

COLORADO STATE BOARD OF PHARMACY

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S P E C I A L B U L L E T I N ! ! !

TO - Drug Store Owners,
Registered Pharmacists
Assistant Registered Pharmacists

March 4, 1940

You are, no doubt, aware of the recent Treasury Decision No. 4963 which has been publicized in the press and in your trade journals relative to the sale of rubbing alcohol compound. Many inquiries have come to the Colorado State Board of Pharmacy about this recent Federal regulation and your Secretary has endeavored to get authentic information regarding the sale of this preparation by the retail druggist.

The regulation states in part: sale of such preparations by retail druggists must be made thru a registered pharmacist who will, at the time of sale, write or stamp across the brand label in contrasting colors "sold by....." followed by his (the pharmacist's) name and the address of the retail drug store where the sale is made.

The first step was to get a definite opinion regarding the status of an assistant pharmacist in Colorado. The local Alcohol Unit Supervisor, at my request sought an opinion from the Washington Office and I now have authority to advise you of the reply, as follows:

"In view of the fact that an assistant registered pharmacist is empowered by the laws of the State of Colorado to compound prescriptions and to perform other duties of a registered pharmacist under the supervision of a registered pharmacist, he may make sales of rubbing alcohol compound in the manner outlined in Treasury Decision 4963."

Please bear in mind that this definitely states that labels must be written or stamped AT THE TIME OF SALE. You are advised that this particular regulation has no bearing on the sale of Isopropyl Alcohol Rubbing Compound. However, a new FDA Regulation states that rubbing compounds containing less than 70% of Isopropyl Alcohol should not feature that ingredient in their names.

I have also requested the Alcohol Tax Unit to answer a number of pertinent questions and I am listing them here, together with the answers received from the Department:

"1. Must the registered pharmacist sign and label the bottle when selling to a doctor, veterinary, hospital or athletic association?

Ans.: Treasury Decision 4963 reads, in part, as follows: 'This product (meaning rubbing alcohol compound) may also be sold by retail druggists to any of the foregoing (foregoing refers to hospitals, sanatoriums, clinics, turkish baths, athletic associations, physicians,

dentists, veterinarians, etc.) or in retail quantities only to other persons for external use. Sales to such other persons by retail druggists must be made through a registered pharmacist who will, at the time of sale, write or stamp across the brand label in contrasting colors the words 'Sold by' followed by his (pharmacist) name and the address of the retail drug store where the sale is made.' The answer to your first question then must be 'No.'

"2. Must a hospital sign and label the bottle when selling to a patient confined in the hospital?

Ans.: No.

"3. Can a registered pharmacist, at the time of sale, indicate his identification in one of the following methods:

(a) By writing across the label 'Sold by.....(name)
.....(store name) and address.'

Ans.: Yes, provided the writing is in contrasting colors.

(b) By having a rubber stamp made with the entire above information included, which would also include the registered pharmacist's name, being stamped on the package.

Ans.: Yes, but stamped words must be in contrasting colors.

(c) By having a label printed and pasting said label over the rubbing alcohol compound label with the above information on said label.

Ans.: Yes, but printing on affixed label must be in contrasting colors to the bottle label.

(d) In case the use of a label is permissible, can the label be pasted directly on the glass rather than on the rubbing alcohol label?

Ans.: Yes, where stamp will not adhere to the rubbing alcohol label.

(e) In case of chain stores, must the address of the individual stores be placed on the label or is the signature of the pharmacist sufficient evidence of the location of the store which has made the sale?

Ans.: The name and address of the store, in every instance whether chain or otherwise, must appear whether it is on the label affixed or whether by the pharmacist. In no instance will the name of the pharmacist be sufficient evidence of the address of the store selling the compound.

"4. Can delivery be from a telephone call if the registered pharmacist makes the sale over the telephone?

Ans.: There is nothing in the Treasury Decision which restricts sale by pharmacist to an individual calling therefor, but he should know, in making such a sale, to whom he is selling, and whether or not there is any possibility of the product being used for beverage purposes.

"5. Is there a limit to the number of bottles which can be sold to an individual doctor, veterinary, hospital or athletic association at any one sale?

Ans.: There is no limit to the number of bottles which can be sold to anyone at any one time. However, the distributor should be very careful that he does not become involved in the payment of tax, where the product is shown to have been diverted to beverage use after sale, by not using every precaution to see that it is not diverted to beverage use. The amount sold at one time, considering the "character" of the person or institution to whom the sale was made, might have a very strong bearing upon the question as to whether the seller had taken the proper precaution.

"We have received word from Washington, D.C., that at this time this Unit has no control in any manner over the sale of Isopropyl Alcohol rubbing compound."

While this is a Federal Regulation, it is the desire and intent of the Board of Pharmacy to endeavor to keep the druggists of the State informed on various Federal Rules and Regulations in which we are interested. It is our intention to issue bulletins at various times to keep the drug store owners and pharmacists informed and we expect to get out a bulletin in a short time regarding the new labeling regulations.

Yours very truly,

COLORADO STATE BOARD OF PHARMACY

RALPH E. KEMP, Secretary.

FLASH - Latest bulletin authorizes sale by registered apprentice.