

PATENT MEDICINE and PUBLIC HEALTH

Proprietary medicines manufactured in England and introduced to America in the 18th century were known as **patent medicines**. The name was derived from their having been manufactured under grants, “patents of royal favor” from the Kings of England to those who provided medicine to the Royal Family. For the most part, those medicines exported to America were of this type. Since the manufacturers were unwilling to comply with the requirement that the contents be disclosed, their products were not patented in the literal sense.

By the middle of the 19th century, fostered by the injuries and illnesses associated with the Civil War, the manufacture of patent medicines in America became a major industry. There was a concomitant growth in bottle making, since this was the principal vehicle for packaging these substances. Surviving bottles, which have become collectors’ items – supplemented by trade cards, almanacs, and newspaper advertisements – are a source of information to the historian.

Many of these nostrums were called “Bitters” because of the herbal ingredients, which were proclaimed the curative agents. It was a popular theory that if a disease were to be treated successfully, it had to be with a substance as vile as itself; the worse a medicine tasted, the greater its healing capability. Such things as horses’ hooves, wood lice, urine and dung were recommended for their curative powers. Many of the patent medicines contained substances, which were harmful.

Because early America was essentially a rural society in which professional medical help was not available, people lived in constant fear of illnesses and epidemics. They relied upon nostrums to cure their ailments. Moreover, the alcoholic content, which in some cases exceeded that of non-medicinal alcoholic beverages, made these remedies popular with those who found this ingredient to be therapeutic; for the same reason, they were unpopular with the Temperance movements. In addition, patent medicines were attacked by the medical profession because these “panaceas” offered false hope and many were deemed to be harmful. The Food and Drug Administration and the Federal Trade Commission actively resisted the sale of these remedies.

Medical practitioners, temperance activists, the liquor industry, bottle manufacturers, the advertising industry, public health organizations (some medicines were a threat to health), the Federal Trade Commission, the Food and Drug Administration, and the Internal Revenue Service were affected in one way or another by the patent medicine trade. Responsible organizations of that time had to deal with what has been described by Young as “...one of the most lengthy and successful frauds ever perpetrated upon the American people...”.

The advertising community had a heyday publishing outlandish claims in newspapers, magazines and even medical journals (for a time, the Journal of the American Medical Association accepted advertisements for patent medicines). In addition, trade cards, almanacs, puzzles and various forms of promotional literature were used to capture the attention of potential buyers. Catchy names such as “Bucklen Electric Bitters”, “Kickapoo Sagwa”, or “Abbot’s Aromatic Bitters” were contrived to engage the interest of the prospective buyer. It is of local interest that several major manufacturers –C.I. Hood, J.C. Ayer, and E.W. Hoyt—were headquartered in Lowell, MA. One of the most pervasive of these remedies, “Hostetter’s Bitters”, claimed to be “...a positive protection against fatal maladies of the Southern swamps, the poisonous tendencies of the impure rivers and bayous.” During the Civil War, the manufacturer suggested to the U.S. Surgeon General that it be given a trial in the army. The injuries and illnesses associated with the Civil War provided an impetus for the growth of the patent medicine trade.



Writing to the firm of Hostetter & Smith on August 22, 1883, the U.S. Commissioner of Internal Revenue noted, "...to draw the line nicely, and fix definitely where the medicine may end and the alcoholic beverage begin, is a task which has often perplexed and still greatly perplexes revenue officers, and especially where a preparation contains so large a proportion of alcoholic spirits as yours does." The Commissioner resolved this dilemma by ruling that a liquor license would be required to sell bitters over the counter as a beverage; however, no tax was levied if it was sold as a medicine.

Noting the vast fortunes, which were being made in the patent medicine business, Oliver Wendell Holmes stated, "Somebody buys all the quack medicines that build palaces for the mushroom, say rather, the toadstool millionaires." This statement characterized the increasing pressures from the health professions, including even pharmacists whose gross income was derived in significant part from the sale of these nostrums.

Harvey Washington Wiley, chief chemist in the Department of Agriculture, pressured Theodore Roosevelt to voice support for a pure food and drug law. In 1905, Roosevelt stated in his annual message, "I recommend that a law be enacted to regulate interstate commerce in misbranded and adulterated foods, drinks, and drugs. Such a law would protect legitimate manufacture and commerce, and would tend to secure the health and welfare of the consuming public. Traffic in foodstuffs which have been debased or adulterated so as to injure health or to deceive purchasers should be forbidden." Congressional inactivity was ended when a muckraking description by Upton Sinclair of the filthy conditions under which American's meat was processed caused Roosevelt to angrily insist that legislation be enacted to correct this egregious circumstance. In 1906 the Pure Food and Drug Act was passed. This law, which had many faults, was called "Wiley's Law" in recognition of his untiring efforts to effect its passage.

Subsequent pure food and drug acts, and active prosecution of the manufacturers, ended this era. However, the problem of control of quackery continued and it was so significant that, in 1958, the Food and Drug Administration, The American Medical Association, and the Better Business Bureau embarked upon a joint attack with counter-propaganda. Quackery is still extant today, particularly in the nutrition and vitamin "rackets."

Sources: Young, H.J., *The Toadstool Millionaires*
(Princeton University press, 1961)
Carson, G., *One For a Man, Two For a Horse*
(Doubleday, 1961)

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