances which contain and which rely for their strength on the presence more particularly of vegetable drugs, hon. members will find that such analyses are liable to be misleading in the extreme. They are very difficult to make, and the results are often absolutely contradictory to fact. I have here a summary of evidence given by John C. Umney, F.C.S., who appeared before the select committee of the House of Commons appointed to inquire into the conditions of the sale of proprietary medicines, and who appeared as witness on behalf of the owners of Proprietary Articles Section of the London Chamber of Commerce, Incorporated. Mr. Umney appeared before the committee, which had been specially selected on account of their scientific qualifications, and he was himself specially selected on account of his scientific qualifications. I suppose there is no greater authority to-day in Great Britain on pharmaceutical chemistry than Mr. Umney, and his qualifications would almost take me too long to read. However, amongst other things, he was the first chairman of the Proprietary Articles Section of the London Chamber of Commerce, and was then chairman of the Chemical Trade Section and of the Toilet Soap Trade section. He was past president of the Proprietary Articles Trade Association, and past president of the Wholesale Druggists' Association of the United Kingdom. He was president of the British Pharmaceutical Conference. He was bronze and silver medallist in practical chemistry of the Pharmaceutical Society, a pharmaceutical chemist by examination, a Fellow of the Chemical Society, and a Fellow of the Society of Public Analysts. He was a member of the Committee of Reference in Pharmacy for the *British Pharmacopeia,* adviser in Pharmacy to the Local Government Board of Ireland, and many other things. Those I have mentioned are sufficient to prove his ability to give evidence, and the reliability of the evidence he offered. Speaking in connection with the value of analysis in the case of these patent medicines, the very subject we are now discussing, Mr. Umney gave an informative answer to a question by Sir Philip Magnus. Sir Philip Magnus said—

> The question, so far as I understand it, is this—whether it is or whether it is not possible by physiological experiment or chemical analysis to ascertain the ingredients of any particular drugs.

Mr. Umney: I say that by chemical analysis in many instances it is not possible. By certain knowledge of

drugs arising from handling them it is possible. Some of these drugs which cannot be determined by chemical analysis, can be determined by physiological tests.

Mr. Lynch: Would you like to exclude that from the armoury of analytical chemists? Mr. Umney: I don't exclude it; Mr. Harrison does.

Harrison is one of the leading analysts in Great Britain, the gentleman who carried out the analytical inquiries which resulted in the publication of two charming works, entitled *Secret Remedies*, and *More Secret Remedies*, copies of which hon. members will find in the library, and copies of which have been on sale at 1s. 6d. apiece from practically all the wholesale chemists. It will be seen, therefore, from that little extract, that Mr. Umney is not a firm believer in the value of analyses. He goes on to say something in connection with one definite instance, the analysis of a delectable substance called Woodward's Celebrated Gripe Water, and the following conversation took place. It appears that Umney objected to the analysis which had been put in by Mr. Harrison of Woodward's Celebrated Gripe Water, and said it was wrong, whereupon the chairman of the select committee said, "Well, if you are not satisfied with Mr. Harrison, we will refer it to another well-known analyst." That was done, and subsequently the chairman said he had now seen an official analysis of Woodward's Celebrated Gripe Water, and he read it out to the witness. It was a preparation which had been mentioned by Mr. Umney, in connection with which he charged the analysis made by Mr. Harrison and supported by him before the committee with inaccuracy.

Having now read out the result of the Government analysis of the preparation he (the Chairman) asked Mr. Umney whether he desired to make any comment on it.

Witness said the only comment he could make was that the Government analysis was not more correct than Mr. Harrison's. The particular ingredient that was in the preparation had not been found, and another which was not in it had been mentioned. There were certain things that could not be determined by analytical methods.

The Chairman: Then you say the analysis—both official and unofficial—an analysis of the highest skill, is incorrect in important respects?—Analysis of the highest skill?

The Chairman: Well, of the highest skill available to the committee.

Witness said it was rather difficult for him to criticise the Government analysis, but he was astonished that the Government official had not found the particular constituent which was in that mixture, and had reported that there was an ingredient in it which was not there.

Mr. Newton: You say you expected the analyst to discover this particular substance?—Yes.

Would you expect him to use the methods of the chemical analyst or of the trained expert?—It is a little difficult for me to say. He would not have found it by the ordinary methods of chemical analysis. I should have expected he would have found it by other means available to him, and what the Government laboratory has been in the habit of using for many years in connection with the supervision of pharmacy.

Mr. Glyn-Jones: When you say there is an ingredient present of therapeutic importance which neither of these analyses disclose, do you say it of your own personal knowledge?—Yes.

Have you checked this preparation in your own laboratory?—I have myself examined it and I can taste and smell this particular thing. I am very familiar with it.

There is sufficient of it to be tasted and detected by smell on the part of persons who are accustomed to it, and it is sufficient in quantity to be of therapeutic value?—Certainly.

Dr. Chapple: And it has not been detected here?—No.

There is a definite, concrete example of how much faith can be put in analyses by

the highest possible skill available in England, which I suppose is at least equal to the highest possible skill we may expect to find in Western Australia. I have alluded to *Secret Remedies* and *More Secret Remedies*, which has been the text-book, I understand, of those who are promulgating these regulations, a book widely quoted from and which I have said has been at the service of the public for a good many years past, without, so far as I can gather, any great depreciation in the sales of those patent medicines with which it deals. This book makes a strong point of this fact that in many of these patent medicines the cost of the alleged ingredients—I say alleged ingredients because my remarks I think have gone to show that the analyses upon which the detection of these ingredients are based may be and are in many instances wrong—the cost of these alleged ingredients is very much less than the cost of the finished article. That is a state of affairs which would obtain also in the case of doctors' prescriptions made up by a chemist. The cost of a doctor's prescription made up by a chemist, for which we have the pleasure and privilege very often of paying half a crown or 3s. 6d. in many instances does not amount to more than twopence or threepence, so that we are dealing with the matter of the cost of the ingredients on practically common ground. Mr. Umney makes some illuminating remarks on this question, as follow :—

> With reference to the prices of the ingredients mentioned in *Secret Remedies* he maintained that the estimates of cost in that book were absolutely ridiculous. Some of the substances most difficult to determine the presence of might be the most expensive. He did not suggest that uniformly it was so, but in many cases probably it was the fact that the ingredients that had not been discovered were the most costly ones.

I think I may dismiss, as being common to both the state of affairs which obtains at present and that which the Government wish to bring about, this question relating to the cost of the ingredients, except to say that in *Secret Remedies* and other publications and speeches in which this subject is dealt with, the cost of advertising and the cost of preparation are invariably lost sight of. It is simply the cost of the raw ingredients which is dealt with. I have had much pleasure and a good deal of amusement in reading a certain speech made in defence of this regulation some little time back, and I was somewhat puzzled, so puzzled that I had to seek expert advice, with regard to patent medicines which were used as awful examples of how bad patent medicines can be. The Hon. Mr. Ardagh accused me just now of dealing only with the good patent medicine. I will now take some of the awful examples dealt with and ask hon. members if they have ever heard of them. In the speech to which I am alluding constant reference was made to a medicine called Mer-syren. I have never heard of such a preparation in my life. I have been to two firms of wholesale chemists to make inquiries and they have informed me they have never heard of it and never been asked for it. They do not deny that such a medicine exists—if it does, they know nothing of it, and dealing as they do with practically the whole of the chemists in Western Australia, they have never had an enquiry for it since they have been in business. Another allusion was made to a medicine having the cheerful name of Microbe Killer, alleged to be sold at four and six a bottle and which cost an infinitesimal fraction of a penny per bottle to make up.

Hon. F. Davis: Is it Radum's Microbe Killer?

Hon. W. KINGSMILL: I believe it is. On inquiry I find that the last sales of this article occurred ten years ago, since when they have used some other, to paraphrase a common expression, but so far as my informants could ascertain, for the last ten years Microbe Killer had gone out of use, so to speak, so I do not think these two horrible examples brought forward are of very much value towards

making up a case for this regulation and it all goes to prove that, after all, the public can be trusted—I believe it is one of the creeds of the hon. gentlemen bringing in this regulation that the public are to be trusted—it goes to prove, I say, that the public can be trusted in the long run to find out for themselves what is good and what is bad, and to find out as a rule very definitely and fairly quickly. It is a funny thing, but in this book *Secret Remedies*, which hon. members will pardon me for again alluding to, the same thing obtains. I am again going to quote Mr. Umney. Mr. Umney was questioned and he replied as follows:—

> Do you make a distinction between your productions which are well recognised and nine-tenths of the others?—I have never even heard of five-sixths of the remedies mentioned in *Secret Remedies*, therefore I do not associate myself with them.

It goes to show on what peculiar lines this campaign against patent medicines is being conducted. It is never a decent patent medicine in daily constant use, it is the obscure medicines, if I may again make use of what appears a mis-quotation, which have "shone the comet of a season" and then disappeared for ever into oblivion, which are resurrected for the purpose of the advocates of this regulation. It is absurd in the highest possible degree, it is misleading, it is beating the air to make these assertions with regard to all patent medicines, because certain patent medicines which existed metaphorically speaking for ten minutes and then went out of use, contained ingredients which were cheap or which did not effect the purpose which they were supposed to, and therefore rendered the medicine of no use, a fact which was promptly recognised by the public on which they were sought to be inflicted. Let us for a moment consider who are in favour of this regulation. What section of the community is in favour of it? Outside of professional men and the Health Department—perhaps I should not say that, but outside of professional men, including the Health Department—I can find practically nobody in favour of the regulation. Indeed, many of the retail chemists are not in favour of it. Certainly some of them are. I had a very interesting discussion the other day with a retail chemist of some importance, in fact, of considerable importance, and he was putting up a spirited defence of this regulation. It took quite a while to put it up and the effect was spoilt subsequently by an unguarded admission that as soon as the regulation passed he had a patent medicine which he himself proposed to put on the market. That shows, if I may be pardoned a vulgarism, which way the cat jumps. Mr. Umney's evidence is somewhat illuminative as showing the state of affairs in Great Britain. I do not for a moment say that it obtains here, but in Great Britain Mr. Umney is of opinion that the following state of affairs obtains:—

> Is your point of view in regard to the interest of patent medicine vendors or of the public?—I look to the interests of the public. I say that the public is not harmed by the present trade in these proprietary medicines insofar as they are sold by reputable people.

Dr. Chappell, the medical member of the select committee, asked him—

> Supposing it were possible to-morrow to abolish all existing proprietary articles, who would suffer most?—I would rather say who would benefit most. (Laughter.)
>
> But who would suffer most—the public?—Certainly.
>
> Who would benefit most?—The medical profession unquestionably.
>
> Do you really suggest that if you abolished such things as Mother Siegel's Syrup to-morrow the people who now use Mother Seigel's Syrup and all the advertised remedies for simple ailments would go to doctors?—I think many of them would go to doctors.
>
> Would they not go to dispensing chemists?—I do not think they would.
>
> Do you suggest every person who wanted a remedy would go to a doctor instead of to a dispensing chemist?—It depends upon the class of patient. Under the Insurance Act a great many

of them would probably go to a medical man.

We have no Insurance Act here now, but I understand we are likely to have one.

If you could abolish all the advertised remedies for disease to-day, I suggest 99 out of every 100 of those who consume them would not go to the doctors but to pharmacists?—I do not agree with you at all. If I thought they would all go to the pharmacists I might not appear here, because my trade is almost entirely with the pharmacists. (Laughter.)

That, therefore, is what Mr. Umney thinks obtains in England. I do not know whether that is so or not, but if it is so in England, it possibly may have some little determining influence in Australia, and I want to point out that, after all, these recommendations are made by medical men and I would ask, while recognising that the practice of medicine is a noble profession, one of the noblest professions, still, the nobility of a profession does not exactly rob those who practise it of having some little trace of business instincts. Dr. Ashburton-Thompson, who in himself was a Royal Commission, with regard to uniform standards for food and drugs, has dealt with this Western Australian regulation in his report and he says as follows:—

> However, the regulations made in Western Australia require very careful examination and consideration.

He says that practically Western Australia would do well to consider before she rushes as she is proposed to be rushed, towards this step which is rash in the extreme and fraught with consequences which may be inconvenient and even more than that to the general public. It is stated that if uniformity throughout Australia were obtained this regulation would be a good thing. Personally I am not of that view, but I am prepared to admit that if uniformity throughout Australia were established, I would be prepared to look with a more kindly eye on a regulation of this sort. Under the present legislation in Australia, however, there is absolutely no chance of uniformity coming about until legislation in some of the other States is passed. It will need, I think, further legislation as regards the Act—not as regards the regulations—but the Act itself in Victoria. It will undoubtedly need it in New South Wales. New South Wales is explicit on the point. It declares that it is not necessary for proprietors of patent medicines to put in the formulæ. In Section 5, which is the adulteration and false description section of the Act of 1908, it is set out—

> Provided further that nothing in this Act shall be construed as requiring proprietors or manufacturers of proprietary foods or drugs which contain no unwholesome added ingredient to disclose their trade formulæ, except in so far as the provisions of this Act may require to secure freedom from adulteration or false description.

Hon. members will see, therefore, that it is absolutely necessary for those words to disappear from the New South Wales Act before uniformity throughout Australia can be obtained. We will have ample notice of that, and then will be the time to take the steps which the Government propose to take, to rob the people of the use of these drugs and patent medicines which have been doing them good for years past. With regard to the effect of them on the community I have little to say, but if these regulations are made uniform throughout Australia I think chemists and doctors will profit and the public will pay. On the other hand, if there is not uniformity, consider the state of affairs that will obtain. People in towns and in agricultural districts and in the bush must have these patent medicines, and where are they to get them? If they cannot get them here the obvious course for them to follow will be to get them through the post from the other States. I ask hon. members, are they going to take the step which will have the effect of forcing their constituents to that inconvenience, and further expense, as well as to subject the business people of the State to a loss? It is an untenable and impossible proposition. I do not claim that all patent medicines are good, but I venture to say that those that are

good outnumber by far those that are bad. I venture to say that we can trust the public to discriminate between those which are good and those which are bad. We can trust the public, and I am prepared to trust them. I do not propose to treat them as fools and children who know not what is good for them. I credit them with having common sense and powers of observation, and if I may use the expression, some "nous," which will enable them to find out what is good and what is bad. Let me say also that I personally, and I believe many of the members of the public are of the same frame of mind, do not wish to have dictated to me what patent medicines I shall take and what I shall leave alone. I most certainly think that having found that a patent medicine is good for any ailment I may be suffering from, it is a hard thing if I am to be debarred from taking that medicine in the future. The effect of the mind on the body is more and more being recognised even in medicine itself. A great deal depends with regard to the taking of medicines on the frame of mind of the patient. There is no doubt about that, that the mental effect is being more and more recognised daily even by scientific persons. Since this motion has been placed on the Notice Paper, I have received a great many communications, many of them verbal, from my friends with regard to it. I have noticed that many have been changing their minds—I am referring to those who argued about the efficacy of, and the good which is contained in the regulations. At first they said that all patent medicines were bad, then they said that some of them were bad, and then they said that they did not believe in some patent medicines because there were published in connection with them such misleading advertisements. If the Government confine themselves to prohibiting the publication of misleading advertisements, I would give them every assistance in my power. Let them do that. That would be an easy thing for Parliament to do, and I am of opinion that it would be a very desirable thing too. I think the advertisements which state that patent medicines cure cancer and consumption should be prohibited, but to effect that object I am not prepared to be deprived of the benefit of many of the medicines which I have mentiined. The action of the Government reminds me of the story of the Chinaman related in one of Charles Lamb's most delightful essays. This Chinaman found the remains of a pig partly incinerated in the rooms of a burnt house, and on all subsequent occasions whenever he desired roast pork, he put a pig inside a house and burnt down the house. The action of the Government is reminiscent of that. In order to achieve what is after all an easily achieved object, the Government are going to ruin the business of some people, and I venture to say the health of others. I think they are wrong. If they will adopt a reasonable way of getting the result that they desire, I shall be pleased to give them every assistance in my power, but I do not propose to help them in what I think is an unjust step towards the people. And how inconsistent is this step when we find that Government institutions are accepting tenders for two years from June last for the supply of many of these patent medicines which the Government now condemn because the formulæ have not been deposited. Can inconsistency be greater? How can the Government reconcile their actions in this respect? Will they rob the patients in those institutions of the benefits that they have been receiving from these medicines, or will they stultify themselves by accepting the patent medicines after having prohibited the general public from using them? The position is ridiculous and untenable. To what extent will this craze of the Government go? Having already provided for invalids' foods and infants' foods, will the Government go further? Will they make another regulation to apply, shall we say, to condiments? Will they solve or endeavour to solve the question which has been agitating the minds of the manufacturing people for years? Will they ask for the secret of Lea & Perrin's sauce to be lodged with the Department of Public Health?

Hon. F. Connor: A lot of it is made in the State to-day.

Hon. W. KINGSMILL: I do not think the hon. member is right in saying that. I was referring to Lea & Perrin's Sauce, not to the innumerable imitations which are on the market, and which do not command the same sale as the genuine article even at a lower price. As I was about to say, what greater argument is there for the inefficacy of analysis than the existence of this secret for many years and the fact that it is valued at half a million. Then again, why do not the Government demand that the manufacturers of benedictine and chartreuse should deposit their formulæ before selling these articles in a hotel? The injudicious use of these liqueurs or the consumption of a great quantity in too short a time would have a much worse effect on the human frame than say the consumption of sanatogen.

Hon. F. Connor: How do you know?

Hon. W. KINGSMILL: I am venturing an opinion. It is with diffidence and with fear and trembling that I venture the opinion in the presence of a recognised expert like my hon. friend. Then, what guarantee of secrecy do the Government give? They speak of secrecy except for the uses and purposes of this Act and regulations. I do not know what that means. Furthermore, when a man has a valuable formula is he likely to deposit it with the Government when recently the text of a certain agreement, which would be more carefully guarded than these formulae, found its way into a section of the Press. What guarantee have we that the Government which lets slip secrets in this way, secrets which it wishes to keep, will not let out in a similar way the trade formulae? Is it encouraging for the proprietors of patent medicines who have valuable formulae, or will it be expected of them to lodge these formulae with the Government when instances such as the publication of the powellising agreement, which I understand caused some members of the Government great agony, are on record? With such instances before their eyes, would the manufacturers be expected to rush in and deposit their formulae with the Department of Public Health? I say it is not reasonable and it is not fair to expect, and it is not fair to the public of Western Australia to rob them of the use of these good articles, which I have mentioned, because the proprietors do not deposit their formulæ. In conclusion, I would point out to members that if this regulation is agreed to, and we do not disallow it, it means the disappearance, so far as the public of Western Australia are concerned, of the most valuable remedies and patent medicines that exist on the market to-day. I think members will see that the list which I have read to them, and which I do not want to read again, contains some of the most valuable remedies that one can possibly think of in the way of patent medicines, and I ask the House to hesitate before depriving the people of Western Australia of the chance of the use of those valuable remedies that have stood the test of time and experience, and have saved life and alleviated suffering all over every part of this great State.

Hon. F. Connor: Principally in the back places.

Hon. W. KINGSMILL: In the back places, but even in the towns too, and in the agricultural districts those patent medicines have done much for the public of Western Australia, especially in the remote parts, and I ask the House to hesitate before they deprive the public of the benefit from them, and in a lesser degree, deprive the business people of the State of whatever modicum of business they derive from the sale. I ask the House to consider the benefit to the public, and whether they will rob the public by assenting to the regulation which is foolish in the extreme. I ask therefore that my motion be carried.

Hon. F. CONNOR (North): I second the motion.

On motion by the Colonial Secretary, debate adjourned.

BILLS (4)—FIRST READING.

1, Wagin Agricultural Hall Transfer.

2, North Fremantle Municipal Tramways Amendment.

3, Roads Closure.

4, Fremantle Harbour Trust Amendment.

Received from the Legislative Assembly.

BILL—FISHERIES ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This short amending Bill is introduced chiefly for the purpose of substituting the length for weight as the determining factor in respect to fish. There are, however, also one or two formal amendments as well as others deemed necessary by the department if the preservation of fish in our territorial waters is to be assured. I direct the attention of members to Clause 3. This is merely a formal amendment deleting the words "net and line" in the headline of part 3 of the principal Act. Part 3 deals not only with net and line fishing, but also with the taking and capturing of fish by fixed engine, or other appliance. Hence the words proposed to be deleted are misleading. Clause 4 proposes new provisions in substitution of Sections 8, 9, and 10 of the principal Act. It has been found that Sections 8 and 9 as they now stand overlap, in that both deal with the closing of waters and the restriction of the methods of capture. The result has been that sometimes difficulties arise owing to this overlapping and to the general lack of clearness in the sections when prosecutions for offences against the Act are contemplated. Under the proposed amendment this difficulty is removed. The proposed new Section 8 deals with the closing of waters for the taking of specified fish by specified means of capture, while the proposed new Section 9 provides a means of closing specified waters absolutely. Proposed new Section 10 is intended to regulate the taking of crayfish. Under the law now there is no middle course—the taking of crayfish is either entirely prohibited or entirely unrestricted. At tourist resorts this has been found unworkable. For instance, the waters around Rottnest are closed against the taking of crayfish even for domestic purposes. It is necessary and desirable to protect the crayfish industry, but it is considered the resident population of Rottnest and also those visiting the island for health and recreative purposes, ought to be permitted to take crayfish from the reefs for their own use. The quantity thus taken would not hurt the industry in the least. Proposed new Section 10 will enable this to be done. Clause 5 makes provision for the forfeiture to the Crown of all nets, lines, engines or implements of capture found in prohibited waters or used in any proved case of breach of the Act or regulations. Clause 6 is the crux of the amending Bill. It proposes to substitute legal "lengths" for legal "weights" of fish. This, of course, does not apply to crayfish indigenous to Western Australia, which are difficult to measure. The reason for the change is not only that it is more easy to judge the length of a fish than its weight, but it is well known the majority of edible fish decrease materially in weight on being exposed to the air. So that, fish which when taken may scale the legal weight might easily be found under weight owing to shrinkage by the time they reach the market. But there is no shrinkage in length. Legal "length" has been in force in New South Wales fisheries legislation for some years past, and the system is working well. The Victorian authorities are also considering the desirability of adopting "length" in substitution of "weight." Those briefly are the provisions of this short Bill. There is nothing controversial in its provisions, which are submitted as the result of experience in the working of the present Act, as necessary and desirable for the preservation of the fishing industry. I beg to move—

That the Bill be now read a second time.

On motion by Hon. W. Kingsmill, debate adjourned.

BILL—GAME ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew), in moving the second reading, said: There are really only two important amendments of the original Act in this Bill. One gives power to the Minister to grant permits to kill kangaroos for food purposes on reserves for native game; the other takes cognisance of the fact that farms are being established for breeding native game for commercial purposes, and makes certain provisions which will assist the development of what must prove to be a valuable industry. The remaining clauses are to a large extent machinery ones. Clause 2 amends Section 4 of the principal Act and more clearly defines the word "game" as used in the Act; it also defines "bird" or "animal" in relation to the Act. Clause 3 amends Section 6 under which the Governor has power by proclamation to declare (a) a close season for any particular native game, (b) any one or more portions of the State to be reserves for native game or any particular native game, and (c) that any bird or animal indigenous to Western Australia shall be strictly preserved either generally throughout the State or in one or more portions thereof. The proviso in Section 6, however, only gives power to exempt from the operation of any such declaration that much of the section as is found in paragraph (a), that is, in regard to a close season for any particular native game. It is equally desirable that power of exemption should be extended to paragraphs (b) and (c), so that there may be the requisite authority to exempt from the operation of any declaration made under those paragraphs any particular portion or locality. In other words, power being given to make a certain declaration, power ought also to be given to remove it whether wholly or in parts, should it be considered expedient to do so in the public interest. Clause 4 gives power to the Minister to grant licenses to kill kangaroos on reserves for food purposes and also power to revoke such licenses. The privilege may be abused and it may be necessary to cancel the permission granted, and this amendment will give the Minister power to do that.

Hon. C. A. Piesse: What will be done with the skins in those circumstances?

The COLONIAL SECRETARY: The skins may be sold, but we intend to introduce legislation with the object of keeping a strict supervision so that the privilege we are now conferring may not be abused. Former legislation made provision in this respect; the Minister could grant permits, but he cannot do so now, and the killing of kangaroos for any purpose is absolutely prohibited. I do not think it is necessary to stress the point that if power is not given to the Minister to grant licenses for the killing of kangaroos for food purposes a great hardship will be imposed on the people in country districts. Another important feature of Clause 4 is set out in Subclause 5, which says that no person shall sell or buy kangaroo skins except pursuant to conditions prescribed by regulation. This may appear to be arbitrary, but it is essential to prevent the destruction of kangaroos for the sake of their skins. In the past permits have been abused. They were obtained on the understanding that they would be used for food purposes only——

Hon. W. Kingsmill: And I do not think the permits were revocable.

The COLONIAL SECRETARY: No; they went on for all time, but, under the Bill, they may not last any longer than a year. They may not be given for that long, but a year is the limit. The proposed Section 12B provides for the granting of licenses to keep native game. This will enable the Minister to grant licenses under certain conditions to keepers of native game farms. They will be exempted from the liability to observe any proclamation under Section 6 of the Act; in other words, they will be exempt from the operation of the close season or prohibitory provisions. This proposed section also provides for granting to such licensees a license to take or trap native game, opossums, etcetera, from Crown lands for the purpose of stocking their farms. It is fairly well known that a project is afoot for establishing farms for

the breeding of opossums and other native game on commercial lines, and the industry promises to be an important one and to add considerably to the wealth of the State. It is essential that these opossum farmers should be able to dispose of game from their farms and that they should have power to obtain game for stocking purposes from Crown lands. Regulations will be framed to insure that the privileges granted in this direction will not be abused. Clause 6 proposes a new section to follow Section 14, providing for the imposition of penalties on persons dealing in, or having in their possession, native game during the close season, and Clause 7 makes similar provision for the insertion of new subsections to follow Section 17. This clause provides the necessary power for the granting by a justice of warrants to search any place where there is reasonable ground for suspecting there is any game taken or killed contrary to the Act, and to seize any such game. It further provides for the forfeiture of game on conviction and for the disposal of game seized. Clause 8, by the deletion of the word "is" between "or" and "illegally" in the seventh line of Section 23, makes an amendment of the principal Act so as to more clearly express the intention of the section. Clause 9 amends Section 24, giving wider powers for the framing of regulations to give effect to the Act. Clause 10 is a formal one, providing that future reprints of the Act shall contain the amendments embodied in this Bill. I beg to move—

That the Bill be now read a second time.

On motion by Hon. W. Kingsmill, debate adjourned.

ASSENT TO BILLS.

Assent to the following Bills of last session reported:—

Agricultural Bank Act Amendment.

Appropriation.

District Fire Brigades Act Amendment (No. 1).

District Fire Brigades Act Amendment (No. 2).

Electoral Act Amendment.

Employment Brokers' Act Amendment.

Game Bill.

Government Trading Concerns.

Government Tramways.

High School Act Amendment.

Hotham-Crossman Railway Extension.

Industrial Arbitration.

Inebriates.

Interpretation Act Amendment.

Jetties Regulation Act Amendment.

Kalgoorlie and Boulder Racing Clubs Act Amendment.

Landlord and Tenant.

Land and Income Tax.

Loan, £5,600,000.

Melville Water and Freshwater Bay Road.

Moneylenders.

Municipal Corporations Act Amendment.

Native Flora Protection.

Newcastle-Bolgart Railway Extension.

North Fremantle Municipal Tramways Act Amendment.

Pearling.

Permanent Reserves.

Perth Streets Dedication.

Roads Act Amendment.

Roads Closure.

Shearers' Accommodation.

Statutes Compilation Act Amendment.

Victoria Park Tramways Act Amendment.

Wagin-Bowelling Railway.

Water Supply, Sewerage and Drainage.

Workers' Compensation.

Workers' Homes Act Amendment.

Wyalkatchem-Mount Marshall Railway.

House adjourned at 6.13 p.m.