

edition—"Tabloid—table plus 'oid'; a tablet, a small troche, usually administered by the mouth or, after solution, hypodermically." Mr. Wellcome repeated that he had been promised that this should be corrected. [See footnote on page 501.] Asked why medical men added "B. W. and Co." to prescriptions for "Tabloids," he replied, "for the same reason that you sometimes put a bolt on a door as well as a lock—as an additional precaution."

After a lengthy cross-examination on the use of the termination "oid," and the use of the word "tabloid" in earlier years, Mr. Wellcome stated that the defendants were not large customers of his firm, that the writ in this action was issued without any previous correspondence, that the matter was entirely in the hands of the solicitors, and they took whatever steps they considered necessary to protect his interests, and that beyond knowing that his solicitors, according to his instructions, were making test purchases, he had nothing further to do with it.

Re-examined by Mr. Neville.

Mr. Wellcome stated that he received information of the substitution of other goods for his goods, and in consequence of that information he directed test orders to be given. He did not select Thompson and Capper's shop arbitrarily, but simply in consequence of information which he received. He further stated that tabloids are often dispensed in prescriptions without being marked as tabloids. For eight or ten years the firm has sent out diaries to doctors, nurses and chemists, and of late years the firm had been careful in those diaries to call attention to the fact of the trade mark, and to warn others against its improper use. So that information must have reached the hands of every known member of the profession, and every member of the trade, and the nurses. Sometimes, as an extra precaution, "B. and W.," or "B. W. and Co." is added to prescriptions for "tabloids." But Mr. Wellcome stated that he had known instances where even that precaution had not been sufficient to prevent chemists from substituting other goods for his tabloids, even when the full name of "Burroughs, Wellcome and Co." had been added.

The charges of substitution were supported by the testimony of thirteen witnesses who made twelve purchases at the shops of the defendants between August 13th, 1902, and January 13th, 1903. The writ was issued on January 17th, 1903. Of the twelve purchases, three were made on verbal, and nine on written orders and prescriptions.

On one written order, one verbal order and one prescription, the additional description "B. W. and Co.," or "Burroughs, Wellcome and Co." was added to the trade marks "Tabloid" or "Tabloids."

MONDAY, NOVEMBER 23rd, 1903.

DR. ARTHUR PEARSON LUFF, M.D., B.Sc., F.R.C.P.,
Scientific Expert to the Home Office, Physician in

charge of out-patients and Lecturer on Medical Jurisprudence and Toxicology, St. Mary's Hospital, examined by Mr. Neville, stated that he had known the compressed drugs sold by Burroughs, Wellcome and Co. under the name of "Tabloids" for seventeen years. He had not known the word in connection with any other firm. In prescriptions, the quality of the drugs and accuracy of dose are extremely important factors. In his experience Burroughs and Wellcome's compressed medicines are always to be relied upon. In prescriptions he never put Burroughs and Wellcome's initials, because he expected that only their products would be supplied if he wrote "Tabloid." He knew that other members of the medical profession thought as he did, because he had talked with them at various times on the matter. In case a physician prescribes something which a chemist does not keep, and is unable to procure, the proper course is for the pharmacist to communicate with the medical man who prescribed.

Cross-examined by Mr. Walter: The word "Tabloid" has become a word of general use?—It is very frequently used, because Burroughs, Wellcome and Co.'s drugs are very frequently employed. He had only known it in reference to their tabloids. He had never heard a patient ask whether he was to take a tabloid. He was not in the habit of hearing persons suggest what drugs they should take when they consulted him.

SIR FRANCIS HENRY LAKING, BART., G.C.V.O., Physician-in-Ordinary and Surgeon-Apothecary to H.M. the King, examined by Mr. Neville, thought "Tabloid" was a term coined by Messrs. Burroughs, Wellcome and Co. He frequently used Tabloids in prescriptions. If he ordered a tabloid he should expect it to be a drug manufactured by that firm. He had prescribed preparations for his patients under the name of "Tabloid" or "Tabloids" for some years. In every such case he intended Messrs. Burroughs, Wellcome and Co.'s products to be supplied.

Cross-examined by Mr. Walter: If he ordered a tabloid, he should expect to get Messrs. Burroughs, Wellcome and Co.'s drugs. He associated "Tabloid" in his mind entirely with that firm. He supposed that tabloid was a kind of hybrid term. It did not seem to mean in itself much of anything.

The public ought not to buy drugs without a proper prescription.

I quite agree. It is like a man who makes his own will?—Yes, it is a mistake.

Re-examined by Mr. Neville: You think if a man makes his own will and buys his own drugs that the will is very likely to come into speedy operation?—I am afraid so.

DR. CORNELIUS SUOKLING, Consulting Physician to the Queen's Hospital, Birmingham, gave very similar evidence to that of the two previous witnesses.

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