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# Medicine, Muckraking, And The Pure Food And Drug Act Of 1906

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MEDICINE, MUCKRAKING, AND THE PURE  
FOOD AND DRUG ACT OF 1906

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Medicine, Muckraking, and the Pure Food

and Drug Act of 1906

(TITLE)

BY

Jack D. Davis

**THESIS**

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## ABSTRACT

The passage of the Pure Food and Drug Act of 1906 was intrinsically linked to the progressive experience of early twentieth-century America. The exposure of the fraudulent practices which permeated both the patent medicine and meat packing trade stirred public concern for the safety of the nation's consumable goods. Urged on by a strong press, the clamor for protection against adulterated foods and medicines inevitably forced the Congress to enact legislation which would strengthen the government's role in safeguarding the health of every citizen in the United States.

While adulteration was an age old problem, many European countries had enacted general food laws well before the turn of the century. In America, pure food and drug legislation was doomed to defeat because of the intense lobbying efforts of the special interest groups in Congress. It was only after the forces of progressivism, muckraking, and public opinion had been fused together into a single entity that substantial headway was made in the battle for a national anti-adulteration law.

Edward W. Bok, the editor of The Ladies' Home Journal, fired the opening salvo in the war against the patent medicine business. In an editorial entitled "The 'Patent-Medicine' Curse," Bok warned his readers that every year tens of thousands of bottles of patent medicines would be used by people who were in absolute ignorance of what they were swallowing. Bok was aided in his anti-nostrum campaign

by Mark Sullivan, a Harvard-trained journalist and lawyer, who ferreted out many of the deceptive practices that were used by patent medicine firms.

Another editor who joined in the crusade against the patent medicine evil was Norman Hapgood of Collier's. Hapgood, in turn, hired Samuel Hopkins Adams to write a full-scale exposure of medical quackery. Adams was a born muckraker whose pre-medical studies at Hamilton College and nine years experience as a criminal reporter for the New York Sun made him an ideal candidate for the job.

In a series entitled "The Great American Fraud," Adams assailed the patent medicine manufacturers for putting cocaine and opium in "soothing syrups," "cough remedies," and "catarrh powders" as well as concealing alcohol in "bitters," "tonics," and "sarsaparillas." Adams specifically addressed such topics as "Peruna and the Bracers," "Liquozone," "The Subtle Poisons," "Preying on the Incurables," and "The Fundamental Faker." According to Adams, gullible America would swallow huge quantities of alcohol, opiates, narcotics, and, far in excess of all other ingredients, undiluted fraud. For fraud was the basis of the trade.

Just as Adams was concluding his series on the nostrum evil, Upton Sinclair's book The Jungle was published by Doubleday, Page, and Company. After reading The Jungle and reviewing the proofs of three The World's Work articles, President Theodore Roosevelt sent James B. Reynolds and

Charles P. Neill to Chicago to investigate conditions at the stockyards. Armed with the Neill-Reynolds report and backed by a national constituency which demanded food and drug protection, Roosevelt was able to apply pressure on behalf of the pure food bill which was before the House. The Pure Food and Drug Act became law on June 30, 1906.

DEDICATION

to my Dad

### ACKNOWLEDGEMENTS

I would like to thank my wife, Ember, and my daughter, Kathryn, for their unflagging support during the preparation of this project. I would also like to recognize my thesis advisor, Dr. David J. Maurer, and all the other members of the History Department at Eastern Illinois University who have guided and directed my studies. And a special thank you to Brenda Rush who painstakingly typed and processed this manuscript. Without the encouragement of these and other individuals, I would not have been able to bring this endeavor to completion.

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## INTRODUCTION

In today's modern world, the sophisticated consumer rarely, if ever, questions the purity of the foods and drugs which are routinely purchased at the local supermarket or pharmacy. The shopper assumes that the products which he or she so readily ingests have met or surpassed certain rigid standards and controls. The trust in the wholesomeness of consumable items is part of the legacy bequeathed to America by the progressive reformers of the early twentieth century.

The passage of the Pure Food and Drug Act of 1906 was one of the notable achievements of the Progressive era. Prior to 1906, numerous attempts had been made to enact some sort of a national sustenance bill. All of these efforts failed. It was only after the forces of progressivism, muckraking, and public indignation had been marshalled together in favor of a consumer protection law that Congress authorized the Pure Food and Drug Act.

The purpose of this work is to show a connection between the exposure of the patent medicine fraud and the passage of the Pure Food and Drug Act of 1906. Medical muckrakers occupied a unique place within the larger context of the progressive movement. It was through the efforts of such men as Edward Bok, Mark Sullivan, and Samuel Hopkins Adams, that the public was made aware of the dangers found in various syrups, powders, and nostrums. The magazines, periodicals,



and journalists of the early 1900s ignited public vexation. Without the work of the medical muckraker, pure food legislation could have been delayed until after World War I. Lacking the endeavor of the professional health writer, the American public would have continued to poison itself indefinitely.

In general, this paper will follow some of the pure food and drug proposals as they twisted and turned along the tortuous routes of a labyrinthine Congress. The discourse will chronicle the effects of the campaign against medical fraud as well as portray the interaction of early twentieth-century American political, cultural, and societal forces. And finally, this treatise will show convincingly that the enactment of pure food legislation was intrinsically linked to the exposure of medical fraud.

We sit at table delightfully spread,  
And teeming with good things to eat,  
And daintily finger the cream-tinted bread,  
Just needing to make it complete  
A film of the butter so yellow and sweet,  
Well suited to make every minute  
A dream of delight. And yet while we eat  
We cannot help asking "What's in it?"  
Oh, maybe this bread contains alum and chalk,  
Or sawdust chopped up very fine,  
Or gypsum in powder about which they talk,  
Terra Alba just out of the mine.  
And our faith in the butter is apt to be weak,  
For we haven't a good place to pin it  
Annato's so yellow and beef so sleek,  
Oh, I wish I could know what is in it?

The pepper perhaps contains cocoanut shells,  
And the mustard is cottonseed meal;  
The coffee, in sooth, of baked chicory smells,  
And the terrapin tastes like roast veal.

The wine which you drink never heard of a grape,  
But of tannin and coal tar is made;  
And you could not be certain, except for their shape,  
That the eggs by a chicken were laid,  
And the salad which bears such an innocent look  
And whispers of fields that are green,  
Is covered with germs, each armed with a hook,  
To grapple with liver and spleen.  
No matter how tired and hungry and dry,  
The banquet how find; don't begin it  
Till you think of the past and the future and sigh,  
"Oh I wonder, I wonder, what's in it."

Harvey Washington Wiley

(Quoted from Oscar Anderson's The Health of a Nation, pages  
126-127).

## CHAPTER ONE

### ORIGINS

Adulteration, defined as any purposeful change in a product that altered its composition or the meaning of the name under which it was sold, was an age-old problem. Bread and wine were degraded in ancient Greece and Rome, During the Middle Ages, as commerce and the manufacture of some foods was transferred gradually from the home to the shop of the artisan, the incentives for fraud multiplied. Wine, bread, drugs, spices, and beer particularly were subject to the addition of cheapeners. Throughout the sixteenth, seventeenth, and eighteenth centuries, the evil grew in both subtlety and extent. By the time of the nineteenth century, the tainting evil had assumed alarming proportions. The industrialization and urbanization of the Western world had accelerated the shift from the domestic to the commercial supplying of food. Debasement followed merchandising and production.<sup>1</sup>

England was the first country to use the light of publicity to expose the adulteration problem. In 1798, Frederick C. Accum published a series of articles in Nicholson's Journal under the title, "Discourse on the Genuineness and Purity of Drugs," In 1820, Accum brought out A Treatise on Adulteration of Food, and Culinary Poisons. Dr. Arthur H. Hassall conducted a general investigation for the Lancet at mid-century. Dr. Hassall's finding that

scarcely any common foodstuff was free from contamination passionately stirred public opinion. Action was imperative. Parliament passed two wholly ineffective food laws in 1860 and 1872. The Sale of Food and Drugs Act of 1875 left much to be desired. However, supplemented and amended, the Act remained the basic British law for many years. General food statutes were enacted in both Germany and Sweden by the end of the 1870's. During the next two decades, most of the nations of Europe enacted general food laws similar to those of their northern neighbors.<sup>2</sup>

Americans began to express a growing interest in food and drug regulation during the twenty years that followed the Civil War. Ordinances for the control of milk and meat supplies were obtained by municipal boards of health. Several states enacted legislation designed to protect the integrity of milk and butter. General food and drug laws were written into the statute books of a number of states.<sup>3</sup>

At the federal level, food and drug legislation can be traced back to 1848. During the 1848 session, Congress enacted a bill designed to prevent the importation of adulterated and spurious drugs. Between 1879 and 1882, several general bills were introduced in Congress. Two substitutes were reported favorably to the House but neither bill was ever reported out of committee. However, in 1883, a measure applying to the importation of contaminated tea was made law.<sup>4</sup>

Commencing in the early 1880s, Dr. Harvey Washington Wiley, the chief chemist in the Department of Agriculture's Division of Chemistry, began a systematic study of foods and their adulteration. Products such as butter, oleomargarine, lard, milk, maple sugar and syrup, and honey were analyzed by Wiley and his chemists. Starting in 1887, Wiley began to publish his findings in Bulletin 13, Foods and Food Adulterants. Since Bulletin 13 was a technical reference book for chemists, Alexander J. Wedderburn was appointed to compile a short report on food adulteration in popular form. A Popular Treatise on the Extent and Character of Food Adulteration was published in 1890. In that work, Wedderburn argued that national legislation was needed in order to provide protection for the health of the consumer.<sup>5</sup>

Important commercial, agricultural, and philanthropic interests agreed with Wiley that national anti-adulteration legislation should be enacted. As early as 1880, Francis B. Thurber, president of the firm that published the American Grocer, and his brother-in-law, Major Henry C. Meyer, editor of the Plumber and Sanitary Engineer, persuaded the National Board of Trade to sponsor a contest which promoted the writing of essays on food debasement. In November 1886, the American Society for the Prevention of the Adulteration of Food issued a call for a national convention to meet at Washington in January of 1887. A larger meeting of the Society was held at Willard's Hall in the capital in 1888.

Like its predecessor, the 1888 convention endorsed draft legislation to prevent harmful additions to food and drugs. The commercial pressure for a national food and drug law was in part an effort to protect the honest businessman from the competition of the adulterator and to build public confidence in the food industry.<sup>6</sup>

Agriculturally, dairy producers sought protection from the fraudulent representation of oleomargarine as butter. The growers of corn and the hog producers clamored for defense against the degradation of lard as well as for inspection of all slaughtered animals destined for export. Producers believed that adulteration restricted their markets.<sup>7</sup>

Those who had an official, professional, or philanthropic concern for public health looked at the need for national legislation from the viewpoint of the consumer rather than the producer. Health care proponents did awaken some interest in food and drug legislation. However, they were not yet able to shake the apathy of any large segment of the American public.<sup>8</sup>

The battle in Congress for pure food and drug legislation during the late 1880s and the early 1890s was characterized by both success and frustration. Measures striking against a single product or those providing for limited federal control on a non-discriminatory basis went through Congress without much difficulty. The dairy

interests succeeded in 1886 in obtaining the enactment of a law that regulated the manufacture and sale of oleomargarine. The corn and hog concerns forced the Conger bill, which gave lard the same protection that had been accorded butter, though the House in 1890. The proposal did not win consideration in the Senate. Modeled on the English act of 1875, a measure designed to prevent the manufacture and sale of adulterated food and drugs in the District of Columbia was passed in 1888 with negligible opposition. Acts providing for the inspection of meat entering interstate and foreign commerce were passed on August 30, 1890 and March 3, 1891.<sup>9</sup>

Efforts to pass a general anti-adulteration law were doomed to defeat. In 1886, two such bills received an adverse report from the House Committee on the Judiciary. In 1888, Representative James Laird of Nebraska and Senator Charles J. Faulkner of West Virginia introduced legislation in Congress which provided for meat inspection and prohibited the introduction of adulterated or misbranded foods and drugs into interstate commerce. Neither the House nor the Senate acted upon the measures. In December of 1889 the Faulkner bill was resurrected and referred to the Committee on Agriculture and Forestry headed by Senator Algernon S. Paddock of Nebraska. The Paddock bill was passed over by both the first and second session of the Fifty-first Congress. Paddock returned to the fray in the next Congress and reintroduced his bill with slight modifications. The



Nebraskan presented his case for the proposal on the floor of the Senate in late February and early March of 1892. After minor amendment, the bill passed the Senate on March 9, 1892. In the House, the opponents of the measure blocked the bill from any consideration. Thus the Paddock bill, the direct ancestor of the Pure Food and Drug Act of 1906, died in the House.<sup>10</sup>

Despite the fact that the Paddock bill had not been enacted into law, the year 1892 still produced a momentous milestone in the battle against adulterated products. In that year, Edward Bok, the editor of The Ladies' Home Journal, announced that publication would no longer accept advertisements for patent medicines. Perceiving that the American people had become slaves to self-medication, Bok was anxious to protect his readers from the perils of the patent medicine trade. Bok was repulsed by the fact that the nostrum makers had it all their own way. There was little or no legal regulation as to the ingredients in their cures; the pages of the most reputable periodicals welcomed their advertisements; and even the mails were wide open to their circulars. Consequently, Bok and The Ladies' Home Journal took it upon themselves to fire the first shots in the war against deceitful and spurious medicines.<sup>11</sup>

The patent medicine trade that had aroused Bok's ire and sense of righteous indignation had a truly unique and distinctive history. In 1708, Bostonian Nicholas Boone

placed the first patent medicine advertisement in an American newspaper. Apothecary Boone noted in the News-Letter that he would be selling Daffy's Elixir Salutis at the Sign of the Bible near the corner of School-House Lane. During the late colonial years, packaged remedies shipped over from the mother country dominated the American nostrum market. Some of the English medicines had actually been patented. However, the distinction between patented brands and unpatented ones grew fuzzy in the trade. All brands, patented or not, were spoken of in common parlance as "patent medicines." Patenting a nostrum, in England and later in America, required revealing its ingredients and composition. Makers of unpatented "patent medicines" were characterized by their resolve to maintain the strictest secrecy concerning their products formulation. Since most nostrums in the American future were to be unpatented and secret, the term "patent medicine" became an inappropriate misnomer.<sup>12</sup>

The American Revolution ended the dominance in America of the old English patent medicine brands. Even before the war, American apothecaries had begun to market their own counterfeit versions of some of the popular British brands. The imitations were filled using formulas obtained from London and Edinburgh pharmacopeias as well as medical handbooks for laymen. By duplicating the bottle shape and wrapper, the Revolutionary War customer was seldom aware that his English healing draught was being brewed on American

shores. After the war, the British proprietors were unable to regain their pre-Revolutionary ascendancy. American facsimiles were too cheap and too widespread.<sup>13</sup>

Prior to the Revolution, there had been some fumbling efforts at launching a competitive home-grown business. However, it took the cultural nationalism which accompanied and followed the Revolution to launch the made-in-America patent medicines. Imbued with the flush of victory, American physicians sought American herbs which could be used to relieve the American sick of unrepudican dependence on European remedies. Both medicine and pseudo-medicine were quickened by the upsurge of patriotism. A few medicine makers looked to the government to protect their inventive genius through the patent law that had been enacted under the new federal Constitution.<sup>14</sup>

As early as 1800, patent medicine vendors in almost every major town in the United States were preying on the weakness and folly of a deluded public. During the early nineteenth century, medicine's "heroic" age, the prevailing American vogue in therapy stressed extreme bleeding and purgings. With the promise of mild medication, the irregular practitioner appealed to the cowards and the sick man who did not feel like being a hero. The rise of Jacksonian democracy deepened the suspicion of the regular doctor.<sup>15</sup>

The upsurge of democratic sentiment in the West and in the poorer sections of the cities led to the belief that the

plain man of common sense seemed superior to the trained expert. In such an atmosphere of self-reliance, the nostrum market doubled and then doubled again. An 1804 New York drug catalog listed some 80 or 90 names. A Boston drug catalog in 1857 included 500 to 600 entries. A list of over 1,500 patent medicine names was compiled from 1858 newspaper advertising. The expanding market for nostrums in the Jacksonian era was also attributable to such factors as: the expansion of American newspapers; the expansion of public elementary education in the North and West; urbanization; and city eating habits. The nostrum promoter was a pioneer who was always seeking a broader market for his packaged remedies.<sup>16</sup>

During the great boom of American industrialism after the Civil War, the nostrum promoter became deeply involved in the growing sophistication of business life. The proprietary medicine industry paced the field in total money spent for national advertising. While by no means an absolute monopoly, the nostrum manufacturers also shared in another major economic trend of the times, that toward the concentration of business ownership. Many of the mightiest entrepreneurs bought and sold patent medicine companies as other men might buy and sell mills or railroads. In the turbulent business economy of the last nineteenth century, the nostrum manufacturers banded together and formed the Proprietary Medicine Manufacturers and Dealers Association in order

to protect the interests of the trade. Thus, through advertising, consolidation, and lobbying, the proprietary medicine industry grew from an output valued at \$3,500,000 in 1859 to a sum 20 times that large by 1904.<sup>17</sup>

The great growth in products for self-dosage took place during an era in which the physician's training in pharmacology and the materia medica had been weakened by a sense of therapeutic nihilism. Quackery grew by taking advantage of orthodox medicine's prospects as well as its persisting weaknesses. The germ theory, the discovery of radium, and the glamour of new science were twisted to benefit the unscrupulous promoter. Judicious men assailed medical quackery through the occasional anti-nostrum bulletins which came from the pens of a new type of scientist, the agricultural chemist. The boom in canned and package foods promoted agricultural chemists' interests in exposing not only fraud in food but any crookedness involving chemistry.<sup>18</sup>

In September of 1895, Henry A. Huston delivered his presidential address to the Association of Official Agricultural Chemists (AOAC). This episode marked the revival of the campaign for a pure food law which had been quiescent since the death of the Paddock bill in the House in 1892. At the AOAC meeting in September 1897, a committee composed of Harvey W. Wiley, Henry A. Huston, A.S. Mitchell, and John A. Meyers recommended the reintroduction of the Paddock bill with certain modifications. Congressman

Marriott Brosius of Pennsylvania introduced the modified Paddock bill into the lower chamber two months later.<sup>19</sup>

When the National Pure Food and Drug Congress (NPFDC) convened in Washington during early March of 1898, the legislative committee met in order to consider the AOAC bill that Congressman Brosius had introduced into the legislature the preceding December. After several amendments had been adopted, the chairman of the NPFDC legislative committee, Wiley, presented copies of the revised bill to Brosius in the House and Charles J. Faulkner of West Virginia in the Senate. The rewritten draft was introduced and promptly referred to the Committee on Interstate and Foreign Commerce in the lower branch and to the Committee on Agriculture and Forestry in the upper chamber. The frail bark of the pure food cause was launched on the stormy waters of the Fifty-fifth Congress.<sup>20</sup>

The revised pure food bill was reported favorably to the Senate in January of 1899. The House committee failed to put the measure into condition for report. While the Brosius and Faulkner bills were being considered in Congress, the National Pure Food and Drug Congress met for the second time in an effort to put pressure on the national Legislature. The full Senate took no action on the measure that had been reported to it from committee. No significant pure food legislation was forthcoming during the years 1898 and 1899 because special interest lobbyists blocked Congressional action.<sup>21</sup>

Public interest in the adulteration of food and drink was sparked by the investigation of the Senate Committee on Manufactures. During 1899 and early 1900, the Committee, under the chairmanship of William E. Mason of Illinois, heard testimony from almost two hundred witnesses. As newspapers took up the subject, the public began to see the adulteration problem in a different light. People started to realize that the pure food movement was based on the interest of public well-being.<sup>22</sup>

On December 7, 1899, Representative Brosius introduced the bill that had been before the preceding Fifty-fifth Congress. Early in January, Senators Allen of Nebraska and Henry Hansbrough of North Dakota presented bills virtually the same as that brought forward in the House. a revised version of Brosius's bill was introduced by Brosius and Mason into the House and Senate on January 15th. Joseph W. Babcock, a Wisconsin Congressman, lent to the confusion by inserting an additional pure food measure. The Pure Food and Drug Congress, meeting for the third time, refused to advocate the Babcock measure. The Congress proposed certain amendments to the Brosius bill and a revised bill was introduced shortly by Brosius in the House and Senator Redfield Proctor in the Senate. The House pure food bill died a natural death at the adjournment of the Fifty-sixth Congress.<sup>23</sup>



At the opening of the Fifty-seventh Congress, numerous pure food bills were presented for consideration. Representative William P. Hepburn of Iowa threw into the legislative hopper the bill that the late Congressman Brosius had introduced the year before. Senator Hansbrough introduced the Hepburn proposal into the Senate. The draft for a general food law was submitted by James R. Mann and Shelby M. Cullom, both from Illinois, to the House and Senate. Somewhat later, Representative Corliss of Michigan offered the same measure only with slight alteration. In March, the House Committee on Interstate and Foreign Commerce and the Senate Committee on Manufactures considered concurrently the Mann-Collom-Corliss and Hepburn-Hansbrough bills. The Senate committee approved the Hansbrough bill unanimously while the Hepburn bill was reported in the House. No action was taken in the lower chamber and on June 28th Senator Nelson Aldrich blocked the last chance for consideration in the current session.<sup>24</sup>

The second session of the Fifty-seventh Congress convened in December 1902. The Hepburn bill was on the calendar in the House and the Hansbrough bill was actually under consideration in the Senate. The House passed the measure under consideration by a vote of 72 to 21. The Senate Committee on Manufactures favorably reported a substitute measure on January 8, 1903. The bill perished

when Senator Porter J. McCumber was unable to fix a date for its consideration.<sup>25</sup>

From 1903 on, the campaign for national pure food and drug legislation was affected by a new force in American Life--Progressivism.<sup>26</sup> In general, the progressive reformers were an interesting lot. While some labor leaders, political czars, and ethnic bosses were included in the ranks, the progressives were usually young, middle class professionals such as lawyers, newspaper editors or publishers, and independent manufacturers or merchants who came from old American stock of British origin. Religiously, the progressives were predominately the descendants of Calvin and Knox with the Congregationalists, Unitarians, and Presbyterians being in the majority. Whether Democrats or Republicans, the twentieth-century reformers had been conservatives in the nineties, but were now ardent advocates of ideas such as municipal gas and water socialism.<sup>27</sup>

The motivational underpinnings for this economically secure, well-educated, middle-class group can be seen partly in the peculiar economic and social position in which this group found itself at about the turn of the century and partly in the intellectual and ethical climate of the age. Tempered by the ethics of the social gospel, the progressives saw themselves as the protectors of morality--the originators of progress. Change was to be accomplished through the

instrumentality of a few great and good men who were ruthless in their zeal for human advancement.<sup>28</sup>

For the great majority of the new century's reformers, the city was a devilsburg of crime where money was made by strangling legitimate enterprises and other human endeavors. Intense anti-urban feelings, spurred on by the newly arisen cult of the frontier, contributed to a new emphasis upon agrarian values. Some progressives saw the great city as the creation of national weakness and possible disintegration, and the countryside as the nation's savior. The agrarian bias eventually entrenched itself as one of the more important elements in the making of the progressive mind.<sup>29</sup>

Besides being a haven for alien races, religions, and colors, the metropolis was also the home of great wealth, and excessive wealth was regarded as much an enemy to civilization as excessive poverty. The progressives believed that there was something corrosive about great wealth since a man usually had to sacrifice moral values to overriding material ambition in order to acquire it. By trying to draw a line between good and bad wealth, the reformers attempted to formulate new ethical standards for a better division of national wealth.<sup>30</sup>

The progressive genius was an amalgamation of many curious factors. Progressivism embodied elements of reform, ethics, morality, and leadership within its framework. The progressive's confidence in man's ability to order the future

was bolstered when the assassin's gun elevated Theodore Roosevelt to the Presidency. Now progressivism had a spokesman in the White House.<sup>31</sup>

The term "muckraking" was first popularized by President Roosevelt in 1906. At the laying of the cornerstone of the office building of the House of Representatives, Roosevelt spoke of the Man with the Muck-rake in Bunyan's Pilgrim's Progress. With muck-rake in hand, the man could only gaze downward. When offered a celestial crown for his muck-rake, he would neither look up nor regard the crown he was offered. Rather, he continued to rake the filth of the floor to himself. While the President himself approved of exposure, he was wearied by the excesses of some of his contemporaries who persisted on fixing their eyes on vile and debasing things.<sup>32</sup>

Within a short time, the term muckraker was attached to all reformers who were engaged in denouncing corruption. Muckraking was viewed as the exposing of evils and graft for the ostensible or real purpose of promoting justice and righteousness. Muckraking was the inevitable result of decades of apathy to the immoralities and illegalities associated with the industrial development of America.<sup>33</sup>

While the beginning of the muckraking movement in America could be traced to the years 1900, 1901, and 1902, the concept of muckraking itself was nothing new. Ray Stannard Baker suggested that Jesus was one of the greatest

muckrakers. Luther certainly tried to expose what he regarded as corruption in the Catholic church of his day. S.S. McClure pointed out that Daniel DeFoe and the pamphleteers of the eighteenth century performed the same type of service that the muckrakers undertook in the beginning of the twentieth century. Much of the literature of the early Abolitionists, such as Harriet Beecher Stowe's Uncle Tom's Cabin and Helper's The Impending Crisis, bordered on muckraking. Henry George was a master of muckraking. The works of Henry Demarest Lloyd and Edward Bellamy could be classed with the literature of exposure.<sup>34</sup>

The point which distinguished the era of the muckrakers from preceding efforts was the fact that the popular magazines devoted themselves whole-heartedly to the business of exposure. In 1900 the Arena was the only periodical in the field. Over the next two years, other magazines made tentative ventures into muckraking. Muckraking came into vogue in 1903 and by 1904 and 1905 the magazine-reading public was being treated to the most sensational publications that respectable periodicals ever undertook.<sup>35</sup>

Between 1900 and 1902, muckraking-like articles appeared in such magazines as the Arena, Munsey's, Century, Cosmopolitan, McClure's, and Everybody's. The era of the muckrakers began with the October issue of McClure's which printed an article by Claude H. Wetmore and Lincoln Steffens on "Tweed Days in St. Louis." The same issue announced that

a serial publication by Ida M. Tarbell on the "History of the Standard Oil Company" would begin in the next issue. After October 1902, McClure's took first rank among journals of exposure and reform. As other magazines took up the work, muckraking became militant in 1903 and sensational by 1904. For nearly a decade, magazine readers were presented with a series of attacks on American institutions that were calculated to disconcert the most complacent.<sup>36</sup>

As these pages show, the proponents of pure food and drug legislation were faced with almost insurmountable obstacles in their quest for a national anti-adulteration law. Time, and time, and time again, the special interest groups produced roadblocks in Congress which thwarted the efforts of the food and drug reformers. While Wiley was establishing the scientific basis for the need for food and drug reform, the first stirrings of progressivism and muckraking were beginning to incite public concern regarding the purity of the food supply. The scales tipped in favor of reform as the battle over adulterated drugs heated to a fever pitch.

ENDNOTES

1. Oscar E. Anderson Jr., The Health of a Nation: Harvey Washington Wiley and the Fight for Pure Food (Chicago: The University of Chicago Press, 1958), 69.
2. Ibid., 69-70.
3. Ibid., 70.
4. Ibid., 70.
5. Ibid., 70-75.
6. Ibid., 75-76.
7. Ibid., 76-77.
8. Ibid., 77.
9. Ibid., 77.
10. Ibid., 78-80.
11. Edward W. Bok, The Americanization of Edward Bok: The Autobiography of a Dutch Boy Fifty Years After (New York: Charles Scribner's Sons, 1932), 340.
12. James Harvey Young, The Medical Messiahs: A Social History of Health Quackery in Twentieth-Century America (Princeton, New Jersey: Princeton University Press, 1967), 13-14.
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## CHAPTER TWO

### BOK, SULLIVAN, and ADAMS

In 1903, Maud Banfield, the "Trained Nurse" on the staff of The Ladies' Home Journal, devoted a column to the nostrum evil.<sup>1</sup> Banfield wrote that she had decided to discuss the subject of patent medicines because she was convinced that it was a topic of great importance. Medical journals frequently carried articles on patent medicines but these reports were written primarily for doctors. The newspapers, which derived a large income from patent medicine advertisements, could certainly not be expected to print stories which might jeopardize a source of revenue. Indeed, The Ladies' Home Journal, by reason of its absolute prohibition of patent medicine advertisements, was one of the few periodicals which would print her review.<sup>2</sup>

According to Banfield, patent medicines were dangerous because they contained large quantities of alcohol, opium, or cocaine. They induced or encouraged dangerous drug habits as well as turned multitudes of people into drunkards. A type of patent medicine known as "bitters" contained ten times as much alcohol as beer and was stronger than whiskey. Unquestionably, more than half the quantity of spirits consumed in the country were used in making beverages, temperance drinks, and quack or proprietary medicines.<sup>3</sup>

Even insurance companies were beginning to recognize that patent medicine taking was affecting health and longevity. A man who would swallow a patent medicine for his

blood or bolt a department store pill for his liver was not a fit subject for life insurance. The patent medicine drunkard was hardly a good insurance risk either morally or physically.<sup>4</sup>

Banfield also wrote that many people seemed to think that paregoric was a harmless soothing mixture. Supposedly it was a good preparation to give the baby when he cried or just the thing for Johnnie when he suffered the consequences of eating an unsuitable number of green apples. However, paregoric was actually camphorated tincture of opium and it should never be given to a patient without a physician's order. A dose of castor oil or salts in proper quantities should be given for a stomach ache, not opium.<sup>5</sup>

In summary, Banfield thought that the drug habit was becoming a national menace. She cited statistics which showed that since 1898 the population of the United States had increased ten percent while the amount of opium imported had increased five hundred percent. The importation of cocaine was three times as large as it had been in 1898. Since physicians had diminished rather than increased their administration of opium and cocaine, it was probably safe to conclude that practically all of these narcotics were being used by drug "fiends."<sup>6</sup>

Three out of every one thousand inhabitants in the eastern part of the United States were addicted to the use of some drug other than alcohol. In New York City, cocaine

adulterated with acetanilide was peddled from door to door as an ordinary necessity of life. The apothecary shop was replacing the saloon in the business of fostering drug habits.<sup>7</sup>

By 1904, The Journal's random attacks on nostrums had turned into a vigorous campaign.<sup>8</sup> In an editorial entitled "The 'Patent-Medicine' Curse," Edward Bok called his readers' attention to the fact that every year tens of thousands of bottles of patent medicines were used by persons who were in absolute ignorance of what they were swallowing. During the springtime in particular, people felt "sluggish" after the all-winter indoor confinement. They believed that their systems needed a "blood purifier" or a "toning up." From the cleverly worded descriptions of symptoms that appeared in a newspaper, or on the side of a barn, or on a fence they were convinced that this man's "sarsaparilla," or that man's "bitters," or so-and-so's "pills," or that "doctor's" "vegetable compound," was exactly the thing they needed as a "tonic."<sup>9</sup>

Bok wrote that instead of paying one or two dollars for honest, intelligent medical advice, many people preferred to invest from twenty-five to seventy-five cents for a bottle of this or a box of that. For the sake of saving a physician's fee, they poured into their systems a quantity of unknown drugs which was absolutely alarming. A mother who would have held up her hands in holy horror at the notion of her child drinking a glass of beer, which contained from two to five

percent alcohol, thought nothing of giving that same child a patent medicine which contained from seventeen to forty-four percent alcohol. Women who raged in letters to The Journal's editorial office because the magazine advertised a certain rootbeer, with really no alcohol in it at all, were the same women who were swallowing bottle after bottle of "Lydia Pinkham's Vegetable Compound" which contained 20.6 percent alcohol.<sup>10</sup>

When a young wife who was expecting her first baby wrote to Miss Banfield about the advisability of taking "Doctor Pierce's Favorite Prescription" to relieve the discomforts incident to her condition, The Journal contacted Doctor Samuel W. Abbott, Secretary of the State Board of Health of Massachusetts. Doctor Abbott quoted an analysis made by the well-known German chemist, Hager, and published in Hahn's Geheimmittel, which stated that the "Favorite Prescription" contained among other ingredients; tincture of digitalis, tincture of opium, oil of anise, and alcohol. Calling the patent medicines useless and harmful preparations, Miss Banfield quite naturally abhorred the use of any powerful drug during gestation.<sup>11</sup>

Banfield believed that no woman had the moral right to dispense a medicine to her child, herself, or any member of her family if she did not know what ingredients were in the mixture. Drugs taken without the advice of a responsible physician or used without intelligence were extremely dangerous. The mother who sought to save the physician's fee

of a dollar or two was practicing a much more costly form of economy.<sup>12</sup>

According to Banfield, the patent medicines were dangerous because sometimes they did give a supposed sense of relief or tone up a sluggish system. And why not? The alcohol gave a sense of temporary well-being while the opium soothed pain and the cocaine stimulated and excited the person. These mixtures were freely taken by people who would have been outraged at the very thought of going into a saloon and ordering a glass of whiskey. These same people would be still more shocked if anyone suggested that a drink of whiskey three times a day would cure any disease as well as make them feel better.<sup>13</sup>

Bok declared that everything that had been said about the patent medicines in his editorial could be readily proved. He challenged any woman who had read his article to ask her physician about the truthfulness of his statements. As for the physicians themselves, Bok wrote that they could not speak openly about the patent medicine curse. If they did, they would lay themselves open to the accusation that the "patent medicine cures" interfered with their practice. According to Bok, patent medicines were actually good for the medical profession. Nothing brought a man or a woman or their child more surely to the physician than did patent medicine tippling.<sup>14</sup>

The patent medicine habit, in Bok's view, was one of the gravest curses that inflicted American national life. The

people of America, and in particular the mothers of children, needed to be made aware of the fearful dangers which lurked within the proprietary preparation. Some hopeful signs of awakening had been seen. Slowly the best magazines were falling into line by refusing to accept patent medicine advertisements of any kind. Insurance companies were gradually appreciating the fact that the use of patent medicines was even more injurious to health than the use of alcoholic liquors. Despite these minor victories, Bok realized that the patent medicine curse would be eliminated only when public interest had been widely aroused against it.<sup>15</sup>

Addressing the Woman's Christian Temperance Union, Bok charged that organization with not devoting enough of its energy to the fight against the patent medicine evil. Zealous members of the group living on farms and in small communities even allowed the advertisements for alcoholic-filled "remedies" to be put on their outbuildings, barns, and fences. Unconsciously, perhaps, but none the less surely, many members of the organization were lending direct aid to the spread of alcoholism among the people.<sup>16</sup>

Bok also asked the officers of the Woman's Christian Temperance Union to look into the advertising columns of the religious papers of the country. These so-called religious papers were flagrantly guilty of admitting to their columns advertisements not only of alcohol-filled medicines but preparations and cure-alls of the most glaringly obscene



nature. Bok described the advertising columns of the "religious" weeklies as being positive stench in the nostrils of decent, self-respecting people. Bok ended his editorial by calling upon the officers of the Woman's Christian Temperance Union to counsel their members to discontinue their patronage of papers which carried such disgusting advertising.<sup>17</sup>

Bok's reliance upon the document issued by the Massachusetts State Board of Health proved to be a careless and costly mistake. The Massachusetts analysis was a quarter of a century out of date. The company which manufactured Doctor Pierce's Favorite Prescription promptly launched a \$200,000 libel suit, asserting that the medicine contained neither alcohol, opium, nor digitalis. New analyses run by chemists hired for the purpose confirmed the Pierce contention as did a visit to the manufacturing plant. Bok printed a retraction, prepared for the trial, and sought out an investigator who could prepare the background information he required for his anti-nostrum campaign.<sup>18</sup>

Bok wrote to Mark Sullivan, a young Harvard-trained journalist and lawyer, and subsequently called upon Sullivan at his New York office. Bok explained to Sullivan that the Pierce Company was suing the Curtis Publishing Company because Bok had asserted in one of his articles that Doctor Pierce's Favorite Prescription contained sixteen percent morphine. While Bok's belated investigation revealed that the Favorite Prescription did not contain sixteen percent



morphine, no any, Bok thought it possible that the medicine's innocence or morphine was recent and that perhaps the company had changed its formula out of deference to laws some states had lately been passing. Bok surmised that perhaps if he could obtain a bottle of the medicine five or six years old, morphine might be found in it. In any case, Bok wanted a search made as well as information about the chemical formulas of all patent medicines and the companies that made them.<sup>19</sup>

Sullivan accepted the job and immediately began probing into the "nests of reeking charlatantry." During his investigation, Sullivan advertised in various newspapers for a chemist who was experienced in patent medicine work as well as for people who were well-grounded in the correspondence and advertising departments of the nostrum business. From his interviews with the callers who were eager to gain employment with the fictitious firm that Sullivan supposedly represented, he learned the tricks that had been invented or that were practiced by the patent medicine firms. Equipped with the formulas and other details about the patent medicine business of the country, Sullivan set out to collect concrete evidence which would be the exhibits and illustrations for what he should write for Bok.<sup>20</sup>

Sullivan discovered that one of the meanest practices in the industry was the sale of the letters of the deluded sick persons who answered patent medicine advertisements. A company would solicit sufferers to write letters describing

their symptoms. To these victims a patent medicine company would sell as much of its nostrum as it could dispose of through "follow-up" letters to the patient. After the patient ceased to buy any more of the medicine, his or her letters would be packed into bales of five hundred to a thousand and then sold to another company, and by the second to a third. There was an auxiliary business of dealing in the letters from naive and trustful patients, clearinghouses of the recitals of the symptoms and other confidences of the deluded.<sup>21</sup>

The Lydia E. Pinkham Company solicited letters but did not sell them. Rather, the Pinkham Company's advertisements in the newspapers and magazines of the time promised that Mrs. Pinkham in her laboratory at Lynn, Massachusetts, was able to do more for the ailing women of America than the family physician. Therefore, any woman who did not take the trouble to write to Mrs. Pinkham for advice was responsible for her own suffering. Learning that Lydia E. Pinkham of the flesh had been dead for more than twenty years, Sullivan went to Pine Grove Cemetery near Lynn, Massachusetts, and had a friend take a picture of the impressive tombstone which bore the inscription:

LYDIA E. PINKHAM

Died May 17, 1883<sup>22</sup>

Discovering that the patent medicine makers of the country were organized into a trade association known as the Proprietary Association of America, Sullivan soon obtained a copy of the minutes of one of the Associations annual

meetings. In those minutes, F. J. Cheney, the maker of a catarrh cure, told his fellow members that the principal threat to their industry was hostile legislation which would require them to print their formulas on their bottles. In order to prevent such legislation, the Association had been maintaining lobbyists in the different legislatures. However, Cheney reminded the group that lobbyists cost money, big money. Cheney went on to inform the delegates that he had invented a better, less expensive way of countering legislation that was hostile to the Proprietary Association.<sup>23</sup>

Cheney explained that he had inserted in his contracts with some fifteen thousand newspapers a clause which rendered the agreement void if a state or the United States government passed any law that would interfere with or restrict the sale of proprietary medicines. Each newspaper in the state carrying Cheney's advertisement would be sent a telegram calling attention to the cancellation clause whenever a bill to regulate patent medicines was introduced into a state legislature. Cheney's scheme was improved upon by the makers of Ayer's Sarsaparilla who inserted a second clause which allowed the J. C. Ayer Company to cancel its contract if any matter that was detrimental to the company's interests was permitted to appear in the reading columns or elsewhere in the paper.<sup>24</sup>

Whenever an anti-patent-medicine bill was introduced in each state legislature, the central office of the patent

medicine makers, known as the legislative bureau, would notify all the makers and a flood of telegrams would be let loose on the newspapers. The legislative bureau also had the co-operation of The American Publisher's Association. Consequently, the Proprietary Association could use individual newspapers to bring power to bear on both Washington and the state legislatures.<sup>25</sup>

At the same time that Sullivan was conducting his investigations into the patent medicine business, the groups fighting for the pure food law staged one of the most effective bits of propaganda ever achieved for pure food or any other purpose. During the St. Louis Exposition of 1904, the pure food workers, chiefly from the Association of State Food and Dairy Departments, secured from the Exposition officials permission to open a booth near the large space allotted to the manufacturers of preserved foods. Then the State chemists went to work. First they extracted the dye from samples of well-known artificially colored foods. Next they dyed pieces of wool and silk with the extracted colors. And finally, they attached a properly attested chemist's certificate to each bit of cloth which explained the nature of the dye and gave the name of the food sample from which it had been taken. The whole exhibit was then shipped to the pure food booth at the St. Louis Exposition.<sup>26</sup>

Fair goers by the thousands filed by the beautifully arranged display of the food manufacturers. Pausing at the pure food booth, the visitors saw duplicated many of the cans

and bottles on view in the food manufacturers' booth. However, the containers at the pure food exhibit were each tagged with a placard which named the deleterious substances used in the food's coloring and preservation. On a table were the silk and woolen cloths that had been colored with dyes extracted from the foods. The subtle purpose of the brilliantly hued lay-out was to help the passer-by reason that silk and wool were animal tissues just as a human being's intestines were animal tissues. Therefore, a dye that would bring a brilliant green, or yellow, or carmine to silk and wool might produce the same color in an individual's intestines if it were swallowed in food.<sup>27</sup>

The passer-by was moved to reflect that a color might be agreeable and harmless when used on a necktie, but that same color when used on the lining of a person's insides might have adverse effects on one's health. In short, the ordinary American examined the display in the aisles of the St. Louis Exposition with intentness and minuteness. The average citizen passed on with a readiness to listen favorably to any agitator who thought Congress ought to do something about the use of artificial coloring in food.<sup>28</sup>

Also in 1904, the first part of Bulletin 84, Influence of Food Preservatives and Artificial Colors on Digestion and Health, was published by the Bureau of Chemistry. The data in Bulletin 84 was derived from a study that Dr. Harvey W. Wiley had begun in 1902. Wiley's primary objective in this study was to conduct feeding experiments that would permit an

empirical conclusion as to the effects of preservatives on the human organism.<sup>29</sup>

Fitting out a kitchen and dining room in the basement of the chemistry building, Wiley recruited twelve young men from the Department of Agriculture to undergo the tests. The plan was to subject the young men to a series of observations which were roughly divided into three phases. The "fore period" was used to determine normal metabolism. The "preservative period" of fifteen or twenty days tested the effects of such substances on the volunteers and the "after period" was designed to restore the individual if there had been any disturbance of physical state. The conclusions were based on a comparison between the food given each man and his bodily excretions, and on frequent physical examinations.<sup>30</sup>

The first preservative tested was boric acid. Studies of salicylic, sulphurous, and benzoic acid, and of formaldehyde were conducted in 1903 and 1904. Once the investigations were completed, Wiley published the results in Bulletin 84. Wiley concluded in 1904 that disturbances of appetite, of digestion, and of health could be created by both boric acid and borax if they were continuously administered in small doses for a long period or when given in large quantities for a short period.<sup>31</sup>

The Bureau of Chemistry's feeding experiments appealed to the popular imagination. Numerous letters of application were received by Wiley after the first newspapers announced that he was looking for volunteers to receive free board for



doing nothing but eat food that at times would be poisoned. Wiley himself reflected the common attitude when he penned a letter of mock acceptance to two friends from Cincinnati who had offered in just to serve.

You will begin with a diet of borax garnished with salicylic acid--with a dish of alum on the side. You will then have a course in chromatics--beginning with the beautiful yellow of oleomargarine and including the appropriate green of the French canned peas. Rochelle salts, bicarbonate of soda, acid phosphate and basic alumina sulphate will be found delightful entrees....Please report for duty about September 10th. Blanks for wills and coroner's certificates must be furnished by the guests.<sup>32</sup>

Most of the publicity that the experiments received was the work of Washington Post reporter George Rothwell Brown. Brown began by writing stories on the tests based on interviews with Wiley. Soon, however, the stories became somewhat flamboyant. Brown called the preservatives being tested "poisons" and the dozen volunteers dining in the Bureau of Chemistry were referred to generally as the "poison squad." At any rate, the newspaper publicity generated a surprising amount of interest to the extent that songs about the poison squad soon made their debut on the minstrel stage.<sup>33</sup>

The preservative investigations were significant because they clarified Wiley's views that preservatives should be restricted to cases of absolute necessity; the burden of proving need and harmlessness should fall on the producer; and preservatives should not be used without proper notice to the consumer. The feeding experiments helped to awaken the

public to the problem of food adulteration. They were more effective than mere summaries of conditions.<sup>34</sup>

Just as Wiley caught and held the attention of the entire country through his "poison squad" experiments, the intensification of the campaign against the patent medicine evil in the periodical press awakened the public to the nostrum horror. Collier's crusade against patent medicines had started with a jest. Norman Hapgood, the sober, scholarly editor of Collier's, chided William Jennings Bryan editorially because his paper, the Commoner, contained full-page advertisements for Liquozone, a nostrum promising to cure everything from dandruff to dysentery. Neither Bryan nor the proprietor of Liquozone appreciated the joke. Bryan wrote a letter of injured innocence to the editor while the nostrum maker sent his lawyer to talk with Hapgood. Within a short time, Hapgood found himself embroiled in one of the most earnest campaigns ever waged against patent medicines by an American magazine.<sup>35</sup>

Hapgood was affronted by the fraud and boldfaced audacity of the patent medicine business. As Bryan had pointed out, Collier's own hands were not clean. The magazine was running advertising for such remedies as Buffalo Lithia Water, which possessed a "Marvelous Efficiency in Gout, Rheumatism, and Gastrointestinal Dyspepsia," and Vapo-Cresoline which promised to cure whooping cough and diphtheria. Hapgood ordered such deceptive ads to be expunged from his magazine, and then, like Bok, he set out to



find a reporter capable of writing a hard-hitting full-scale exposure of medical quackery. Hapgood's choice of Samuel Hopkins Adams was one of the shrewdest in the annals of journalism.<sup>36</sup>

While Adams was no physician, he was not unfamiliar with matters medical. For a time he had pursued a course in pre-medical studies while an undergraduate at Hamilton College. Journalism, however, won him away from medicine. After graduating, Adams became a reporter, spending nine years perfecting his craft on the staff of the New York Sun. He covered the major sensational cases of robbery and murder and became adept at crime reporting. Adams left the Sun in 1900 in order to enter the employ of S.S. McClure. His first job was to edit manuscripts for the syndicate that distributed stories and articles to newspapers. Later, he worked as the McClure publishing house's advertising manager.<sup>37</sup>

In 1904, Samuel Hopkins Adams resigned his post as advertising manager in order to write. His dedication to factual accuracy and a zeal for improving the lot of mankind marked his discussion of certain aspects of the public health. Adams's continuing interest in medical science prompted him to write on such themes as tuberculosis, yellow fever, typhoid fever, and surgical techniques.<sup>38</sup>

Writing in 1905 about tuberculosis, Adams presented the best facts he could obtain about the disease that was still "the scourge of the world." He described the valuable work being done by small numbers of visiting nurses and deplored

the lack of sufficient treatment facilities. Adams's exposure in this article of the rapacity of landowners and of their opposition to tenement reform laws helped other muckrakers to concern themselves with this problem.<sup>39</sup>

In his 1905 article on typhoid fever, Adams traced the origins of the disease to polluted water. While his conclusion neglected the recent findings that personal contact was often a factor in the spread of the disease, the article revealed the slowness of municipalities in providing their citizens with basic sanitary facilities. Adams cited Pittsburgh, Baltimore, Washington, Chicago, and St. Louis among the many American cities which did not yet provide pure water and adequate sewage disposal.<sup>40</sup>

The outbreak of yellow fever in New Orleans in 1905 provided Adams with an opportunity to show what a difference scientific knowledge could make in dealing with such an epidemic. In contrast to previous attacks in New Orleans, Adams reported that this time there was no mob-rule, no mad rushing about, and no panic. Instead of mayhem, the whole city was enlisted in a campaign aimed at the ruthless eradication of the yellow fever mosquito.<sup>41</sup>

As good as these articles were, they lacked the one essential ingredient for a full-blown "muckraking" essay--the human evildoer. Since such a figure was by no means absent from the medical scene, Adams began to give some serious thought to the idea of preparing a series on American nostrums. It was at this point that he was approached by

Norman Hapgood about doing a series on medical quackery. Finding out that McClure, to whom Adams owned first loyalty, was lukewarm to the idea of publishing such a series, Adams signed a contract with Hapgood and set to work.<sup>42</sup>

Week after week, from April to October, in editorial, picture and jingle, Collier's whacked away at the nostrum menace. As part of the build-up for the Adams series, E.W. Kemble drew a "DEATH'S LABORATORY" cartoon which depicted a skull with patent medicine bottles for teeth. Hapgood wrote an article bemoaning the fact that America's most reputable newspapers opened their pages to disreputable ads. The rhymester Wallace Irwin perused an advertisement and discovered to his horror

That mushrooms were growing all over my liver,  
That something was loose in my heart,  
That due to my spleen all my nerves had turned green  
And my lungs were not doing their part.  
I wrote Dr. Sharko and got as an answer,  
"The wart on your thumb is incipient cancer."<sup>43</sup>

In the meantime, Adams was hard at work. He was gathering examples of nostrum advertising. He was buying medicines advertised and having them analyzed by his Hamilton chemistry professor or experts at a pharmaceutical laboratory. He was getting counsel from consulting editors of pharmaceutical journals and from state agricultural chemists. He was asking experts in medical research if the ingredients in the nostrums could produce the cures that were claimed by their manufacturers. He selected choice testimonials and then got the testators story at first hand. Adams journeyed to Columbus, Ohio, to talk with one of the leading

proprietarys of the day, Samuel D. Hartman. Hartman was a trained physician and the maker of a much-vaunted tonic named Peruna. Even after being warned that Adams's article was bound to be critical, the genial old German told the reporter everything he wanted to know about the patent medicine business.<sup>44</sup>

The work of Bok, Sullivan, Wiley, and Adams reflected the growing concern over the nation's public health. As a magazine editor, Bok was anxious to print stories which would draw the public's attention to the perils that were associated with taking proprietary medicine. Wiley, the man of science, was devoted to obtaining data which would prove that chemicals were injurious to health. While their approach to the adulteration problem was slightly different, both Bok and Wiley were convinced that a pure food and drug law was needed to protect the American consumer from fraud. Unfortunately, such a law would come into existence only when public outcry shook the halls of Congress. With this thought in mind, Sullivan and Adams set out to awaken, arouse, and convince the public that the time had come to enact legislation which would safeguard food and drug supplies.

ENDNOTES

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## CHAPTER THREE

### THE PATENT MEDICINE FRAUD

On October 7, 1905, Collier's carried the first chapter of Samuel Hopkins Adams's series on "The Great American Fraud." Adams's words appeared under an illustration showing a hooded skull in front of patent medicine bottles which were exuding noxious vapors. Sinewy serpents, the nostrum maker's symbol of evil, slithered among the vials.<sup>1</sup> Even at the onset it was obvious that the Collier's people intended to portray the patent medicines as diabolical concoctions which menaced public health.

Adams's initial article, entitled "The Nostrum Evil," was sort of a broad preview of what the author intended to treat with in more detail later in the series.<sup>2</sup> Adams began by saying that during 1905 gullible America would spend some \$75 million in the purchase of patent medicines. Americans would swallow huge quantities of alcohol, opiates, narcotics, and, far in excess of all other ingredients, undiluted fraud. For fraud was the basis of the trade. Should the newspapers, the magazines, and the medical journals refuse their pages to that class of advertisement, the patent medicine business would crumble within five years. The nation would be richer not only in drunkards and drug fiends saved, but in actual lives and money safeguarded.<sup>3</sup>

Adams wrote that external remedies which might be at once honest in their claims and effective for their purposes



were not to be found among the much advertised ointments or applications which filled the public prints. Cuticura rivaled the most clamorous cure-all in extravagance of advertising. Pond's Extract, during an epidemic scare in New York, traded on public alarm by putting forth "display" advertisements headed, in heavy black type, "Meningitis." A disease in which witch hazel was about as effective as molasses. This was fairly comparable to Peruna's ghoulish exploitation of the yellow fever scourge in New Orleans.<sup>4</sup>

The internal remedies, the proprietary medicines proper, all belonged in one of two categories. They could be classed as either harmless frauds or deleterious drugs. For instance, the laxatives performed what they promised, but when taken regularly they became an increasingly baneful necessity. Acetanilide would undoubtedly relieve headache of certain kinds but as the basis of headache powders it was prone to remove the cause of the symptoms permanently by putting a complete stop to the heart action. Cocaine and opium stopped pain but the narcotics were not the safest drugs to put into the hands of the ignorant, particularly when their presence was concealed in "soothing syrups," "cough remedies," and "catarrh powders." Alcohol, when fed daily and in increasing doses to women and children, made for drunkenness, not health. It was far better that whiskey or gin be unequivocally labeled as such rather than to be hidden in alcohol laden "bitters," "tonics," and "sarsaparillas."<sup>5</sup>



Upon returning to health from some disease which he had overcome by the natural resistant powers of his body, the ignorant drug taker dipped his pen in gratitude and wrote his testimonial. The man who died in spite of the patent medicine did not bear witness to what it had done for him. With the only avenues of publicity controlled by the advertisers, only favorable results were recorded: the unfavorable lay silent. So, while many of the printed testimonials were genuine enough, they represented not the average evidence but the most glowing opinions which the nostrum vendor could obtain. The innocent public regarded the testimonial as the type, not the exception. The public saw the advertising, read the testimonials, and were convinced. They had faith in the nostrum. It gave them a gentle stimulant and they recovered.<sup>6</sup>

In a nutshell, then, the patent medicine business was based on the faith cure. The faith inspired by the advertisements and encouraged by the stimulant did the work. For his purposes, if the public druggist could convince his patient that she was well, she was well. No greater harm was done than the parting of a fool and his money in the case of such diseases as naturally tend to cure themselves. However, with sciatica, rheumatism and that ilk it meant added pangs. With Bright's disease, consumption and other serious disorders it meant perhaps needless death.<sup>7</sup>

Adams went on to expound upon other aspects of the nostrum trade. He noted that through the use of the "red

clause" the press of the United States was at the beck and call of the patent medicine proprietors. He wrote that men were willing to sign testimonials, even though they had never tasted the compound in question, for the joy of appearing in print as "prominent citizens." He deplored the fact that medical publications carried advertisements conceived in the same spirit and making the same exhaustive claims as the ordinary quack "ads" of the daily press.<sup>8</sup>

On the positive side, Adams was heartened by the fact that the physicians seemed to have awakened and that the American Medical Association had organized a Council on Pharmacy and Chemistry to investigate and evaluate the "ethical" preparations advertised to physicians. A few druggists had joined the fight against worthless patent nostrums. Some states had made a good start in the matter of enacting legislation which restricted the patent medicine trade. Even the Health Commissioner of New York City was formulating a plan which would check the trade in public poisons.<sup>9</sup>

Adams concluded his article by reiterating that it was impossible to attempt more than an exemplary treatment of the patent medicine frauds. He wrote that since "lost vitality" (sexual dysfunction) and "blood disease" (venereal disease) cures reeked of terrorization and blackmail, they could not be discussed in a general circulation magazine. However, Adams intended to touch on typically dangerous and health destroying compounds such as the alcohol stimulators, the

catarrh powders and soothing syrups, the consumption cures, the headache powders, the comparatively harmless fake, and finally the system of exploitation and testimonial on which the whole vast system of bunco rested.<sup>10</sup>

Appearing in the October 28, 1905 edition of Collier's, Adams's second article was entitled "Peruna and the Bracers." Adams wrote that Peruna was the most prominent proprietary in the country. It had taken the place once held by Paine's Celery Compound and Greene's Nervura for the same reason which made them popular--alcohol. Peruna was compounded from seven drugs, water and cologne spirits (the commercial term for alcohol). With the seven nonpotent drugs totalling less than one-half of 1 percent of the product, the remainder of the nostrum was only water and cologne spirits in the proportion of three to one. Somewhat tongue in cheek, Adams told his readers that Peruna could be made for home consumption by mixing a pint and a half of water with a half a pint of cologne spirits, 190 proof, adding thereto a little burned sugar for color and a little cubeb for flavor.<sup>11</sup>

Peruna modestly claimed to cure nothing but catarrh, and catarrh was whatever ailed you. Thus pneumonia, enteritis, Bright's disease, and canker sores were catarrhs of the lungs, intestines, kidneys, and the mouth respectively. Other diseases which yielded to Peruna, according to Dr. Hartman's book, "The Ills of Life," included rheumatism, women's complaints, neuralgia, convulsions, mumps, and colic. While Dr. Hartman claimed that Peruna was not a cure-all,

Adams noted that he did not pass up the opportunity of advertising his product as a preventative against yellow fever.<sup>12</sup>

Concerning the acquisition of a drug habit, Adams stated that Peruna was the maker of drunkards. Physicians were aware of cases in which persons drank Peruna in large quantities to intoxication. On the non-medical side, the Indian Department ordered the sale of Peruna to be absolutely prohibited because as an intoxicant it was found too tempting and effective. One death and two cases of delirium tremens were attributable to Peruna intoxication on a camping trip to the Yellowstone country. A druggist in a "no license" town said that it was a notorious fact that a great many people used Peruna to get the alcoholic effect. A druggist in Minnesota referred to a prosperous farmer in the neighborhood as his star customer because the farmer had a "still" on all the time since he had discovered Peruna.<sup>13</sup>

If a person could obtain whiskey, argued the nostrum maker, why would anyone who wants to get drunk drink Peruna? In answering the query, Adams reasoned that in many places the "medicine" could be obtained and the liquor could not. Secondly, the drinker of Peruna did not want to get drunk, at least she did not know that she wanted to get drunk. Adams was aware of an estimable lady from the middle West who had become a drunkard from consuming Kilmer's Swamp Root. The Journal of the American Medical Association recorded an example of "unconscious drunkenness" in the case of a

respected clergyman who was suffering from chronic alcoholism brought on by drinking Peruna as a tonic.<sup>14</sup>

Adams called Duffy's Pure Malt Whiskey a fraud even though the United States government had long lent its sanction to the "medicine" status by exempting it from the federal liquor tax. While Duffy's had testimonials ranging from consumption to malaria cures and endorsements from distinguished temperance workers, its recognized place was behind the bar where it sold cheaply for 85 cents a quart. Life Duffy's, Hostetter's Bitters and Damiana Bitters were "drugs" that were sold chiefly in the saloon.<sup>15</sup>

According to an official state analysis, Hostetter's Bitters contained 44 percent alcohol, Paine's Celery Compound 21 percent, and Burdock's Blood Bitters 25 percent, Hood's Sarsaparilla 18 percent, and Lydia Pinkham 20 percent. In view of the nostrums' high alcohol content, Adams felt that the public should demand that the government carry out its promised policy no longer to permit liquors to disguise themselves as patent medicines and thereby escape the tax which was put on other brands of intoxicants. Adams concluded this segment of his series by saying that the public should also demand that the purveyor of the concoctions should label every bottle with the percentage of alcohol it contained. If this were done, the innocent clergyman and the Woman's Christian Temperance Union member would know that they were sipping by the tablespoon or wine-glassful what the town tippler took across the license paying bar.<sup>16</sup>

On November 4, 1905, Collier's published Mark Sullivan's article which was entitled "The Patent Medicine conspiracy Against the Freedom of the Press." This piece was part of the fruits of Sullivan's work that he had originally done for Edward Bok and The Ladies' Home Journal. The article was not adapted to The Journal because Bok's standard of length was two or three thousand words and this report ran about seven thousand words. Sullivan's essay was also so tightly woven that it could not readily be cut. Since Bok wished to see it printed, he took the article to Collier's Weekly and offered it to them for seven hundred dollars. Norman Hapgood bought the story and it became part of Collier's campaign against the nostrum business.<sup>16</sup>

Sullivan began his article by noting that in the lower house of the Massachusetts legislature on March 15, 1905, there was a debate on a bill providing that every bottle of patent medicine sold in the state should bear a label stating the contents of the bottle. As interesting and important as the debate was, the daily newspapers of Massachusetts, with one exception, omitted all reference to the legislative proceedings from their next day's editions. This almost universal silence was attributed to the intimate financial relationship which existed between the newspapers and the patent medicines.<sup>17</sup>

According to Sullivan, if the retail price of all the patent medicines sold in the United States in 1905 was placed



at one hundred million dollars, then fully forty million went to the newspapers for advertising. These large sums paid to the papers were used to buy the most important ingredient in the patent medicine man's business--silence. Silence as to the abominable stewings and brewings that entered into his nostrum; silence as to the frauds he practiced; silence as to the drug fiends he made, the inebriate asylums he filled; silence as to the deaths and sicknesses he caused. Silence was part of the contract.<sup>19</sup>

The clause which muzzled the press of the country stated that a contract could be cancelled if any matter detrimental to a nostrum company's interests was permitted to appear in the reading columns or elsewhere in the paper. Citing the fact that the contracts of the J.C. Ayer Company, the C.I. Hood Company, and the Munyon's H.H. Remedy Company all framed their silence clauses in exactly the same words, Sullivan asked if it was not fair to infer that there was an agreement among the patent medicine men and quack doctors to affect a universal agreement among the newspapers to print nothing detrimental to patent medicines. The identity of the contract language suggested mutual understanding among members of the Proprietary Association of America to both prevent the passage of laws which would compel them to tell the contents of their nostrums and to suppress the newspaper publicity which would drive them into oblivion.<sup>20</sup>

The man who devised the scheme whereby every newspaper in America was made an active lobbyist for the patent

medicine association was Mr. F.J. Cheney, the president of the organization. At the same annual meeting where Cheney explained the effectiveness of his "red clauses" to the other members of the Proprietary Association, Dr. V. Mott Pierce, the chairman of the Committee on Legislation, proposed the establishment of a Legislative Bureau. Such a bureau could be used, according to Dr. Pierce, to acquire early knowledge of pending or threatened legislation as well as control the flow of bills through the various legislatures.<sup>21</sup>

Dr. Pierce's plan for a legislative bureau was put in the form of a resolution, and the resolution was passed by the members of the Proprietary Association. And so the Association not only retained a lawyer and established a permanent secretary, office, and staff, but it hired an agent in every state to watch for bills in the legislature that would adversely effect patent medicines. Whenever a bill appeared that menaced the interest of an Association member, the manufacturers would look up the list of papers with whom they had contracts in the threatened state and send a telegram calling the publisher's attention to the obligations of his contract. By commanding the publishers to go to work to defeat the anti-patent-medicine bill, the Association was able to frustrate public health legislation in over a score of states every year.<sup>22</sup>

Referring to the public health bills which had been introduced and defeated in Massachusetts the year before, Sullivan thought it shameful that a Massachusetts newspaper



should jump to the crack of a whip of a nostrum maker in Ohio. He felt that any self-respecting newspaper should be humiliated by the attitude of an association that did not ask the newspaper to do their bidding--they ordered it to be done. While acknowledging that a newspaper which refused to aid the patent medicine people was marked, Sullivan deplored the fact that the offending newspaper could be bullied into submission by the members of the medicine trust.<sup>23</sup>

Sullivan wrapped up his article by stating that the same thing that had happened in Massachusetts had occurred in New Hampshire, Wisconsin, Utah, and in more than fifteen states. On the other hand, the legislature of North Dakota passed a bill which required that patent medicine bottles should have printed on their labels the percentage of alcohol or of morphine or various other ingredients which the medicine contained. This first success was credited to the newspapers which refused to fall in line with the threats of the patent medicine association.<sup>24</sup>

Now that the organized rascality has been exposed, Sullivan remarked that it should be understood that any newspaper which carried a patent medicine advertisement knew what it was doing. The carefully guarded secrets of the contract had become public property. Henceforth, if a state legislator could not support a label bill because the united press of his district was opposed to the measure, everyone should understand the wires that had moved the united press of that district.<sup>25</sup>

By the time Adams's third article appeared on November 18, 1905, Collier's was able to report that their anti-patent-medicine campaign was steadily gaining momentum. The magazine's daily mail was becoming enormous. "Peruna" had been outlawed in South Carolina and similar actions was pending in other states. Medical societies, while taking little action, were at least passing resolutions which were detrimental to the nostrum trade.<sup>26</sup>

Against this background of growing public and professional concern for the health of the country, Adams turned his attention to "Liquozone" and the claims associated with that "cure." Liquozone, which exploited itself as a germicide and bactericide, was a successor to Radam's Microbe Killer in the scientific battle to overcome disease. However, unlike Radam's concoction, which used a mixture of muriatic and sulfuric acids with red wine to destroy lethal microbes, Liquozone relied on a weak solution of sulfuric and sulphurous acids with an occasional trace of hydrochloric or hydrobromic acid to conquer germs. Even though Liquozone was mostly water, it nevertheless supposedly cured thirty-seven different varieties of disease which ranged from asthma and dysentery through gout and scrofula.<sup>27</sup>

The head and center of the Liquozone concern, Mr. Douglas Smith, was a promoter by profession. Several years earlier, Smith had run onto an ex-piano dealer named Powley who was selling a mixture known as Powley's Liquified Ozone.

Sensing the fact that this product could return him a profit, Smith bought out Powley, moved the business to Chicago, and reorganized it as the Liquid Ozone Company. According to Mr. Smith, Liquozone was pure liquid oxygen and nothing else.<sup>28</sup>

Rather humorously, Adams pointed out that liquid oxygen did not exist above a temperature of 229 degrees below zero. With that being the case, one spoonful of the liquid would freeze a man's throat, teeth, and tongue to equal solidity before he even had time to swallow. Even if by some miracle the patient did manage to ingest some of the preparation, the undertaker would have to put him on the stove to thaw him out sufficiently for burial. If Liquozone were indeed liquid oxygen, it would unquestionably kill germs. Unfortunately, that would not do the owner of the germs much good since he would be dead before the microorganisms even knew that the temperature was falling.<sup>29</sup>

In order to make his company more profitable, Smith launched an enormous advertising campaign. Pamphlets were issued which claimed the soundest professional backing for the product. Adams's personal investigation of the Liquozone Company, however, showed that the medical letters were not worth the paper they were written on and that the scientific statements would not bare analysis.<sup>30</sup>

Although Messrs. Dickman, Mackenzie, and Potter of Chicago furnished a statement which said in effect that Liquozone contained no substance deleterious to health, Adams commented that if sulfuric and sulphurous acids were

not deleterious to health then there must be something peculiar about the Dickman firm as human beings. An affidavit from Mr. Deavitt of Chicago attested to the fact that Liquozone was not made by compounding drugs. A St. Louis bacteriologist testified that the preparation brought favorable results in diarrhea, rheumatism, and a finger which a guinea-pig had gnawed. Despite these so-called technical endorsements, Adams asserted that none of them substantiated the Liquozone Company's claim that its product was a medicine.<sup>31</sup>

Concerning the drug company's claim that many physicians and medical institutions privately supported the use of Liquozone, Adams cited numerous "endorsements" which seemed to indicate that the patent medicine maker had garbled the facts. A young physician on the staff of the Michael Reese Hospital, Chicago, certified that Liquozone had shown bacteriologic and germicidal properties but that it was worthless medicinally. The physician even knew of a case of gastric ulcer which was due to its use. Dr. W.H. Meyers enthusiastically endorsed Liquozone in the New York Journal of Health. Unfortunately, there was not, nor had there ever been, a magazine known as the New York Journal of Health. President Albert C. Smith of the Suffolk Hospital and Dispensary of Boston thought Liquozone possessed great remedial value. It was not likely that President Smith would prescribe the solution though, since he was not an M.D. "Dr." Fred W. Porter of Tampa, Florida, wrote saying that he

favored Liquozone for his patients. "Dr." Porter was a veterinary surgeon. Dr. Frank Billings of Chicago, in a letter to the editor of Collier's Weekly, wrote that he had never recommended Liquozone in any way to any one. Dr. Billing's letter countered the Liquozone people's claim that he was one of those medical men who were prevented only by ethical considerations from publicly indorsing their nostrum. Hull House, the Chicago Orphan Asylum, the Home for Incurables, the Evanston Hospital, and the Old People's Home were cited as Chicago institutions which constantly employed Liquozone. When contacted, these institutions indicated that they had never used the preparation or had dropped it after experiments with its external applications had produced dubious results. In essence the "scientific evidence" which was used to support the Liquozone claims was derived from bogus or distorted medical letters.<sup>32</sup>

To Peruna, all ills were catarrh. To Liquozone, every disease was a germ disease. According to a Liquozone Company prospectus, ills such as goiter, dyspepsia, neuralgia, gout, asthma, and most forms of heart, liver, and kidney troubles were attributable to germs. Rather sarcastically, Adams commented that monuments of discarded pill boxes would celebrate the Liquozone savant who had determined that dyspepsia was germ trouble; that gout was caused by the bite of a bacillus and not by uric acid; and that a definite organism produced the twinges of neuralgia. Adams thought that these discoveries, along with the identification of the

heart disease germ, would be acclaimed with whoops of welcome from the entire medical profession.<sup>33</sup>

For Adams, all the petty fakers and forgery, the liquid oxygen, and the mythical medical journalism could be forgiven if there was some proof of the internal germicidal qualities of Liquozone. As might be expected, a series of guinea-pig test for anthrax, diphtheria, and tuberculosis proved that Liquozone actually tended to lower the resistance of the body to an invading disease. With every dose of Liquozone that a patient swallowed, he decreased, rather than increased his chances of recovery.<sup>34</sup>

Adams concluded his remarks about Liquozone by informing his readers that North Dakota, San Francisco, and Lexington, Kentucky had banned its sale. Since it was expected that Liquozone would have to fight for its life in other cities, the Liquid Ozone Company had attempted to reform their claims. However, Liquozone was still a fraud which owed its continued existence to the cynical tolerance of the national conscience and the laxity of public health methods.<sup>35</sup>

Adams's next expose appeared in the December 2, 1905, edition of Collier's. Entitling his article "The Subtle Poisons," Adams explained that nostrums which contained concealed drugs or opiates were the most dangerous of all quack medicines. They were dangerous because they enslaved the patient, obscured medical treatment, and sometimes actually killed the user. Some of the dangerous drugs in



this category were the headache powders which contained acetanilide.<sup>36</sup>

Orangeine was one such remedy which was based on a mixture of acetanilide and less potent drugs. An even though Orangeine printed its formula, the proprietors of the cure still adhered to a policy of careful and dangerous deception. The wickedness of the Orangeine fraud lay in the fact that by virtue of its acetanilide content it thinned the blood, depressed the heart, and undermined the whole system. The makers of the powder, on the other hand, claimed that Orangeine strengthened the heart and produced better blood. Adams called the company's statement the most direct and specific an inversion of the true facts that he encountered in his patent medicine investigations.<sup>37</sup>

Adams connected the rising number of sudden deaths from heart failure in New York City during 1902 with the increased advertising for headache powders which was prevalent at that time. He carefully described several cases in which the coroner specifically attributed the cause of death to poisoning by acetanilide which was taken in Orangeine headache powders. These deaths were due in part to the fact that the dangerous nature of the drug was carefully obscured by the acetanilide dealer.<sup>38</sup>

Orangeine fulfilled the prime requisite of a patent medicine in that it fostered its own demand. The powder promoted a persistent craving which eventually resulted in an addiction similar to the opium or cocaine habits. Advertised



as a cure for nervousness and headaches, Orangeine could also be used as a bracer. In other words, Orangeine should be taken morning, night, and between meals until addiction was complete.<sup>39</sup>

The headache powders pretended to cure asthma, biliousness, headaches, catarrh, grip, diarrhea, hay fever, insomnia, influenza, neuralgia, seasickness, and sciatica. Of course they did not cure any of these. The powders simply gave temporary relief by depressing the heart. With the return to normal blood flow came the recurrence of symptoms plus the incentive to use more of the drug until it became a necessity.<sup>40</sup>

Adams went on to describe how some of his acquaintances had come to depend on headache preparations to keep them going. He knew of one young woman who had developed a dead, pasty white complexion, a puffy blueness under the eyes and about the lips, from taking five or six Orangeine powders a day for several months. Another friend was unable to dissuade his wife from constantly using both Orangeine and Bromo-Seltzer even though her health was breaking down. As in most cases of acetanilide addiction, the patient's symptoms disappeared when the drug was discontinued.<sup>41</sup>

Other acetanilide mixtures which were just as dangerous as Orangeine included Laxative Bromo Quinin, Miniature Headache Powders, Bromo-Seltzer, Megrimine, Dr. Davis' Headache Powders, Anti-Headache, and Antikamnia. Antikamnia, which claimed to be an "ethical" remedy, was sometimes

prescribed by physicians who failed to warn their patients of the dangerous character of the compound. For once having taken Antikamnia, the layman would often return to the drug store and purchase it with the impression that it was a specific drug instead of a disguised poison.<sup>42</sup>

While normal people would not knowingly take opium or its derivatives, that perilous stuff was the ideal basis for a patent medicine because its results were immediate. Opiates were contained in "cough and consumption cures" and in "soothing syrups." Mixtures such as "Mrs. Winslows Soothing Syrup" and "Kopp's Baby Friend" were frequently used to pacify babies. In addition to being drugged, the infants who were given this type of remedy also developed an addiction to opium.<sup>43</sup>

Another profitable patent medicine enterprise was the making of cocaine fiends. Catarrh powders such as Birney's Catarrhal Powder, Dr. Cole's Catarrh Cure, Dr. Gray's Catarrh Powder, and Crown Catarrh Powder were all made from cocaine. While it was known that cocaine was destructive to mind and body alike, "samples" of it were distributed at ferries and railway stations in New York City. It was no wonder then that a 14 year old boy who was a slave to the Birney brand of cocaine ran his father into debt with his heavy purchases of the poison.<sup>44</sup>

Adams believed that the patent medicine trade might reasonably claim to be a legitimate enterprise in many of its phases if the mendacious advertising were stopped and the

actual ingredients of every nostrum were plainly published. However, regarding opium and cocaine, he thought that there was no excuse for the sale of products which should be used only with expert advice. In Adams's opinion, laws were needed that would prevent the shameful trade which made harlots of young women and criminals of young men as well as stupefied helpless babies.<sup>45</sup>

The laws which Adams envisioned would, by necessity, require the support of the President of the United States. As early as February, 1905, a committee of six pure food advocates, headed by Robert M. Allen, Secretary of the National Association of State Dairy and Food Departments, had called on President Theodore Roosevelt. During the conference, Roosevelt listened sympathetically to the committee's plea for a pure food law. He promised to look into the need for such a law and asked the delegation to come back in the fall.<sup>46</sup>

When the committee returned in November, 1905, Roosevelt assured them that his annual message to Congress would contain an endorsement for pure food legislation. The President fulfilled his promise on December 5, 1905, when he devoted three brief, forceful sentences to the matter:

I recommend that a law be enacted to regulate interstate commerce in misbranded and adulterated food, drinks, and drugs. Such law would protect legitimate manufacture and commerce, and would tend to secure the health and welfare of the consuming public. Traffic in foodstuff which have been debased or adulterated so as to injure health or to deceive purchasers should be forbidden.<sup>47</sup>

While not specifically mentioning patent medicines in his address, both the reformers and proprietors felt sure that Roosevelt had them in mind. He had already agreed to Post Office Department and Treasury Department orders which stepped up the attacks against medical fraud. With Roosevelt, Adams, and others speaking out on behalf of a pure food and drug law, public interest in the issue began to rise.<sup>48</sup>

"Preying on the Incurables," Adams's next installment in his anti-patent-medicine campaign, appeared in the January 13, 1906 edition of Collier's. According to Adams, incurable disease was one of the strongholds of the proprietary medicine trade. When viewed in the light of profitable business, the ideal patron was the victim of some wasting and slow ailment in which recurrent hope inspired repeated experiments with various "cures."<sup>49</sup>

Consumption was one such disease which was absolutely incurable by any medicine. Nevertheless, there were a set of harpies in the patent medicine world who deliberately fostered in the mind of the tuberculosis sufferer the belief that he could be saved by the use of some absolutely fraudulent nostrum. Many of these consumption cures contained drugs such as chloroform, opium, alcohol, and hashish which actually hastened the progress of the disease. Other "cures" were comparatively harmless in themselves but they deluded the sufferer into misplacing his reliance and forfeiting his only chance to conquer the "white plague."

All those men who advertised medicines to cure consumption were deliberately trafficking in human life.<sup>50</sup>

"Dr. King's New Discovery for Consumption" was a diabolical concoction of morphine and chloroform. The chloroform temporarily allayed the cough while the opium drugged the patient into deceived cheerfulness. Manufactured by H.E. Bucklen & Company of Chicago, this preparation helped shorten the life of any consumptive who took it regularly.<sup>51</sup>

Other remedies on the market included Shiloh's Consumption Cure, Dr. Bull's Cough Syrup, and Boschee's German Syrup. Like Dr. King's preparation, each of these nostrums incorporated a deadly poison into their formulation. Shiloh contained, among other ingredients, chloroform and prussic acid. The most important ingredient in Dr. Bull's Cough Syrup was morphine. German Syrup embodied morphine and some hydrocyanic acid. In Adams's opinion, each of these "medicines" should have been labeled with a skull and crossbones since they all contained a dangerous quantity of toxic chemicals.<sup>52</sup>

Ozomulsion, a cod-liver oil preparation, also claimed to be a cure for consumption. What made Ozomulsion so dangerous was the fact that it was part of a "Special Cure Offer" which was promoted by the medical laboratory of Dr. T.A. Slocum. The "Special Cure Offer" was designed to snatch a patient from the jaws of death through a blanket plan. For \$5 a subscriber would receive,

1 large bottle of Ozomulsion,  
1 large bottle of Psychine,

1 large bottle of Coltsfoote Expectorant,  
1 large tube of Ozojell,  
3 Hot X-Ray Porous Plasters,  
3 boxes of Lazy Liver Pills,

which would cure the malady from which the invalid was suffering. In other words, Dr. T.A. Slocum cured whatever ailed a person.<sup>53</sup>

The Slocum Consumption Cure proper, a substance known as "Psychine," was a gay-hued substance whose alluring color was derived from cochineal. Psychine contained about 16 percent alcohol and a dash of strychnine. Adams asserted that Ozomulsion and Psychine made claims they could not support while the special cure offer was a bit of shameful quackery. He claimed that the whole Slocum Consumption Cure was a fraud and a fake so ludicrous that its continued existence was a brilliant commentary on human credulousness.<sup>54</sup>

Piso's Consumption Cure, which previously had been extensively advertised as a cure for tuberculosis, was now only modestly promising to heal coughs and colds. Irregardless of its claims, old analyses showed that the Piso cure contained alcohol, chloroform, opium and cannabis indica (hashish). It was therefore, another of the remedies which could not possibly cure consumption. Piso's belonged to that class of patent medicines which undermined the victim's stamina with poisonous and debilitating drugs.<sup>55</sup>

While Peruna, Liquozone, Duffy's Malt Whiskey, Pierce's Golden Medical Discovery and the other "blanket" cures deceived the public with their claims to cure tuberculosis, Adams supposed that the quacks would stop short of trying to



delude the medical profession in this matter. This was not the case. Medical journals contained advertisements for "consumption cures" such as McArthur's Syrup of Hypophosphites which supposedly had proved itself to be positively beneficial in the treatment of tuberculosis. Adams considered the advertisements aimed at the medical profession to be just as fraudulent as those directed toward the laity.<sup>56</sup>

Consumption was not the only incurable disease which was good pickings for the birds of prey. In a recent issue of the New York Sunday America-Journal, Adams discovered one dropsy cure, one "heart disease soon cured," a "case of paralysis cured," three cancer cures, and three epilepsy cures. The purchasers of these nostrums both wasted their money and in many cases threw away their only chance by delaying proper treatment until it was too late.<sup>57</sup>

A "cure" known as Bioplasm practiced an ingenious method of advertising. A brief ad in some New York papers directed any fellow sufferer of ataxia to send a self-addressed envelope to Mr. E.P. Burnham who would send by return mail without charge the prescription which had cured him of that disease. The formula was for Bioplasm. Adam's investigation revealed that the advertising agents who handled the "Burnham" account were the Bioplasm Company's representatives. Adams was compelled to believe that Mr. Burnham was an immediate relative of Ananias rather than a member of the tribe of the Good Samaritan.<sup>58</sup>



The attention of the quacks was even focused on those with the skin of the Ethiop (Negroes). A colored correspondent wrote that frauds catered to the vanity of his race in attempting to change their color and hair. "Lustorene" supposedly straightened kinky hair and "Lustorene Face Bleach" would whiten the darkest skin to any desired shade or color. Of course the Lustorene business was fraudulent but it illustrated to what ridiculous lengths the nostrum fraud would go.<sup>59</sup>

Adams summed up his article by pointing out that there were more than 100 cures for diseases that were absolutely beyond the reach of drugs. They were owned by men who knew them to be swindles. Many of them "guaranteed" their remedies by promising to return the patient's money if he were not satisfied. The nostrum makers could well afford to make this offer since the risk was all on the other side. Every man who traded in this market, whether he pocketed the profits of the advertiser, the purveyor, or the maker, took a toll of blood. The trap was set by relentless greed and the partner in the enterprise was death.<sup>60</sup>

The last part of Adams's series on "The Great American Fraud" appeared in the February 17, 1906 editions of Collier's. In discussing "The Fundamental Fakes," Adams wrote that a great majority of the patent medicines would peacefully fade out of existence if they were denied access to the columns of the newspapers and magazines. The dailies,

great and small, the religious press, and the cheap weeklies were the strongholds of the fraud.<sup>61</sup>

The press took an enormous profit from patent medicine advertising. The Hearst papers reaped a harvest of more than half a million dollars per annum while The Chicago Tribune received more than \$80,000 a year in medical patronage. In many instances, lesser journals would not have been able to exist if they had been deprived of patent medicine revenue. Some publications even prostituted their news and editorial department by printing advertisements which resembled legitimate cablegrams or editorials.<sup>62</sup>

Many of the religious papers fairly reeked with patent medicine fakes. The Christian Endeavor World, the Baptist Watchman, and The Christian Century contained fraudulent or misleading copy. The Baptist Watchman advertised Vitae-Ore which supposedly was extracted from "an extinct mineral spring." Said to contain free iron, free sulphur, and free magnesium, Vitae-Ore included none of these constituents. It was a fraud.<sup>63</sup>

Many nostrums guaranteed not a cure but a reimbursement if the medicine was unsatisfactory. Liquozone and Electro-gen, a "germicide" similar to Liquozone, utilized this type of agreement. Other concerns sent their "remedies" free on trial. Since most diseases tended to cure themselves by natural means, the delighted and deluded patient mailed in his grateful dollar thinking that the "remedy" had given him relief. Where the money had already been paid, most people

were too lazy to undertake the effort of getting it back. The nostrum vendor's ready profits then, came from the easy American way of accepting a swindle as a sort of joke.<sup>64</sup>

The nostrum makers also used a number of other tricks to deceive the public. The "reward for proof" that a proprietary would not perform the wonders advertised was a scheme employed by both the Ligozone Company and the makers of the Hall Catarrh Cure. The "personal advice" furnished by the patent medicine companies almost invariably came from form letters prepared in bulk for the personal inquiry dupes. An increasingly common pitfall was the letter in the newspaper from some sufferer who had been saved from disease and wished to share the prescription with others free of charge. And of course letters of inquiry were held neither strictly private nor sacredly confidential. All of these hoaxes were used in an effort to convince the public that a patent medicine maker's product was completely reliable and dependable.<sup>65</sup>

Even medical journals contained mendacious statements. The advertisements for Antikamnia contained five distinct and separate lies. "McArthur's Syrup of Hypophosphites" was described in pseudo ethical terms as a consumption cure. Zymoticine supposedly prevented microbe proliferation in the blood stream and eliminated those germs and their toxins which were already present. Hygeia "cured" dropsy even though every intelligent physician knew that there was no sure cure for dropsy.<sup>66</sup>

Adams acknowledged three types of testimonials: the word of grateful assent from a private citizen; the encomium from some person in public life; and the misspelled illiterate epistle. According to the nostrum makers, their files contained thousands of declarations which proved the healing capacity of the product. If that were the case, Adams wondered why the book published by the Pierce firm would have twenty-six letters twice printed, four letters thrice printed, and two letters produced four times. Supposing enthusiastic endorsements poured in on the patent medicine people, was there any need for Duffy's Malt Whiskey to purchase letters from the aged and from disreputable ministers of the gospel? Why did the Peruna Company employ agents to gather publishable letters? The answer to these questions of course, lay in the fact that the testimonial was the only proof or evidence that a proprietary company could produce to show that its product even remotely cured disease.<sup>67</sup>

The testimonials from public men were often obtained through special agents, through agencies which made a specialty of that business, and through hangers-on of the newspaper craft who wheedled statements from various members of Congress. A certain Washington firm made a "blanket offer" to a nostrum company of a \$100 joblot of testimonials consisting of six "statesmen," one Sarah Bernhardt, and one De Wolf Hopper. Congressmen were notoriously easy to get, and several members in the United States Senate had

prostituted their names to the uses of fraud medicines. Since few of the "public men" ever stated that they had even tried the nostrum, the endorsements might be considered genuine (documentarily), but not honest.<sup>68</sup>

The medical endorsement which exploited any medicine advertised in the lay press was an eagerly sought after commodity. Unfortunately, these declarations were often distorted, obtained under false pretenses, or came from men of no standing in the profession. The agent for Duffy's Malt Whiskey obtained a testimonial from the physician in charge of a prominent Pennsylvania institution by assuring the doctor that his words would not be used as an advertisement. When the doctor's statement appeared in a booklet, Duffy's Malt Whiskey was banned from the hospital's premises.<sup>69</sup>

Adams's investigation revealed that more than 90 percent of the gratuitous endorsements came from illiterate and obviously ignorant people. Out of 100 specimens selected at random from the Pierce testimonial book, eighty-seven were from small, remote hamlets. The mountain districts of Kentucky, West Virginia, and Tennessee furnished a number of testimonials out of all proportion to their population.<sup>70</sup>

Since newspapers prided themselves on preserving a respectable moral standard in their news columns, Adams thought that this same code should be extended to the advertising sections. The unclean sexual, venereal, and abortion announcements should not be allowed to deface the pages of a majority of papers. If every subscriber to a

newspaper who was interested in keeping his home free from contamination would protest against advertising foulness, the medical advertisers would soon be restricted to the same limits of decency which governed other classes of merchandise.<sup>71</sup>

According to Adams, the average American who set out to buy a box of cigars, or a horse, or a house was a model of caution. He would simply scoff if shown testimonials from any number of prominent citizens. However, when seeking to buy the most precious of all possessions, sound health, anybody's word was good enough for him. The ordinary citizen would give up his dollar and take his chance of poison on a mere newspaper statement which he did not even investigate.<sup>72</sup>

In Adams's view, when an aroused public sentiment made public men ashamed to lend themselves to charlantry and civic disgust enforced on the journalism profession those standards of decency in the field of medical advertising which applied to other advertisements, then the Proprietary Association of America would face a crisis more than any threatened legislation. Printers' ink was the life blood of the patent medicine trade. Take from the nostrum maker the means by which they influenced the millions and they would pass to the limbo of pricked bubbles of fraud. A fraud in this case which ground out its profits from the suffering of duped and eternally hopeful patients.<sup>73</sup>

By 1906, the traffic in patent medicines had reached \$80 million a year. The country was inundated by avalanches of



pills and rivers of compounds which rolled and flowed thanks to the daily and weekly press. Throughout rural America, medicine shows were on the road for the benefit of humanity or the glory of quacks like old Doc Hamlin, the discoverer and proprietor of Hamlin's Wizard Oil. Even then, rural America did not have to depend on the traveling shows or the drugstore at the county seat for its patent medicines. The rural free delivery brought the post office to the farm.<sup>74</sup>

The 1906 Sears, Roebuck and Company catalog carried twenty full pages of patent medicines and nostrums. Not wishing to enrich the established manufacturers of such items, the Sears laboratories prepared their own brands of Female Pills as well as Sears White Star Secret Liquor Cure. The Secret Liquor Cure was one product that worked. Daddy would cease helling around nights because White Star contained sufficient narcotic to put him to sleep almost as soon as he could reach the sofa right after supper.<sup>75</sup>

The latter years of the horse-and-buggy times were strewn with dangers. Yet, for every threat to health, a good Samaritan stood by ready to answer the cries of the suffering. A patient might be cured by using any of the various brands of sarsaparilla, celery compounds, bitters, vermifuges, alternatives, inhalants, asthma powders, kidney pads, eye salves, magnetic plasters, soothing syrups, expectorants, family drops, emulsions, or renovating resolvents. One and all, these preparations were guaranteed to restore the patient to health if the medication were



continued regularly over a period of time which the labels usually failed to specify in terms of days, weeks, months, or years.<sup>76</sup>

The American patent medicine business in 1906 stood at the very peak of its imaginative and untrammelled golden age. Never again was it to reach the free-wheeling quackery or the variety of its claims to therapy as set down in the rich, wild prose of the highest-paid talents in the advertising business. It was high noon for the vegetable compounds, the celeries, the sarsaparillas; for assorted nostrums certified as cures for every recognized disease and for others that existed only in the imaginations of advertising copy writers.<sup>77</sup>

Adams's series on the patent medicine fraud was a milestone in the annals of both journalism and investigative reporting. Coming as it did in the midst of the muckraking era, the sequence of stories clearly exposed the deception that was so prevalent in the nostrum trade of the day. Adams' articles showed that both prince and pauper alike could be taken in by the vendors of quack remedies.

Adams developed his report in great detail because he had to prove to the public that the proprietary trade was an all encompassing menace to the health and well-being of the nation. Had he glossed over the facts in a cursory manner, the average citizen would have been unable to comprehend the depth of the problem. Adams was able to excite public interest in a pure food and drug law by demonstrating that

adulterated medicines affected nearly every man, woman, and child in America.

In Adams's judgement, the nostrum business was a malevolent cancer which preyed upon the common man. It had to be eradicated. "The Great American Fraud" stirred public indignation and helped set the stage for the enactment of legislation that would uproot the disease.

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## CHAPTER FOUR

### FEDERAL ACTION

In February of 1906, just as Samuel Hopkins Adams was concluding his series on the nostrum evil, Doubleday, Page and Company published Upton Sinclair's novel The Jungle. Sinclair was a fiery Socialist who had gone to Chicago in 1904 for the purpose of writing a book which dealt with the lives of the "Packingtown" workers. For seven weeks Sinclair lived among the stockyard laborers and then returned to his home in New Jersey to write about what he had seen. With the fire of a poet, with the passion of a man who had been hurt, Sinclair poured out the seething story of the smells and tragedies of "Packingtown."<sup>1</sup>

Sinclair's story first appeared serially in The Appeal to Reason (the Socialist weekly that had financed his stay in "Packingtown") starting in early 1905. Rejected by four publishers, Sinclair was about to publish the book himself when Doubleday finally accepted the manuscript and printed it in book form. The novel was an immediate success. The Jungle remained a best seller for a year and was translated into seventeen languages. It also became the catalyst that sparked a political controversy.<sup>2</sup>

The Jungle recounted the epic story of Jurgis, a Lithuanian peasant employed in the Chicago stockyards, who was the victim of constant tragedy. And while Sinclair had intended his book to show the process by which workers became or ought to become Socialists, the public ignored the



tragedy of Jurgis the man and took hold of avidly and excitedly some adventitious allusions to the food they were buying and eating. The eight pages of local color that Sinclair had woven into the odyssey of Jurgis were seized upon by the average American. The Jungle affected the appetite rather than the spiritual and social aspects of the average American.<sup>3</sup>

Through Jurgis and his friends, Sinclair described some of the swindles and crimes that were perpetrated by the beef trust. Old, and crippled, and diseased cattle were regularly canned by the packing concerns. Other cattle which had been fed on "whiskey-malt," the refuse of the breweries, and had become covered with boils were slaughtered and sold for human consumption. It was animals such as these that made up the "embalmed beef" that had killed a number of United States soldiers during the Spanish-American War. Besides not being fresh canned, the army beef was old stuff that had been lying for years in the cellars.<sup>4</sup>

The people who ran Sinclair's fictional meat packing corporation, Durham, were regular alchemists. They advertised a mushroom catsup, and the men who made it did not know what a mushroom looked like. Durham's "potted chicken" was a mixture of tripe, and the fat of pork, and beef suet, and hearts of beef, and finally the waste ends of veal. This chicken was put up in several grades at different prices but the contents of the cans all came from the same hopper. The "devilled ham" that was marketed by

Durham was made out of all or parts of the following, the waste ends of smoked beef, tripe, dyed with chemicals so that it would not show white, potatoes, skins and all, trimmings of hams and corned beef, and finally the hard cartilaginous gullets of beef after the tongues had been cut out. All his ingenious mixture was ground up, flavored with spices to make it taste like something, and then sold to the public. Durham also bought up all the old rancid butter left over in the grocery stores, "oxidized" it to take away the odor, re churned it with skim milk, and then sold it in bricks in the cities. What the public bought from Durham as lamb and mutton was really goat's flesh.<sup>5</sup>

Worst of all, the men who worked in the tank rooms full of steam sometimes fell into the vats that were near the level of the floor. When they were fished out there was never enough of them left to be worth exhibiting. All but their bones had gone out to the world as Durham's Pure Leaf Lard.<sup>6</sup>

The federal government was represented at the stockyard by the government inspector who sat in the doorway of the chilling room and felt the glands in the neck of each carcass for tuberculosis. The inspector was quite willing to explain to a visitor the deadly nature of the ptomaines which were found in tubercular pork even though a dozen carcasses passed by untouched as he talked. Another inspector, a physician, made the discovery that the carcasses of steers which had been condemned as tubercular

were left upon an open platform and carted away to be sold in the city. When he insisted that these carcasses be treated with an injection of kerosene, he was ordered to resign the same week.<sup>7</sup>

The public was staggered by Sinclair's narrative description of conditions at the stockyards. Meat sales fell by half and letters demanding action poured in upon Theodore Roosevelt. Roosevelt himself was angry because The Jungle reflected upon the United States government and his administration of it. If bad beef were being sold, the government inspection service was at fault.<sup>8</sup>

The publishing firm of Doubleday, Page and Company had taken the precaution, before deciding to publish The Jungle, of sending a lawyer to Chicago to determine if conditions at the packing houses were really as Sinclair pictured them. The lawyer reported that they were and his article, along with two others, were printed in the magazine owned by the Doubleday firm--The World's Work. The three reports were all only less sensational than The Jungle itself.<sup>9</sup>

William K. Jaques, M.D., formerly Director of the Chicago Municipal Laboratory, City Bacteriologist, and head of the meat inspection at the Chicago stockyards, wrote that it was necessary to acquaint the public with some of the menacing evils to the health of the whole nation which prevailed in Chicago. During his term as City Director, Jaques found that the meat inspectors were largely following their own sweet wills. One meat inspector made only one

condemnation in a month while another inspector made no report to Jaques of any work done during his entire term in office. Still another meat inspector was engaged in buying quarantined beef for packers. A mighty bulwark of four city meat inspectors was legally empowered to stand between the public and diseased meat. The federal inspectors could inspect and pass meat for export, but the only legal power to destroy meat was in the hands of the city meat inspectors.<sup>10</sup>

Government inspectors were employed in all the packing houses that exported beef, but only at the packer's request. While the government employed about one-hundred and seventy people, only about fifty of these men were skilled animal pathologists who were capable of inspecting meats. The accuracy and thoroughness of the work of these inspectors could be judged when it was estimated that from 1,600 to 2,200 cattle were often killed under the eye of a single inspector. Walking back and forth through the killing beds, the inspector was supposed to detect evidences of disease in a single glance.<sup>11</sup>

When city inspection was withdrawn from the stockyards for nearly two years, the only power was removed that could legally destroy diseased meat in a territory where millions of dollars worth of food products were turned out annually for public consumption. With the resumption of meat inspection of August 7, 1905, city inspectors destroyed more than \$300,000 worth of diseased and rotten meat in less than five

months, much of which had already been passed by government inspectors. This enormous amount was condemned by a force of inspectors which could have seized but a fraction of what should have been taken. If the inspection had been maintained during the previous twenty-two months, more than a million and a quarter dollars worth of food might have been condemned, but was not. The meat must have gone somewhere and if not to the public then where?<sup>12</sup>

From personal experience, Jaques knew that a large number of animals were coming into the stockyards with actinomycosis, a disease known as lumpy-jaw. Federal, state, and city rules all permitted the passing of this meat if the disease was not far advanced or if it was encysted, that is enclosed in a membranous sac. Thus, lumpy-jaw meat was sold in the market in competition with the best beef.<sup>13</sup>

Referring to the value of the government stamp on beef, Jaques noted that the integrity of that stamp depended altogether on the thoroughness of the inspector's work and the genuineness of the imprint. At a cost of about twenty-five cents, a stamp could be duplicated, and the difficulty after a stamp was on of proving who put it there made the stamp of doubtful value. Likewise, the condemnation tag which was fastened to the meat by a wire was as easily pulled out as it was pushed in.<sup>14</sup>

The meat inspection system resulted in a grading according to the intelligence of the intended customer. Since he demanded it and had experts to see that he got it,

the foreigner obtained the very best meat. The next grade went to the interstate trade. What was left went into the Chicago market where the bad meat quickly lost its identity in the great city.<sup>15</sup>

Because it was hampered by graft, ineffectual inspection was the bane of Chicago. The graft referred not only to money, but to favors of every kind. It meant the inspector turning his back on diseased animals. It meant sending the inspector where he would not inspect as well as "soft jobs," vacations, theatre passes, railroad transportation and a thousand other influences to which human beings were susceptible.<sup>16</sup>

In Jaques opinion, the remedy for the improvement of the livestock industry was to be found in government regulation of meat. City, town, and country slaughter houses should be licensed with no license being issued until the killing place conformed in all respects to government specification. Universal regulation had to be applied to the country slaughter houses, which the Bureau of Animal Industry described as filthy and disgusting in the extreme, as well as to the large packing houses.<sup>17</sup>

After licensure, there should be open and adequate inspection with rigid standards for condemnation. Diseased meat must be destroyed, not sold. And the inspector must be free from political influences if he was to protect the health of the nation.<sup>18</sup>

Caroline Hedger, M.D. was a physician who visited and practiced among the people in Packingtown--the workers and their families. In her article, Hedger described both the filth in which the stockyard and packing house workers lived and the insanitary conditions under which food was prepared. As Hedger saw it, the health of the workers in the stockyards and the packing houses effected to some extent the wholesomeness of the food that reached every home in the country.<sup>19</sup>

Hedger wrote that Packingtown had more tuberculosis than any other city in the country. This was not surprising since the houses in Packingtown were small and mean, the land was low and wet, and four families on the average lived in each house. The houses were so close together that in summer rest became a terrific problem. With doors and windows open, the tenement was transformed into a sleep destroying monster as flies buzzed in the houses, babies cried fretfully in the heat, fleas hopped in the dirty yards, and dogs whined and barked. During the winter the workers shut out of their houses much of the air that might have saved their lives.<sup>20</sup>

In any infectious disease, such as tuberculosis, germs were less apt to attack a body the tissues of which were rested, healthy and well nourished than a body in a low condition of vitality. Thus the matter of food, drink, and ventilation became vital. And while what a man ate and drank depended in a large measure on his wages, the dweller



in Packingtown had plenty of chances to meet disease germs in the air that he breathed. Besides the bad air produced by his own lungs and his own bad habits of ventilation, there were the rolling masses of smoke from the yard that clogged the nostrils with dirt, peppered even the pillows with sharp bits of carbon, and depressed the body. A person could not breath this type of air and remain healthy. 21

Other menaces to health included Bubbly Branch, a stagnant branch of the Chicago River which was a large open sewer and the "dump" where the poorer foreigners picked over the rotting mass of city garbage looking for chunks of bread. The worker who was ill nourished from improper food and poisoned by bad air in his house and in his neighborhood was an ideal target for tuberculosis. All that was needed was the supplying of the germ.22

Conditions in the stockyards were conducive to spreading tuberculosis. While sunlight killed the germs of tuberculosis, a vast number of the packing house workers worked by electric light. If a tubercular person chose to expectorate in those totally dark rooms, those germs could live almost indefinitely unless removed. From the ceilings of the corridors and killing rooms to the rag that was used to wipe a can before capping it, there was dirt. The steamy air in some of the departments, especially the canning department, provided moisture to keep tuberculosis germs alive. The toilet facilities in the packing houses were scanty and the dressing rooms for women were very crowded.23

Hedger found it revolting to think about the chances for infection that existed in the stockyards and packing houses. She suggested that as human beings the workers of Packingtown should have decent living and working conditions. There should be regular inspection and no overcrowding of houses. Instructions in cooking and ventilation should be given to the residents. And most importantly, there should be a careful search for all early cases of tuberculosis. With these reforms, Packingtown would be a healthful and habitable place in which to live.<sup>24</sup>

New York lawyer Thomas H. McKee wrote that some packers of meat employed the name of the government in marketing their goods. The phrase "U.S. Government Inspected." which was used in the advertising of some packers' products, presumed a national guarantee of purity. The term implied that the government has seen to it that the meat came from a healthy animal and had been prepared in a clean and wholesome manner. This was not the case. Based on personal knowledge, McKee asserted that the government had no idea of what was in a can of meat even if it was labelled "U.S. Government Inspected."<sup>25</sup>

Concerning the first inspection, McKee noted that government inspectors made an ante-mortem examination of the stock when animals were driven into the abattoir. This inspection actually accomplished little because only animals with apparent defects were rejected. The animals passed by

the inspectors were killed and placed in the cooling room, they were never again seen by an inspector.<sup>26</sup>

Many weeks later, a case of sealed cans was presented to an inspector to receive the government label. Told by the packer that the cans contained meat, the inspector dutifully affixed the appropriate stickers. During the interim between the first inspection and the final canning, the meat may have taken a dreary journey. It may have been cut up and stored in dark, rat infested rooms, trundled through murky passages, soaked for weeks in liquid pickle, pitchforked by laborers from vessel to vehicle and back again, and finally cooked in open vats, in rooms greasy, hot, low, and except for the flare of torches, dark as a mine.<sup>27</sup>

Pillars, ceilings, and walls bore the accumulated filth of years; the personal cleanliness of the workmen was forgotten; cooking vessels and utensils were laden and poisonous: yet all these conditions the government ignored. It recognized the existence of germs in the bodies of diseased animals but repudiated the theory of germ infection through contact with ancient filth. The inspector's stamp did not guarantee cleanliness, sanitation, or absence of adulteration. In vouching for the purity of the packing house products, the government made itself a party to a most reprehensible deception.<sup>28</sup>

On the occasion of a visit to one packing house, McKee noted that an occasional solitary hog would be cut out of

the line and pushed along an overhead track to the middle of the room. The inspector explained that the diseased hogs, such as the one the author had seen, would be chopped up and their parts thrown into a tank which produced fertilizer and lard. While McKee reasoned that the cooking of the carcasses probably did destroy disease germs, the experience did not whet his appetite for pie crust shortened with "United States Government Inspected" lard.<sup>29</sup>

A microscopic examination of pork for trichinae was made only on swine intended for export. When parasites were found present, the carcass was rejected but not necessarily destroyed. On the contrary, an infected carcass could be sent to the domestic department where it was cut up into hams and bacon and sold as "U.S. Government Inspected."<sup>30</sup>

McKee thought that none of the packers could be trusted. They readily changed the form of diseased meat so as to conceal the defects and then legally disposed of it. In order to protect the public from such fraudulent practices, an adequate national inspection law was needed. A law which would step in between the packer and the consumer.<sup>31</sup>

The destruction of evidence was an inherent problem in the meat business. There was but little chance of discovery if an inspector slighted his duty. Remembering that condemnations by an inspector inflicted loss upon the packer, it was reasonable to believe that an inspector would placate

the power that could destroy him. The question then became--did the inspector serve the packer or the public?<sup>32</sup>

Under the law, the antemortem inspection provided the packer with an expensive force of veterinarians who culled out of the herds stock bearing open blemishes. The post-mortem examination provided the packer with a corps of inspectors for the purpose of selecting hogs proper for sale in the German market. Since this was all that the law provided for, the situation suggested that federal inspection was nothing more than a shrewd advertising scheme that had been devised by the packers for their own benefit.<sup>33</sup>

In McKee's opinion, conditions could be improved if a law were enacted which compelled the inspector to mark as diseased every defective carcass and portion and product thereof. Meats should be classified into different grades with first class meats reserved for only those beyond suspicion of disease. This system would have been far less harmful than continuing the practice of classifying questionable meats as perfect and then placing the stamp of government approval upon them. Both the government and the packers were obligated to let the public know what they were buying. The deception had to stop.<sup>34</sup>

After reviewing the proofs of The World's Work articles, Roosevelt instantly became "all act." Roosevelt decided that the investigation already initiated by Secretary of Agriculture James Wilson was not enough. The

President commissioned James Bronson Reynolds, a settlement house manager, and Charles P. Neill, the United States Labor Commissioner, to investigate the property of the packers. When the Neill-Reynolds report was completed, Roosevelt realized that substantial evidence existed for the enactment of a law which would extend government inspection to all processes of preparing meat.<sup>35</sup>

On May 25, 1906, Senator Albert J. Beveridge of Indiana, in consultation with Neill, Reynolds, and Secretary Wilson, succeeded in attaching as an amendment to the agricultural appropriation bill a measure which greatly enlarged the powers of the Secretary of Agriculture. As passed by the Senate, the "Beveridge Amendment" provided for the control of sanitation, post-mortem examination, inspection of meat products, and exclusion of harmful chemicals and preservatives. Dates of inspection were to be placed on labels, packers were required to pay costs, and decisions of the Secretary of Agriculture were made final. When set to the House, the Committee on Agriculture tried to emasculate Beveridge's meat inspection rider.<sup>36</sup>

With the Beveridge measure in jeopardy in the House Committee on Agriculture, Roosevelt began to apply pressure on behalf of the pure food bill. On June 4, the President sent a preliminary report of the Neill-Reynolds investigation to Congress. This damning document, which corroborated The Jungle, made a profound impression on the country. The indication of the executive will, coupled with

publication of the Neill-Reynolds report and the ensuing uproar, assured the passage of a food and drug law.<sup>37</sup> The meat inspection amendment, as modified by Congressman James Wadsworth, was signed into law on 30 June 1906.

Debate on the pure food bill began in the House on June 21 with an explanation of the measure by Representative James R. Mann. Following a discussion of constitutional issues, consideration of amendments began. Mann reported a stringent proposal specifying that an article not described in the Pharmacopoeia or the National Formulary and not the prescription of a regularly licensed physician must bear on its label the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide it contained and of any alcohol in excess of that necessary as solvent or preservative. This amendment was accepted by the House and after a number of weakening amendments were voted down, the bill passed 214 to 17 with 9 answering "present" and 112 not voting.<sup>38</sup>

Only one hurdle yet remained--the House and Senate versions of the food and drug bill had to be reconciled in conference committee. On the twenty-seventh the conferees reported out a new piece of legislation which combined features of both the House and Senate measures. The conference reports were accepted and on June 30 Theodore Roosevelt signed The Pure Food and Drug Act of 1906 into law.<sup>39</sup>



The Pure Food and Drug Act of 1906 was the product of many factors. The journalistic efforts of Bok, Hapgood, Adams, Sullivan, and Sinclair were complemented by the scientific endeavors of Wiley and the political acumen of Roosevelt. However, the real heroes of the study were the American people. Once the public recognized that fraud was the essential ingredient in the patent medicines, they clamored for action. Without public and private cooperation, the crusade for pure foods and drugs could have been blocked indefinitely by the special interest groups that had controlled Congress for many years.

Samuel Hopkins Adams, of course, deserved special credit for alerting the public to the dangers of using adulterated drugs. Adams's efforts have been recognized by a number of writers who have examined this era in American History. Stewart Holbrook wrote that "Adams went to the staff of McClure's, leaving a little later to write for Collier's the historic series which brought both that periodical and Adams himself to attentions of (sic) major importance in forcing Federal legislation known as the Pure Food and Drug Act."<sup>40</sup> Referring to Adams, Arthur and Lila Weinberg noted how "His articles, piercing and denouncing the claims of patent medicines of those days, were an important cause of the subsequent enactment of the federal pure food and drug laws."<sup>41</sup> Louis Filler said that

It is quite impossible to give too much praise to Adams and Hapgood for their campaign. To them undoubtedly belongs credit for the revival of the pure food and drugs issue, which inspired new bills in Congress and

roused--or rather forced--Roosevelt to make his too well-published one-line recommendation for Congressional legislation.<sup>42</sup>

Once Adams had sown the seeds of mistrust and discontent, the populace became galvanized for action. Oscar Anderson believed that "Basically responsible for success those closing days of June was the force of public opinion. As Secretary Wilson had prophesied, Congress enacted pure food and drug legislation when the people demand it."<sup>43</sup> In the chronology which accompanied Foller's book, the citation for June 20, 1906, read: "Roosevelt signed the Pure Food Bill, which public indignation forced into law."<sup>44</sup> And finally, Mark Sullivan noted all the forces that contributed to public unrest.

In the end, the exposures of the packers by Roosevelt's commission, of the wholesale liquor dealers by themselves, of the patent medicines by The Ladies' Home Journal and Collier's, of food adulteration and food dyeing by Doctor Wiley and State and city officials--the aggregate of all that worked into strengthening of Roosevelt's hand, and was invincible.<sup>45</sup>

The Pure Food and Drug Act of 1906 was undeniably a people's law. Through their elected representatives, the citizens of the country enacted a measure which would protect the health of the entire nation. The repercussion of the will of the people is still with us today.

#### ENDNOTES

1. Louis Filler, The Muckrakers: New and Enlarged Edition of Crusaders for American Liberalism (University Park: The Pennsylvania State University Press, 1976), 162-163 & 165.
2. Arthur and Lila Weinberg, eds., The Muckrakers: The Era in Journalism That Moved America to Reform--The Most Significant Magazine Articles of 1902-1912 (New York: Simon and Schuster, 1961), 205.
3. Mark Sullivan, Our Times: The United States 1900-1925, Vol II, American Finding Herself (New York: Charles Scribner's Sons, 1936), 472-473, 475-476, & 478-481.
4. Upton Sinclair, The Jungle (New York: The Heritage Press, 1965), 94.
5. Ibid., 94-95.
6. Ibid., 96.
7. Ibid., 37 & 93.
8. James Harvey Young, The Toadstool Millionaires: A Social History of Patent Medicines in America Before Federal Regulation (Princeton, New Jersey: Princeton University Press, 1961), 239, Filler, The Muckrakers, 165, Sullivan, Our Times, 535.
9. Sullivan, Our Times, 536.
10. William K. Jaques, M.D., "A Picture of Meat Inspection," The World's Work XII (May 1906): 7491-7495.
11. Ibid., 7495-7496.
12. Ibid., 7499.
13. Ibid., 7501.
14. Ibid., 7501.
15. Ibid., 7503.
16. Ibid., 7504.
17. Ibid., 7505.
18. Ibid., 7505.

19. Caroline Hedger, M.D., "The Unhealthfulness of Packingtown," The World's Work XII (May 1906): 7507.
20. Ibid., 7507-7508.
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22. Ibid., 7509.
23. Ibid., 7509-7510.
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25. Thomas H. McKee, "The Failure of Government Inspection," The World's Work XII (May 1906): 7510-7511.
26. Ibid., 7511.
27. Ibid., 7511.
28. Ibid., 7511.
29. Ibid., 7512.
30. Ibid., 7512-7513.
31. Ibid., 7513.
32. Ibid., 7513-7514.
33. Ibid., 7514.
34. Ibid., 7514.
35. Sullivan, Our Times, 536-538.
36. Oscar E. Anderson, Jr., The Health of a Nation: Harvey W. Wiley and the Fight for Pure Food (Chicago: University of Chicago Press, 1958), 189.
37. Ibid., 189-190.
38. Ibid., 190-193.
39. Ibid., 193-194.
40. Stewart H. Holbrook, The Golden Age of Quackery (New York: The MacMillan Company, 1959), 14.
41. Weinberg, The Muckrakers, 178.
42. Filler, The Muckrakers, 153.
43. Anderson, The Health of a Nation, 194.

44. Filler, The Muckrakers, 420.

45. Sullivan, Our Times, 549.

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