

for taxonomic purposes seems interpreted commonly as eliminating any chance for availability even though the names otherwise may satisfy Code requirements. If this interpretation is inaccurate, prompt clarification by the Commission is essential.

6. The original appeal includes the request to *declare* (without resorting to plenary powers) that the five names (i.e., *bifenestra*, *limonii*, *methwoldensis*, *polygoni*, and *urticae*) of Cooper (1955) are not available. Inasmuch as (1) no overwhelming need for such action has been demonstrated to warrant plenary action and (2) the names seem readily interpreted under the Code as nomenclaturally available, rejection of this request is suggested.

7. If the five names of Cooper are accepted as available (as suggested herein), then the reasons for the appeal for plenary action to suppress the name *urticae* of Pogosyan are destroyed. It seems rather a straight forward (albeit tedious) task to recognize the taxa proposed by Cooper using lectotypes or neotypes (evidently as done by Matthews, 1970), to make comparisons with other comparable taxa, to determine subjective synonyms, etc. This, then, would reveal the zoological relationships of taxa assigned to *urticae* by Pogosyan in 1962 and to *bifenestra* by Kiryanov and Krall in 1971. These subjective zoological aspects are a normal part of systematic study where interpretations are expressed in accordance with Code nomenclatural requirements.

8. References cited herein all are given in the original appeal by A.R. Stone or in the subsequent comment.

COMMENT ON THE PROPOSED SUPPRESSION OF *RHINIODON* SMITH, 1828,
IN FAVOUR OF *RHINCODON* SMITH, 1829. Z.N. (S.) 2090
(See vol. 32: 163-167)

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We oppose the request of Drs Robins and Lea to suppress the valid name *Rhiniodon* Smith, 1828, in favour of the incorrect subsequent spelling *Rhincodon* Smith, 1829. As noted by Penrith (*Copeia* 1972: 362, 1972), the correct original spelling of this generic name is *Rhiniodon* (Smith, *S. Afr. comml. Advtr* vol. 3 (145): 2, 1828). The original description of the genus and species, as reproduced by Penrith, contains the significant words "Teeth small, ... so disposed ... as to exhibit the resemblance of a *rasp or file*" [emphasis added].

Thus, contrary to the statement of Drs Robins and Les, there is in the original description clear evidence that the generic name *Rhiniodon* is derived from the Greek words *rhine* (rasp or file) + *odous* (odont) ("tooth").

Since the discovery by Penrith of the correct original spelling, *Rhiniodon*, that spelling has been used by Compagno (*J. Linn. Soc. (Zool.)* vol. 53, suppl. 1: 28, 51, 1973), Smith (*J.L.B. Smith Inst. Ichthyol. spec. Publ.* 14: 12, 1975), Schwartz & Burgess (*Sharks of North Carolina and adjacent waters*, 3, 10, 12, 14, 34, 54, 1975) and Bass, D'Aubrey & Kistnasamy (*Invest. Rep. oceanogr. Inst., Durban* vol. 39: 50, 1975).

The change to the misspelling *Rhincodon* first appeared in the publication which was formerly considered the original description of this genus, but which was in fact the second such description (Smith, *Zool. J.* vol. 4: 443, 1829). It omitted the resemblance of the teeth to a rasp or file.

Smith's 1829 change in the original spelling was not demonstrably intentional. Any change, not demonstrably intentional, in the original spelling of a name is an "incorrect subsequent spelling," which has no status in nomenclature (International Code of Zoological Nomenclature, Article 33b).

Dr E.W. Gudger, who was the foremost student of the whale shark, discussed the spelling *Rhincodon* as follows (*Zoologica*, N.Y. vol. 1: 385, 1915): "It is true that the printer in England mistook Smith's 'e' for a 'c', and Smith being at the Cape of Good Hope, this error was uncorrected. But since the derivation is *rhine*, file + *odous* (odont) tooth, it would be absurd to let the error stand, and hence the present writer has used what seems to him the correct terminology, *Rhineodon typus*."

Among others who rejected the spelling *Rhincodon* as a misprint and who adopted the spelling *Rhineodon* were Jordan & Evermann (*Stanford Univ. Publ., Univ. Ser.*: 174, 1917), Jordan (*Stanford Univ. Publ., Univ. Ser.*: 244, 1919), Beebe & Tee-Van (*Zoologica*, N.Y. vol. 26: 97, 1941), Herre (*Res. Rep. U.S. Fish Wildl. Serv.* vol. 20: 14, 1953), Chyung (*Korean Fishes*: 8, 1954), and Norman (*Draft Synopsis of the Orders, Families and Genera of Recent Fishes and Fish-like Vertebrates*: 10, 1966).

Drs Robins and Lea could have presented stronger support for *Rhineodon* than for *Rhincodon*. During the past 50 years, the spelling *Rhineodon* appears to have had more extensive usage than *Rhincodon*: in a search (not exhaustive) of the literature of the past 50 years, we found 100 publications that used *Rhineodon*, but only 86 that used *Rhincodon*.

The spelling *Rhineodon*, which has been used as recently as 1970, has had a much longer period of continual use; *Rhincodon* had apparently been used only seven times before the publication of Bigelow & Schroeder (*Mem. Sears Fdn Mar. Res.* vol. 1: 59, 1948).

While both *Rhineodon* and *Rhincodon* are incorrect subsequent spellings, *Rhincodon* is also an erroneous spelling. The letter "c" in the spelling *Rhincodon* represents an inadvertent error, such as a lapsus calami or a copyist's or printer's error. In contrast, *Rhineodon* is a precise transliteration from the Greek of Smith's (1828) words "rasp or file" + "tooth".

Since usage has varied so extensively, during the past 50 years, between *Rhinodon*, *Rhincodon*, and *Rhineodon* — which are merely different spellings of the same name — it would not disturb stability or universality, nor cause confusion, to retain the correct original spelling, *Rhiniodon* Smith, 1828.

We therefore ask the Commission to:

- (1) place on the Official List of Generic Names in Zoology the generic name *Rhiniodon* Smith, 1828 (gender, masculine), type-species, by inclusion of a new species named *typus*, *Rhiniodon typus* Smith, 1828;
- (2) place on the Official List of Specific Names in Zoology the specific name *typus*, as published in the binomen *Rhiniodon typus* (specific name of the type-species of *Rhiniodon* Smith, 1828);
- (3) place on the Official List of Family-Group Names in Zoology the family-group name RHINIODONTIDAE (correction, by the International Commission, of *Rhinodontes* Müller & Henle, 1839), type-genus, *Rhiniodon* Smith, 1828;
- (4) place on the Official Index of Rejected and Invalid Generic Names in Zoology the generic name *Rhincodon* Smith, 1829, an incorrect subsequent spelling of *Rhiniodon* Smith, 1828;
- (5) place on the Official Index of Rejected and Invalid Family-Group Names in Zoology the following family-group names:
 - (a) *Rhinodontes* Müller & Henle, 1839, the incorrect original spelling of RHINIODONTIDAE;
 - (b) RHINCODONTIDAE Garman, 1913, an incorrect subsequent spelling of RHINIODONTIDAE Smith, 1828.

COMMENT ON THE APPLICATION CONCERNING *NOTOZUS* FÖRSTER, 1853. Z.N.(S.) 2109
(see vol. 32: 181-187)

(1) By W.J. Pulawski (Wrocław University, Poland)

The proposed suppression of the generic name *Elampus* Spinola, 1806 is based mainly on the fact that many writers have used it incorrectly for *Omalus* Panzer. The argument is not



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"Comment on the proposed suppression of Rhiniodon Smith, 1828, in favour
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nomenclature* 33, 70–71. <https://doi.org/10.5962/bhl.part.27879>.

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