

AGRICULTURE: ECONOMIC POISONS
ECONOMIC POISONS:

Disinfectants and antiseptics for use on the body of living animals for medicinal purposes are not economic poisons.

Opinion No. 276

October 29, 1965

Mr. Julius R. Anderson
State Entomologist
Department of Agriculture
Jefferson Building
Jefferson City, Missouri



Dear Mr. Anderson:

Reference is made to your request for an official opinion from this office as to whether a product entitled "Wound Dressing Bomb", produced by Veterinary Laboratories, Inc., must be registered as an economic poison pursuant to Section 263.300 RSMo 1959. The "Wound Dressing Bomb" is described on its label as follows: "For external Veterinary use only. A germicidal, fungicidal, anti-septic and protective wound dressing. To be used for minor wire cuts, galls, scratches and other superficial surface wounds. Also an aid in drying up cowpox lesions, moist eczema and in controlling secondary infections."

The following statutory definitions are relevant to this question: Section 263.270 (1):

"The term 'economic poison' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the Commissioner, after a hearing, shall declare to be a pest;"

Section 263.270 (8):

"The term 'fungi' means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals;"

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The Commissioner of Agriculture has promulgated regulations for the administration of the Economic Poisons Act and Regulation No. 1-A (b) provides in part as follows:

"Fungicide -- 'fungicide' includes, but is not limited to:

* * * * *

"(2) disinfectants, antiseptics, and sterilizers, except those for use only on or in living man or other animals."

The Commissioner of Agriculture has also issued interpretations in regard to substances included in the definition of economic poison. Interpretation No. 1 provides as follows:

" * * * Some specific examples of products which will not be considered economic poisons within the meaning of the act are:

* * * * *

"2. disinfectants for use on or in the living body of man or other animals,"

A consideration of the provisions of the Economic Poisons Act in its entirety reflects an intention by the legislature to supervise, regulate and control products used for the eradication and control of noxious weeds, plant diseases, insects, rodents and similar pests. The act does not indicate an intention to include within its provisions medicinal products for treatment of man or animals. Thus, the inclusion of substances for preventing, destroying and mitigating viruses in the definition of economic poison (263.270 [1]) specifically excepts substances for preventing destroying and mitigating viruses on or in living man or other animals. The conclusion is inescapable that the legislation contemplated plant viruses and viruses on premises which may be eliminated by fumigation or other processes. Furthermore, reference to the definition of fungi in Section 263.270 (8), carefully excepts bacteria, etc., on or in living man or other animals. In administering the act, the Commissioner has recognized the non-medicinal nature of economic poisons in Regulation No. 1-A, by stating that fungicides do not include disinfectants, antiseptics and sterilizers for use on or in living man or other animals, and the Commissioner's Interpretation No. 1 specifically excepts such disinfectants as economic poisons.

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CONCLUSION

It is the opinion of this office that the "Wound Dressing Bomb" produced by Veterinary Laboratories, Inc., is a disinfectant or anti-septic for use on the body of living animals for medicinal purposes and is not an economic poison.

The foregoing opinion which I hereby approve was prepared by my assistant, Thomas J. Downey.

Very truly yours,

A handwritten signature in cursive script that reads "Norman H. Anderson".

NORMAN H. ANDERSON
Attorney General