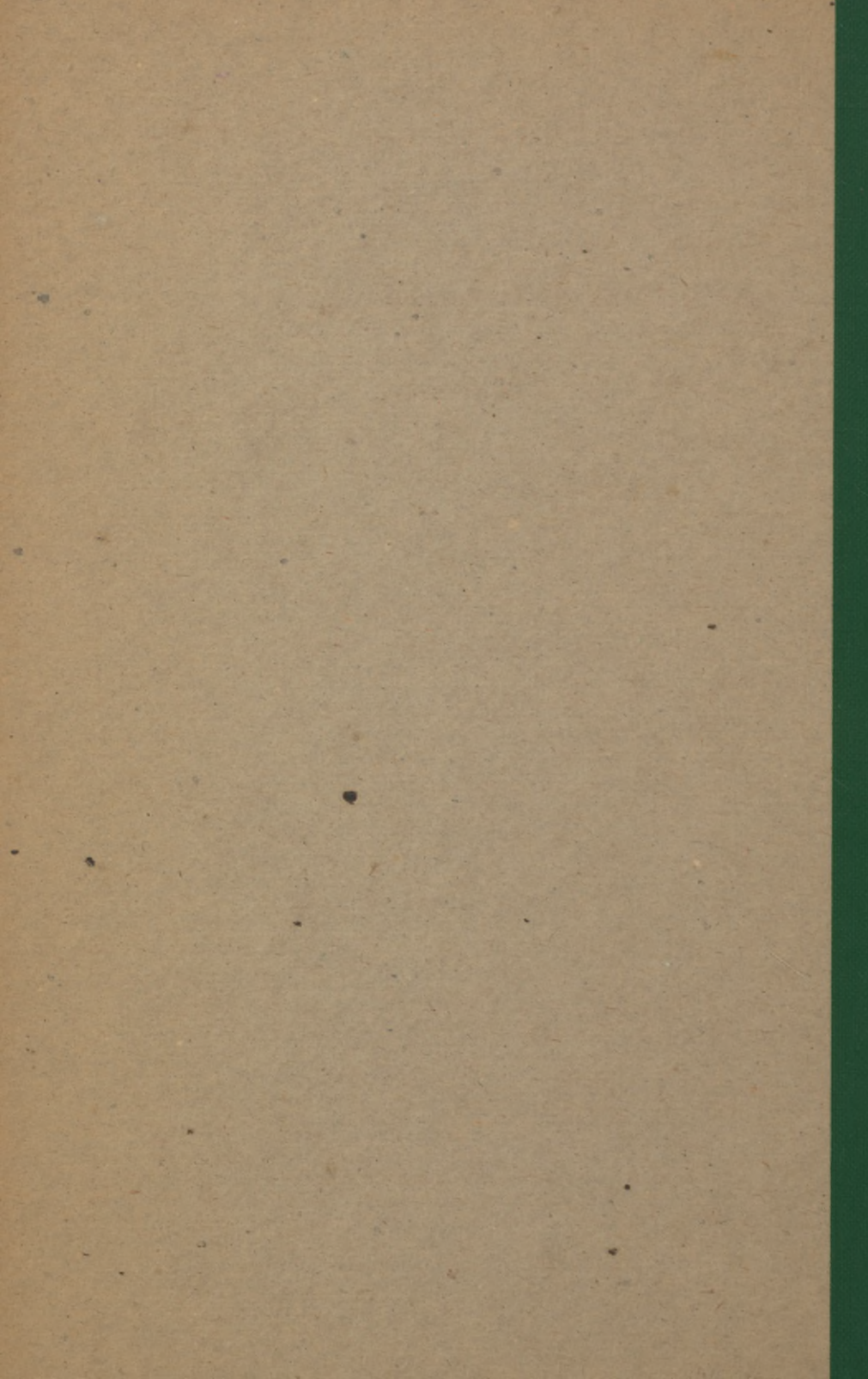


Philadelphia county medical
society.

Report of the delegates
1895.

Soc. & Mus.)



PHILADELPHIA COUNTY MEDICAL SOCIETY.

N. E. COR. THIRTEENTH AND LOCUST STS.,
PHILADELPHIA, PENNA.

JAMES C. WILSON, M.D., President.

T. B. SCHNEIDEMAN, M.D., Secretary.



DEAR DOCTOR:

As a member of a constituent society represented in the American Medical Association, your attention is asked to a matter in which every such member has a measure of personal responsibility. You will find the history and present status of the question at issue set forth in the annexed report of the delegates of the Philadelphia County Medical Society, made on their return from the last meeting of the American Medical Association, held in San Francisco in 1894. In this connection we would call your attention to the following salient points:

1. The Code of Ethics—the moral and organic law of the American Medical Association—as is well known, not only prohibits physicians from employing secret nostrums, but declares that “in any way to promote the use” of such nostrums is reprehensible.
2. The advertising of such nostrums in the *Journal of the American Medical Association*, which is taking place, is certainly an attempt to promote their use. The Association appears, therefore, at least tacitly to permit the Editor and Trustees of its official journal to transgress, in the conduct of the *Journal*, the law laid down for our guidance as physicians.
3. The attention of the Association having been called to the inconsistency of its course in this regard, resolutions were unanimously adopted at the Detroit (1892) meeting, instructing the Trustees of the *Journal* in future to respect this prohibition of the Code in the discharge of their trust.
4. Thereupon the Trustees appear to have evaded this command by adopting as their governing policy the rule “That an advertisement of a proprietary medicine shall be accepted in the discretion of the

Committee when the proprietors thereof shall furnish the complete formula." The advertisement of secret nostrums in the *Journal* continuing, the Trustees have, presumably, become accessory to the secrecy, inasmuch as complete formulæ of the preparations referred to are not published. Plainly, persistence in the present course results in an abrogation by indirection of a fundamental provision of the Code, which should either be strictly enforced or frankly repealed.

The contention of the Trustees that without the income derived from this particular class of advertisements a deficit would result, does not in any way meet the ethical issue; nor does the precedent of other journals, including the organ of the *British Medical Association*, furnish a justification for the course adopted.

The question under consideration is not one of money but of morals; the American Medical Association cannot afford to sell its honor under any circumstances or for any price. But would not the apparent financial sacrifice entailed by an honest and hearty observance of the spirit and letter of the Code of Ethics in the conduct of its journal be compensated by an increase of subscriptions thereto, brought about by higher respect and enthusiasm for it on the part of members of the constituent societies?

Do the members of your Society—County or State—desire the continuance of the present policy? If not, it is hoped that the subject will be discussed by you at an early meeting, and formal action taken upon it.

Hoping to be promptly advised of your action,

We remain sincerely yours,

(Signed) CHARLES H. THOMAS, M.D.,
JAMES TYSON, M.D.,
RICHARD J. PHILLIPS, M.D.,
S. SOLIS-COHEN, M.D.

*Committee appointed by the Philadelphia County Medical Society
to carry out the recommendation in the following report.*

MARCH 11, 1895.

REPORT
OF THE
DELEGATES REPRESENTING THE
PHILADELPHIA COUNTY MEDICAL SOCIETY
IN THE
AMERICAN MEDICAL ASSOCIATION.

THE undersigned, delegates to the American Medical Association, who attended its meeting held in San Francisco, June 5-8, 1894, respectfully report :

The general character, attendance, and work accomplished by the meeting have already been laid before the members in detail in the *Journal* of the Association.

The questions as to revision of the Constitution, By-laws, and Code of Ethics of the Association were decided adversely to any change, but are likely to be reopened by amendments introduced at that meeting, and in this way to come before the approaching meeting of the Association.

In the matter of the policy of the *Journal* with reference to objectionable advertisements, your delegates endeavored to carry out the expressed will of the Society, and believe that all was accomplished in bringing the matter to the attention of the Association that it was possible for so small a delegation to accomplish.

At the meeting of this Society, May 23, 1894, the following resolution was adopted :

Resolved, That the Philadelphia County Medical Society instructs its delegates to San Francisco to co-operate with the delegation of the Pennsylvania State Medical Society in bringing before the Judicial Council the questions relating to the conduct of the Association *Journal*, and that Dr. Edward Jackson be designated to represent this Society before the Judicial Council, with power to obtain the assistance of other members of the American Medical Association.

The attention of the delegates of the Medical Society of the State of Pennsylvania being called thereto, a committee to represent that Society, composed of Drs. Edward Jackson, John T. Carpenter, and Lewis H. Taylor, was appointed. These delegates, representing the County and State societies, then prepared the following statement, which was submitted to the Judicial Council :

The undersigned, appointed to represent the Medical Society of the State of Pennsylvania and the Philadelphia County Medical Society, respectfully submit to the Judicial Council of the American Medical Association:

That the Code of Ethics of the American Medical Association in the chapter "Of the Duties of Physicians to Each Other and to the Profession at Large," Article I., Section 4, declares it is "reprehensible for physicians to give certificates attesting the efficacy of patent or secret medicines or in any way to promote the use of them."

That the use of such secret medicines has been promoted by their advertisement in the *Journal of the American Medical Association*, and that the American Medical Association at its meeting in 1892 adopted the following resolution:

"Resolved, That the attention of the Trustees of the *Journal of the American Medical Association* be directed to the fact that the Code of Ethics prohibits all commendatory mention or advertisement of secret preparations, and that said Trustees are hereby instructed to respect said prohibition in the future conduct of the official journal of this Association."

At the meeting of the Association in 1893 the Trustees of the *Journal* reported that they had instructed the editor that "when the editor is in doubt about the character of an advertisement he shall refer the same to the Committee on Advertising, and that an advertisement of a proprietary medicine shall be accepted in the discretion of committee when the proprietors thereof shall furnish the complete formula."

This action led members of the Association to hope that such advertisements would be stopped. Nevertheless the advertisements of such secret medicines continue to be published. See advertisements in the issue of May 5, 1894, of Labordine, page ii.; Antikamnia, page iii.; Perpœna, page xxii., and others.

Either the rule reported by the Trustees has not been enforced, or it was framed and intended to permit the continued violation of the Code of Ethics and expressed will of the Association.

If the proprietors of secret medicines have furnished complete formulas of the same, these formulas have not been published. The medicines remain secret, and the Trustees of the *Journal* have become not merely promoters of their use, but partners in the secrecy.

Furthermore, that in the *Journal* for April 7, 1894, advertising page vii., appears an advertisement of the American Physicians' Sanitarium Association, offering to "treat and cure all forms of narcotic and alcoholic inebriety," and promising "250 SHARES (\$100 each) RESERVED TO ISSUE FREE TO PHYSICIANS SENDING THE FIRST 250 PATIENTS (one share for each patient sent). All stock received at par in payment for treatment charges."

It is submitted that such use of the *Journal* of the Association in opposition to the purposes and organic laws of the Association constitutes a breach of trust on the part of the Trustees of the *Journal*, and should be so declared by the proper tribunal, viz., your honorable body.

(Signed) EDWARD J. JACKSON, M.D.,
JOHN T. CARPENTER, M.D.,
LEWIS H. TAYLOR, M.D.,

For the Philadelphia County Medical Society and the Medical Society of the State of Pennsylvania.

With this were submitted marked copies of the *Journal* of the Association containing the advertisements specifically complained of. The Trustees of the *Journal* were heard in their own defence, your committee being at the same time present and permitted to speak before the Council.

The Judicial Council, however, failed to secure a quorum and take action on the matter until after the adjournment of the Association; and although there is reason to believe that the decision arrived at has been communicated to the Trustees of the *Journal*, it has not been given to your representatives, nor, so far as we know, has it been published to the Association.

The annual report of the Trustees of the *Journal of the American Medical Association*, in addition to the statement of the work of the Trustees for the past year, contained the following defence of the policy they have pursued with reference to advertisements, which is substantially similar to that made by the Trustees before the Judicial Council:

"During the entire existence of the *Journal* no question has presented greater difficulty or afforded your Board more embarrassment than to discriminate as to what may be considered as proper matter for its advertising pages. The policy adopted was, that having entered upon the business of publishing a journal, we would be governed by the same rules followed by those considered reputable who were engaged in the same business. The *British Medical Journal*, representing an association with similar purposes and aims, was particularly indicated as a standard.

"Beyond insertion of the advertisements, the *Journal* has scrupulously avoided any expression which could be interpreted as an indorsement of the advertisers, believing the owners of the *Journal*—the profession—were capable of discriminating as to what would serve their interests.

"After the meeting of the Association in 1893 the Trustees resolved that an advertisement of a proprietary medicine shall be accepted in the discretion of the committee when the proprietors thereof shall furnish the complete formula.

"This course has since been our governing policy. The Board asserts that it has complied with the letter of the law in demanding that a formula of all secret and proprietary remedies should be submitted to its committee before being advertised in the *Journal*, but it would direct your attention to the fact that had the apparent intention of those who censure our action been established we would be obliged to present you to-day a considerable financial deficit. However desirous the Board might be to comply with the wishes of some members of the Association, it could not forget that under the present Constitution of the organization the members of the Board were the only parties legally responsible for obligations incurred, and they had too much confidence in the sense and justice of this body to believe it would demand they should 'make bricks without straw,' and discard a source of support utilized by other reputable journals.

"No advertisements have been inserted in the *Journal* which do not find place in such publications as the *British Medical Journal*, *Boston Medical and Surgical Journal*, *New York Medical Record*, *New York Medical Journal*, and *The Medical News*."

When this report had been submitted to the Association on the second day of its meeting, to the motion to approve it, Dr. Jackson moved an amendment "That the report be received, that thanks be tendered the Trustees for their efforts in behalf of the *Journal*, that the other suggestions be adopted, but that the Association does not approve the policy of the Trustees with regard to advertisements."

This amendment was laid on the table by a vote of 86 ayes to 33 nays. On a later date of the meeting Dr. Jackson introduced the following:

Whereas, The interests of the *Journal* of the Association require that it should command the confidence of the members of the societies in affiliation with this Association; and,

Whereas, The *Journal of the American Medical Association* has continued to publish unethical advertisements, like those of "Antikamnia," "Labordine," and other secret nostrums, and that of the American Physicians' Sanitarium Company, offering one hundred dollars' worth of stock to physicians sending it patients; and,

Whereas, The Trustees of the *Journal* have defended such a course on the ground that the money from such advertisements was needed to publish such a journal as they thought creditable to the Association;

Resolved, That the various State medical societies in affiliation with this Association are hereby requested to inform this Association whether their members approve the policy of admitting such advertisements to the pages of the *Journal of the American Medical Association*.

A motion to lay this upon the table was lost by a vote of 102 ayes to 113 nays, and, after discussion, the resolution was referred to the Judicial Council. What the decision of the Judicial Council has been upon the case presented, or what action it will take with reference to the above resolution referred to it, we do not know. The action of the Association, however, in adopting the report of the Trustees is an approval of the course the Trustees have pursued, and a fair assumption of responsibility for the same. Criticism of the Trustees as trustees for this course should, therefore, be regarded as ended.

Whether the American Medical Association, however, can, when its attention has been fully drawn to the inconsistency between its Code of Ethics and its practice, continue in such a course is an entirely different matter. From the expressions of opinion by individual members present at the meeting; from the difference between the vote of approval of the report of the Trustees and with reference to laying

on the table the resolution later offered, it seems to us that the members of the Association are beginning to appreciate the illogical and false position in which the Association places itself by depending for the support of its *Journal* on the advertisement of a class of preparations that it denounces in its Code of Ethics; and we believe the appreciation of this aspect of the case must extend and increase.

Your delegates at San Francisco were met with the statement that only in the State of Pennsylvania had the policy of the *Journal* with reference to advertisements been adversely criticised.¹ If the question is to be considered and discussed, it should be free from any personal or sectional bias; it is important that affiliated medical societies in other parts of the country should be induced to consider the subject and take action upon it.

We would therefore suggest, if the Philadelphia County Medical Society has that real interest in the subject which justifies the placing upon its delegates of the ungracious office they had to perform at San Francisco, it prepare a brief statement of the objections to allowing the advertisement of nostrums in the *Journal of the American Medical Association*, and send this statement, with a request to consider the subject and take action thereon, to the various State and county medical societies throughout the country.

We believe that if the constituent societies clearly express their disapproval of the policy in question, the American Medical Association and its Trustees will frankly accept the decision so reached, and that the object which this society seeks will be accomplished—the improvement and elevation of the *Journal of the American Medical Association* to a position where not only in its scientific and literary, but also in its ethical excellence, it shall lead rather than follow other medical journals, and so shall command the full respect and support of the whole profession.

(Signed) EDWARD JACKSON, M.D.,
J. H. W. CHESTNUT, M.D.,
JOHN B. ROBERTS, M.D.,
G. BENSON DUNMIRE, M.D.

¹ Resolutions disapproving the publication of nostrum advertisements in the *Journal* of the American Medical Association have been passed by at least two other State societies, namely, those of Missouri and of Texas. The American Pharmaceutical Association passed a resolution approving the action taken by the American Medical Association at Detroit, and conveying its thanks for the same.

