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Oxford University Press
ADVERTISEMENT BY COMPARISON

Many readers have doubtless noticed the practice followed by certain retailers of drugs of publishing a catalogue divided into parallel columns in which various proprietary drugs made by other firms are mentioned by name and compared with similar preparations made by the advertisers and sold at a lower price. A catalogue of Amblins (Chemists), Ltd., was challenged in the High Court by Bismag, Ltd., at the end of last year. Amblins printed in the left-hand column of their catalogue, "Bismuthated Magnesia Tablets. Analysis: Bismuth Carb., Soda Carb., Magnesia Carb., Excipient. Price 1s. 3d. for 30 tablets, 6d. for 50 tablets," and in the right-hand column, describing the firm's own substitutes, read: "Prescription No. 7. Bismuthated Magnesia Tablets. Analysis: Bismuth Carb., Soda Carb., Magnesia Carb., Excipient. Price; 30 tablets 6d., 75 tablets 1s." Mr. Justice Symonds said that the Trade Marks Act, 1938, did not extend the previous law so as to prevent the use which Amblins made of the trade-mark "bismutated" in relation to Bismag's goods and not their own, and he therefore refused to grant an injunction to prevent that use. The Court of Appeal has now held 1 that he was wrong. Sir Wilfrid Greene, Master of the Rolls, said that the catalogue, and a poster drawing attention to it, stated clearly that, whereas Amblins were prepared to sell the various patent medicines of other firms which they described, they were offering and recommending to the public remedies of precisely the same composition and precisely the same virtues at a lower price. In other words, they were saying that their remedies were exact equivalents of the corresponding patent medicines: that they were not merely substitutes, but were substitutes of the same composition and the same efficacy. They used the word "bismutated" in a trade-mark sense—indicating the origin of the goods—and for the purpose of advertising and describing the virtues of their own goods; and they were thus obtaining for themselves a benefit from the reputation enjoyed by those goods sold under and identified by the trade-mark. The law before 1938 would not have prevented this use, and the right now claimed for the first time under the Act of 1938 was novel. By this Act it is an infringement to use a trade-mark upon other goods, or in physical relation to them, or in an advertising circular, "as importing a reference to some person having the right . . . to use the trade-mark, or to goods with which such a person . . . is connected in the course of the trade." The Master of the Rolls laid that Amblins had used the trade-mark "bismutated" "in relation to" the goods of Bismag, and had therefore infringed the exclusive rights of Bismag to use that word. He made clear, however, that he held a very low opinion of the Act; and Lord Justice MacKinnon, dissenting, doubted if the entire Statute Book could be successfully searched for a sentence of 253 words which was of more fulminating obscurity than the relevant Section 4 (1). The reason for the passing of an Act used in simpler days to be given in the preamble, and he could conceive of a cynical person suggesting as a preamble for the present Act—if Bismag's claim was right—"Whereas the business of the proprietors of quack medicines in fleecing the public has been unduly hampered by the decision in the Yeast-Vite case, and whereas it is in the national interest that this obstacle shall be removed . . ." Bismag failed to satisfy him that "the language of dark and tortuous proximity" on which they founded their claim created a new right to be broken by what Amblins did. As, however, Lord Justice Clauson agreed with the other judges, the judgment of Bismag, Ltd., was allowed. Two judges have therefore pronounced on each side, and perhaps the House of Lords may clear up the question whether this use of a trade-mark is an infringement.

It is an expensive way of discovering what the draftsmen meant.

1 British Medical Journal, March 2, 1940, p. 372.
2 1940-2 All E.R. 606.

DOCTOR CONVICTED OF ABORTION

The conviction of a registered medical practitioner for illegal abortion is very rare. On June 10, before Mr. Justice Atkins at the Central Criminal Court, Crichton Alison, M.B., Ch.B., was found guilty of conspiring with two other persons to perform illegal operations on three young women. His fellow-patients were Kaikahuson Bram Kermani, an Indian medical student, and Delia Walsh, a woman of 22 of no occupation. It was alleged by the prosecution that Alison, under cover of his Harley Street address, carried on a criminal practice through the instrumentality of the two others, who lived in West End Lane, Hampstead; that the three young women consulted him and he sent them to Kermani's address; that he received fees of £50, £50, and £65; and that the police found at Kermani's house three women 'in bed under treatment.' Dr. Alison said to the police and in court that he specialized in anaesthetics and had a panel practice in Lambeth Walk. He was not a gynaecologist. Kermani was introduced to him as a doctor who specialized in women's diseases. The three women concerned in the case were sent by him to Kermani as threatened or inevitable abortion cases which would require steady watching or treatment. He did not treat or examine them himself. His fee for consultation was £3 3s. Kermani usually charged fifty guineas; this fee was paid to Dr. Alison, but he merely deducted three guineas and paid the rest to Kermani. Kermani in evidence said he had never claimed to be a doctor. He declared that Miss Walsh knew nothing of any arrangements he had made with Dr. Alison but simply carried out instructions. He denied any instruction was used. Dr. Alison and Kermani each received five years' penal servitude and Walsh was bound over for three years.

Universities and Colleges

UNIVERSITY OF CAMBRIDGE

The Marmaduke Sheild Scholarship in Human Anatomy, of the annual value of £100, has been awarded to D. A. W. Edwards (Christ's College).

UNIVERSITY OF LONDON

The name of Sir Wilson Jameson, M.D., F.R.C.P., has been submitted to the Ministry of Health as a representative of the University on the Royal Sanitary Institute and Sanitary Inspectors' Examination Joint Board. Dr. Ivor J. Davies, F.R.C.P., has been appointed representative of the Chancellor on the Court of Governors of University College of South Wales and Monmouthshire.

The degree of Doctor of Science (non-clinical) has been conferred on Chang Shaw Jang (College of the Pharmaceutical Society) for a thesis entitled "Interaction of Drugs on Adrenergic Transmission," and the degree of D.Sc. on Phyllis A. Clapham (London School of Hygiene and Tropical Medicine) for works on helminthology.

Amendments in Regulations, etc.

In and after the session 1940-1 and until further notice the M.B., B.S. examination will be held in October and April, instead of November and May, beginning on the second Monday in October and the third Monday in April. Entries must be received not later than Aug. 21 and Feb. 25 respectively. The examination will be held under the old regulations as well as the new regulations in October, 1940, and April and October, 1941. Willesden Municipal Hospital has been added to the list of recognized fever hospitals in which the course of fevers may be taken.

Until further order candidates submitting a thesis for the M.D. and M.S. examinations will be permitted to supply two instead of four copies.

The October, 1940, examination for the Diploma in Clinical Pathology has been postponed until January, 1941, and the last date for receiving entries will be December 1, 1940. The examination will begin on the second Monday in January, 1941.

An internal student who has obtained the M.D., M.S., or Ph.D. degree in the Faculty of Medicine may be permitted...
to proceed to the D.Sc. degree if, in the opinion of the Senate, the published work he submits falls within the purview of the Faculty of Science.

Scholarships, Studentships, and Prizes to be Awarded in 1940

At the beginning of the war the University decided to discontinue all scholarships, etc. After reconsideration, however, it has been decided to introduce this year a modified scheme. As far as possible the regulations that were existing for each particular award will apply, but it will be understood that in some cases modifications will be necessary. Correspondence in regard to scholarships and studentships should be addressed to the Academic Registrar at 42, Gyles Park, Stannmore, Middlesex. The awards to be offered include six university postgraduate studentships of £150 each, tenable for one year, the Paul Philip Reitlinger Prize, the William Julius Mickle Fellowship, the gold medals at the M.D., M.S., and M.B., B.S. examinations, and the Carpenter Medal.

UNIVERSITY OF LEEDS

Mr. A. S. Johnston, M.B., F.R.C.S.Ed., has been appointed honorary demonstrator in radiological anatomy in the department of anatomy, and Mr. G. B. Royce, M.B., part-time demonstrator in physiology.

UNIVERSITY OF GLASGOW

At a ceremony of graduation on June 28 the following medical degrees were conferred:

M.D.——J. Watson, M.B. [there was a footnote that read "*A. Leitch" and "*In absentia."]

The Services

NAVAL AWARDS

The King has appointed Surgeon Commander Douglas Murdo Beaton, R.N. (H.M.S. Warspite) to be an additional O.B.E. (Military Division) for skill and devotion to duty in the second Battle of Narvik. The King has awarded the D.F.C. to Surgeon Lieutenant Robert Andrew Du Val, R.N.V.R. (H.M.S. Eskimo), for daring, resource, and devotion to duty in the second Battle of Narvik.

MENTIONS IN DISPATCHES: ROYAL NAVY

Surgeon Lieutenant William Albert Bruce Cooper, R.N.V.R. (H.M.S. Versatile), has been mentioned in dispatches for courage and devotion to duty on the Dutch coast.

IMMEDIATE AWARDS, B.E.F.

The following immediate awards have been made by the Commander-in-Chief, British Expeditionary Force:

Military Cross

Lieutenant (Acting Captain) J. Reynolds, R.A.M.C.

Throughout the whole operations Captain Reynolds's example of coolness and self-control under fire was a great asset to his battalion. On the night of June 1-2 the enemy shelled the Mole at Dunkirk, on which were concentrations of British and French troops. Captain Reynolds's party was the only one able to keep up its position. He accompanied the party to the advanced dressing station, where he worked all through the day. His prompt action saved many lives and showed a complete disregard for his personal safety.

Lieutenant A. V. Stevens, R.A.M.C.

On May 28 Lieutenant Stevens was sent back with a convoy of wounded from Mont des Cats to an advanced dressing station near Popingsher. On arrival he found it practically destroyed by air bombing. He collected more parties to the ruins and took his convoy to Dunkirk. After embarking his casualties and attending to further casualties on the beach he returned with more medical supplies to Mont des Cats. On his arrival he found that Division had retired and the position was being heavily shelled, the woods and buildings being on fire. He found an undamaged vehicle and succeeded in bringing out a number of wounded who had been left in a concentration that had since caught fire. On his way back he collected into his convoy other ambulances which had lost their way. The convoy was attacked by enemy tanks, and the majority of the ambulances destroyed and the wounded killed. The survivors were in turn surprised and destroyed by our artillery. Lieutenant Stevens thereupon collected what men remained alive into the only remaining ambulance and brought them to Dunkirk. By his persistent courage, endurance, and resource, this officer saved very many lives.

The Territorial Decoration has been conferred upon Major Edwin Gaved Andrew, late R.A.M.C. (T.A.).

The Efficiency Decoration of the Territorial Army has been conferred upon Colonel William Albert Robertson, C.B.E., R.A.M.C. (T.A.), and Major Oliver Francis Waring Robinson, R.A.M.C. (T.A.).

CASUALTIES IN THE MEDICAL SERVICES

ROYAL NAVY

Surgeon Rear-Admiral John Reid Muir, R.N. (ret.), of Paisjton has been killed by enemy action at the age of 68, while serving as a lieutenant in the Royal Naval Volunteer Reserve. He was educated at the University of Edinburgh, where he graduated M.B., C.M. in 1894. He was elected F.R.C.S.Ed. in 1901. After serving with the 1st Battalion the Royal Infirmary, Edinburgh, and later was a ship surgeon with the Pacific and Oriental Steam Navigation Company. In 1900 he joined the Royal Navy as a surgeon, and was in the battle cruiser Tiger at the battles of Dogger Bank and Jutland. He retired in 1928, but, despite his age, volunteered for service at the outbreak of the present war. On September 18, 1939, he was granted a commission as sublieutenant in the R.N.V.R., and was promoted lieutenant on December 18. He was the author of "Hints for the Use of Medical Officers in Action" (Naval Medical Journal, 1916), of "Years of Endurance" (1936), and of "The Life and Achievements of Captain James Cook" (1928). He is survived by Mrs. Muir. As a brother officer in the Naval Medical Service I should like to pay a slight tribute to my old friend John R. Muir. Surgeon Rear-Admiral retired. After a lifetime devoted to the Service and his country he died gloriously. John Muir, under a most friendly and unassuming manner, was possessed of qualities far above the average. His career as a naval doctor was one of unbroken success. He was a many-sided man. Added to his medical ability and knowledge he possessed two other qualities which endeared him to his countrymen. He held a Master's certificate and was navigating officer of the large yacht requisitioned by the Admiralty, in which he took part in the Stavanger expedition which was eventually successful. After retiring from the Navy he bled out as a most successful author. In his lighter books his pictures of ward-room life, full of humour and free from exaggeration, have never been excelled. Just before the war he published a life of Captain Cook. It is delightful reading, giving evidence of months of patient research, and was uniformly praised by the reviewers. Mr. Geoffrey Shakespeare, then Secretary to the Admiralty, in a speech last March told us that there was an Admiralty patrol vessel with four commissioned officers whose united ages came to over 280. John Muir, navigating officer, was the youngest of these, aged 68. We have lost in him a charming personality and a most gallant man.

Surgeon Commander Charles Hamilton Egan, R.N., is reported missing, presumed killed in action in H.M.S. Glorious. He was 35 years of age, and received his medical education at Guy's Hospital, qualifying M.R.C.S., L.R.C.P. in 1927. He joined the British Medical Corps in 1928. He was the only son of Mrs. Egan of Port Elizabeth, South Africa.

ROYAL ARMY MEDICAL CORPS

Major John Noel Concannon, R.A.M.C., has been killed in action. He was born in 1906, was educated at the University of Dublin, and qualified L.Med., L.Ch. in 1932. In the following year he was gazetted lieutenant in the Royal Army Medical Corps, was promoted captain in 1934, and appointed adjutant, Territorial Army, in 1939. He leaves a widow.

The name of Lieutenant Augustus William Carboni, R.A.M.C., is included in an Army Council list of officers killed published on June 28. Dr. Carboni graduated M.B., B.Ch., B.A.O. of the National University of Ireland in 1939. His home was in Gibraltar.

Wounded

Acting Major Oswald Christopher Dobson, R.A.M.C. (Capt.)

DEATHS IN THE SERVICES

Lieutenant-Colonel Percy John Probyn, D.S.O., R.A.M.C. (ret.), died at Hampstead on June 27, aged 72. He was born at Pontypool, the son of Frederick Probyn, J.P., of Trevethin, Monmouthshire, and received his medical education at Charing Cross Hospital. He received an entrance scholarship and the Pereira prize. He served as assistant of

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anatomy at the hospital and as prosecutor at the Royal College of Surgeons of England. In 1893 he took the M.R.C.S., L.R.C.P., in 1906 the M.B., B.S.Lond., and in 1907 the D.P.H.; he was also called to the Bar, from Lincoln's Inn, entered the Army as surgeon lieutenant in 1895, became lieutenant-colonel on March 1, 1915, and retired on December 4, 1920. He served in West Africa in 1897-8 (medal with clasps); in Sierra Leone in 1898-9 (clasp); throughout the South African War, 1899-1902, taking part in the action of Magersfontein, the relief of Kimberley, the actions of Paardeberg, Poplar Grove, Dreifontein, Vet River, and Zand River, in operations in the Orange Free State and Transvaal, including actions at Johannesburg, Pretoria, and Diamond Hill, was mentioned in dispatches (Queen's medal with five clasps, King's medal with two clasps, and the D.S.O.). He also served in France and Flanders during the war of 1914-18.

Lieutenant-Colonel DONALD GORDON CARMICHAEL, R.A.M.C. (ret.), died suddenly at Putney on June 19, aged 63. He was born on October 28, 1876, the son of the late Colonel J. C. G. Carmichael, I.M.S., and was educated at the University of Edinburgh, where he graduated M.B., Ch.B. in 1902, and at St. George's Hospital. He entered the Royal Army Medical Corps as lieutenant on January 31, 1903, became major on October 31, 1914, and retired on December 29, 1923, on receiving his step in rank to lieutenant-colonel. While in the Army he was a specialist in the diseases of women and children serving such in the Middle East Divisions, and was later in charge of the Hospital for Women and Children at Rangoon. After retirement he was in practice at Putney. He had been a member of the British Medical Association since 1906.

Medical Notes in Parliament

The text of the Purchase Tax Bill was issued on July 2. The tax will not apply to food or drink, to light or water, or to rent. The purchase of children's clothing and boots and shoes will be free of tax. Medical and surgical appliances and essential drugs which are specially expensive will also be exempt.

Medical Services of Ministry of Pensions

When the House of Commons discussed the Vote for the Ministry of Pensions Sir WALTER WOMERSLEY said that the expenditure on medical services showed an increase. Structural alterations to existing Ministry of Pensions hospitals and the establishment of three new hospitals would bring the total bed strength up to 5,517. In addition certain new hospitals now being erected by the Ministry of Health would be administered by his own Department in conjunction with the Ministry of Health as part of the Emergency Hospital Scheme. The appeal for medical men to go into this service had met with a very good response, and he was satisfied that there were now enough medical men to cope effectively with the large amount of work that was anticipated. In the new Royal Warrant provision would be made for pensions to parents who could prove that they had been dependent for a reasonable period before the war on the earnings of their sons killed in the war. In the former Warrant pensions to disabled men were limited to allowances in respect of only three children in one family, but in future there would be no limit to the number of children for whom allowances would be paid. To leave the rates of pensions as they were in the Royal Warrant of September would be indefensible in view of the increased cost of living, and there would be new rates of pensions and other concessions. The right of appeal to an independent body was an essential part of the system if it were practicable at a given time. At present it was not possible to constitute tribunals all over the country, but cases in which the medical evidence furnished by a claimant conflicted with that of the Ministry's own medical staff would be submitted to independent specialists nominated either by the Royal College of Physicians or the Royal College of Surgeons.

Sir FRANCIS FREEMANTLE paid a tribute to the very great debt owed to the medical staff of the Ministry of Pensions. The medical men in the Ministry might make mistakes, he said, but they made very few. When he had looked into the details of these cases he had nearly always been convinced that the Ministry had been right when its opinion differed from that of the private doctor. He was glad that the Minister of Pensions recognized the need for further confirmation, although it might be only in 1 per cent. of the cases that the opinion of these medical officers had been wrong. It was a splendid arrangement to have an appeal tribunal, which had the advantage of being the best kind of committee—namely, a committee of one, a man nominated by the President of the Royal College of Physicians or the Royal College of Surgeons. Could the Minister give any idea of the number of appeals that had been heard in this way, and the result?

Sir Francis asked what liaison had been established between the Ministry of Pensions and the Ministries for which that Department had to provide the pensions—the three fighting Services and the civil medical services of the Ministry of Health, on the last of which the greater burden of casualties might be laid if there were a number of severe air raids on this country. The Ministry of Health, in its Emergency Medical Service Hospitals, would treat these cases, which would eventually come to the Ministry of Pensions for payment. One of the specialist services which they wanted to see properly used was physiotherapy. Such methods of treatment were being used by the Ministry of Pensions in its own hospitals, but the right thing to do was so to treat the cases from the beginning.

Doctors' Duties in Air Raids

MR. MACDONALD told MR. GROVES, on July 2, that he did not think it practicable to lay down definite rules about what all doctors should do in case of air raids. Those who were not designated for immediate duty at first-aid posts or hospitals might be called on later to reinforce those services if they were available. If, in the meantime, they received calls from private individuals they could be relied on to use their judgment, as they were accustomed to do, in deciding whether the patient's condition required an immediate visit. Where the individual was injured as the result of the air raid the necessary medical attention would normally be given through the casualty services, and the need for a special summons to a doctor should not arise.

Replying also to Mr. Critchley, Mr. MacDonald said that medical officers of health in charge of casualty services had been authorized, if the need arose, to call on any available doctors not already attached to those services, and it was for them to make their plans accordingly, in co-operation with the profession locally.

Medical Care of Refugees

MR. MACDONALD, on July 2, stated that local authorities had been asked to make available to war refugees the health services available to the normal population of their areas. Domiciliary treatment, if required by a refugee unable to pay for it, might be obtained from the district medical officer by the usual procedure. Any additional approved expenditure incurred by a local authority in the provision of medical attention or of public health services to refugees maintained by a local authority might be included in the local authority's claim for reimbursement by the Exchequer of the additional cost to the authority of receiving or maintaining refugees. The Ministry of Health had not found it necessary to make any special arrangements with general practitioners for the provision of domiciliary treatment for refugees.

Domiciliary Treatment of Air Raid Casualties

On July 2 MR. GROVES asked the Minister of Health whether persons living a considerable distance from any hospital, and injured in an air raid, but not so seriously injured as to need attention at a hospital, would be obliged to visit a hospital to secure a certificate entitling them to free treatment. Mr. MACDONALD said that the persons described would normally
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containing

War Notices
Notes on the Work of the Association
National Health Insurance Proceedings
General Medical Council
Postgraduate News
Meetings of Branches and Divisions
Service Appointments
Correspondence, etc.

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