

# SALE OF SHEEP DIP

## ARSENIC CONTENT ALLEGED

(BEFORE MR. JUSTICE SULLIVAN, MR.  
JUSTICE HANNA AND MR. JUSTICE  
O'BYRNE.)

The hearing of the appeal of Messrs. Osmond and Son (Dublin), Ltd., Little Ship street, Dublin, which was brought by way of a case stated, from a decision of District Justice Hannan, was continued. The appellants were summoned by James Wedick, an inspector of the Pharmaceutical Society of Ireland, for, as alleged, selling arsenic, contained in a veterinary preparation, Osmond's Sheep Dip, to a person whom they did not know, and who was not introduced to them; for selling the poison at the same time without making an entry in the poison book, and getting the purchaser to sign it; and for keeping "open shop," contrary to the Pharmacy Act, without having a duly qualified chemist in charge. The District Justice fined the defendants £1 on each of the three summonses, and directed them to pay sixteen guineas costs.

It was submitted on behalf of the defendants that the summonses should have been issued at the instance of the Attorney-General, and that they could not legally be heard at the suit of Mr. Wedick; that the compound mentioned did not come within the category of poison; that there could not legally be convictions in respect of both the first and second summons, as this imposed a double penalty for what was one act; and that the defendants had complied with the requirements of the Pharmacy Act by employing a registered chemist and druggist, Mr. Hugh McElhinney, the manager. District Justice Hannan held against the defendants on all these submissions, and the High Court now was asked to state whether he was right in so doing.

Mr. J. M. FitzGerald, K.C., and Mr. William Black (instructed by Messrs. Carton, O'Meara and Kieran) appeared for the appellants; and Mr. Costello, K.C., Mr. Martin Maguire, K.C., and Mr. Monks (instructed by Mr. J. J. Gaynor) for the respondent.

Mr. Black, continuing his arguments on behalf of the appellants, submitted that the section of the Pharmacy Act, 1890, which requires persons keeping open shop for the sale of poisons to be registered chemists, and either to conduct such sales personally or else to employ a registered chemist to conduct them, does not apply to limited companies. He further submitted that the section of the Poisons Act, 1870, which requires the seller of certain poisons to have an entry made in a book, and to have it signed by the purchaser, and which also requires that the purchaser should be known to the seller, or be introduced by a person so known, does not apply to compounds like Osmond's Sheep Dips, which are manufactured or sold for the purpose of destroying vermin.

Even if these contentions were wrong, said Mr. Black, the District Justice had wrongly convicted the defendants twice for what was really the same offence against the same section. Having regard to the Criminal Justice

Administration Act, 1926, he argued, neither the Pharmaceutical Society nor its inspector was entitled to prosecute, the Attorney-General being the proper prosecutor.

Mr. Black cited a large number of decided cases and Acts of Parliament to support his several contentions, and, on the conclusion of his arguments, the further hearing of the appeal was adjourned until next Monday.