

# A MOST SPLENDID CURE: PATENT AND PROPRIETARY MEDICINES IN THE PRE-CIVIL WAR ERA

By Roger Behrens

In 1849, St. Louis was reeling from the effects of a cholera epidemic (figure 15). The city was purportedly hit harder than any city of comparable size. The majority of those who died were recent immigrants, one third of whom were children of 5 years and younger. St. Louis had 8,423 registered deaths and an unknown number of unregistered deaths, out of a population of 63,000. Approximately 1/10th of the city's population had been killed by this frightening and thorough disease<sup>(1)</sup>.

Cholera is a terrifying disease because it strikes quickly and can run its course in a few hours - the patient gets sick and quickly dies. Severe diarrhea and vomiting cause a person to dehydrate rapidly, leading to blood loss and the shrinking and wrinkling of the skin. The patient turns blue and experiences intense pain. In a few hours, or a few days, the person either dies, or in a lucky few cases recovers<sup>(2)</sup>.

St. Louisans, and most other people of the era, had no idea what they were dealing with. "Bad vapors" rising from sinkholes were suspected of causing cholera. Many thought that immigrants from Ireland and Germany were responsible for the outbreak, and blamed cabbage, sauerkraut and other vegetables for the illness. Dr. Hardage Lane, a respected physician, prescribed two grain pills of asafetida, opium and pulverized pepper to be taken every 30 to 45 minutes for a four-hour period until the patient either recovered or died<sup>(3)</sup>. Dr. Lane was not the only physician to use the cholera epidemic to make a profit. After the cholera outbreak, the volume of patent and proprietary medicines sold in St. Louis was said to have increased exponentially.

The American patent medicine industry was coming of age in the Pre-Civil War era, an industry that would both help and harm the common man; that would make some rich and send others to an early grave. In an age when doctors were not always trusted and many had a reputation often equal to their poor training; when parents saw many of their children die at a young age; when the average man was lucky to live to be 50, many people were willing to trust the nostrums and remedies that they saw for sale in the local dry goods store<sup>(4)</sup>.



Figure 15



Figure 1



Figure 3

Patent medicine originated in England in the 1600s and migrated to colonial America. When a medication was patented, its formula was solely owned by the patent holder and no one else could legally duplicate it and sell it. In order to qualify for a patent, a medicine only had to be original, no proof of purity or effectiveness was required. Because the maker had to list the ingredients of a patented medicine, many chose not to apply for patents. Instead, they registered distinctive trade names in order to market their remedies without listing the ingredients, with unique brand names<sup>(5)</sup>.

The father of the American patent medicine is widely considered to be Dr. Thomas W. Dyott of Philadelphia, Pa. In 1805 Dr. Dyott's practice as a doctor and his sale of patent medicine began in Philadelphia, though he was not listed in the Philadelphia City Directory as an "M.D." until 1810. Dr. Dyott was famous for his DR. ROBERTSON'S FAMILY MEDICINE, (figure 1) DR. ROBERTSON'S STOMATIC ELIXIR OF HEALTH, THE VEGETABLE NERVOUS CORDIAL, THE PATENT STOMATIC WINE BITTERS and THE GOUT AND RHEUMATIC DROPS. Dr. Dyott's factory also produced American made bottles for British patent medicines such as: TURLINGTON'S BALSAM, DALBY'S CARMINATIVE, DAFFY'S ELIXIR (figure 3), ESSENCE OF PEPPERMINT and STEER'S OPODELDOC<sup>(6)</sup>.

## WHAT DID THEY CONTAIN?

Doctors, druggists, and hucksters who made the 19th Century patent medicines would not divulge what was in their concoctions. They fiercely guarded their formulas and name brands. While various herbs, touted or alluded to, were talked up in the advertising, their actual effects often came from opium extracts, cocaine, or grain alcohol. Those containing opiates were at least effective in relieving pain, though they could result in addiction. This danger was well known enough that some were advertised as not causing the harmful effects of opium<sup>(7)</sup>. In the case of medicines for women, some that were intended to help women cope with their menstrual cycles, actually caused abortions. Alcohol made up as much as 50-90% of some medicines. DR. TOWNSEND'S SARSAPARILLA (figure 5),

an extremely popular medicine from New York, was nothing more than whiskey flavored with sassafras bark and molasses. Even when the temperance movement began to take hold, some products such as MONK'S OLD BOURBON WHISKEY, claimed to be "FOR MEDICINAL PURPOSES," DR. HOSTETTER'S STOMACH BITTERS (figure 4), an extremely popular medicine that was concocted by David Hostetter and George Smith in New England in the 1850s, near the beginning of the bitters craze, was said to be nearly 50% alcohol.<sup>(8)</sup> Some medicines though, actually contained effective ingredients such as quinine, digitalis, and ipecac<sup>(9)</sup>. Unfortunately, far too many others contained opium, mercury and traces of arsenic, laudanum, and morphine.

### WHAT DID THEY CLAIM?

Patent medicines were supposed to cure or treat just about every disease or ailment. Nostrums were sold that claimed to cure or prevent venereal disease, tuberculosis and cancer. Some claimed to treat cholera, epilepsy, scarlet fever, necrosis, mercurial eruptions, paralysis, hip disease, chronic abscesses and "female complaints."<sup>(10)</sup> There were medicines for the stomach, liver, kidneys, baldness, sore eyes, toothache, deafness, rheumatism, jaundice, diarrhea and worms. The number and types of medicines offered closely matched the death and disease statistics. Diseases which caused the greatest number of deaths also had the largest number of medicines to treat them. People who suffered from tuberculosis, diarrhea, worms, ague and rashes could find a number of products. Those who suffered from deafness or epilepsy had very few<sup>(11)</sup>.

### MEDICINE TYPES

Nineteenth century patent medicine makers used a maddening array of medical jargon and flowery names to fool the customer into thinking that they were getting a scientific medicine or a natural remedy. Some "panaceas" claimed to cure everything. SWAIM'S PANACEA (figure 6), an extremely popular medicine produced by William Swaim of Philadelphia, for more than 50 years claimed to cure "scrofula, general debility, diseases of the liver and diseases arising from impurities of the blood"<sup>(12)</sup>. Other panaceas such as I. NEWTON'S PANACEA PURIFIER OF THE BLOOD, were more specific<sup>(13)</sup>. "Sarsaparillas" were another catch-all medicine. Every medicine manufacturer made one and claimed to treat anything and everything. SAND'S SARSAPARILLA claimed



Figure 4



Figure 5



Figure 6

to be "for the removal and permanent cure of all diseases arising from an impure state of the blood or habit of the system..."<sup>(14)</sup> DR. WOOD'S SARSAPARILLA AND WILD CHERRY claimed to cure "jaundice, indigestion, dyspepsia, loss of appetite, habitual costiveness, head ache, scrofula, languor and the depression of spirit."<sup>(15)</sup> "Elixirs" and "balsams" were two other medicine types that claimed to cure many things, and often targeted those with "consumption," better known as tuberculosis. THAYER'S BLOOD ELIXIR OR GERMAN SANATIVE claimed to be "a positive cure, and for diseases of the Lungs and Liver, an invaluable remedy."<sup>(16)</sup> DR. SWAYNE'S COMPOUND SYRUP OF WILD CHERRY made the grandiose claim to being "The great remedy for Consumption."<sup>(17)</sup> BARCLAY'S AMERICAN BALSAM claimed ingredients such as: "Spikenard, Blood Root, Wild Cherry, Comfrey and Elecampane. The spell is broken - Consumption can be cured," proclaimed Barclay's advertising<sup>(18)</sup>. Other medicines took the optimistic names "Renovator," "Restorative," or "Invigorator." Their advertising often had people on their death beds rising up and dancing a jig after taking a dose of the wonder medicine. Some medicines tried to be scientific-sounding. "Tinctures" were a solution of alcohol; "Opodeldocs" were a thick paste for internal or external use; a "Specific" was only for one disease; "Pectorals" were for chest and heart diseases; "Vermifuges" were for worms; "Febrifuges" were for fevers; "Detergents" were for venereal diseases; and "Expectorants" were glorified cough syrups<sup>(19)</sup>. "Bitters" was an extremely popular type of medicine. They had been made in the late 18th century, but became much more widespread in the 19th century. From 1830 to 1860, there were at least 100 brands of bitters. One of the most prolific bitters makers was William Moffat of New York. His PHOENIX BITTERS (figure 8) sold for more than 50 years. Dr. Moffat claimed: "The Life Pills and Phoenix Bitters purify the blood and thus remove all disease from the system."<sup>(20)</sup> Bitters was alcohol mixed with herbs and flavorings. The people of the 19th century believed that they needed to thin out their blood after a long winter, and took bitters in the spring. Some bitters manufacturers made wild claims of what their concoctions would do. OXYGENATED BITTERS claimed to be: "The best and strongest certified medicine in the world for the cure of Dyspepsia..."<sup>(21)</sup> OLD SACHEM BITTERS / AND WIGWAG TONIC (figure 18) made the pronouncement that: "These celebrated

and pleasant Bitters are highly recommended by the faculty as the purest and finest Tonic and Stimulant ever offered to the public for General Debility, Loss of Appetite, Constitution and other Derangements of the Stomach."<sup>(22)</sup> Bitters was also a clever way of getting around the liquor tax that had been established before the Civil War to tax the sale of alcohol. If it was "medicinal," it could not be taxed. By the turn of the 20th century, there were numerous brands of bitters and hundreds of thousands of people addicted to them. Medicine makers were also not above using Native Americans and foreign themes to sell their snake oil. Some level of exoticism and mystery was needed to sell their preparations. From the 1830s, medicine companies started turning out "Indian" medicines. People in the settled East had images of the "noble savage" who was at one with nature and the heir to a body of traditional lore about herbal remedies and natural cures<sup>(23)</sup>. The advertising for "Indian" medicines usually had a story of how the inventor of the medicine had been traveling in the backcountry when he came upon a "noble savage" in distress. The man helped the Indian out of his/her bind and, in return, the Indian shared with the medicine maker a wonderful cure-all. The doctor, out of his civic duty, was now bottling this concoction and selling it to the public. Native Americans, of course, had nothing to do with the majority of products sold with their names on them. Medicines such as DR. ROBBINS' TECUMSEH RHEUMATIC DROPS; H. LAKE'S INDIAN SPECIFIC; BRANT'S INDIAN BALSAM (figure 10); TAYLOR'S INDIAN OINTMENT; CLEMEN'S INDIAN TONIC and DR. D. JAYNE'S INDIAN EXPECTORANT were all the products of clever marketing<sup>(24)</sup>. Likewise, products such as CARTER'S SPANISH MIXTURE (figure 11); WELLS' GERMAN LINIMENT; MEXICAN MUSTANG LINIMENT; COFFEEN'S CHINESE LINIMENT; PERRY'S HUNGARIAN BALM and ITALIAN ELIXIR AND LINIMENT, were the products of Yankee ingenuity<sup>(25)</sup>.

## ADVERTISING

The growth of American newspapers and pamphlets were a powerful, wide reaching tool for the proprietary medicine manufacturer. Patent medicines and newspaper publishers developed a strong and mutually beneficial relationship. This



Figure 8



Figure 18



Figure 10

relationship was so comfortable that newspaper editors and publishers often turned a blind eye to outlandish claims and unscrupulous charlatans. The medicine manufacturers depended on the newspapers for their profits, just as the newspapers depended on the medicines for theirs. Fledgling newspapers in frontier towns often had their first issues financed by medicine sellers. As the newspaper became more established the publisher might reduce the number of medicine ads. Patent medicine ads sometimes offered small gifts to entice the potential buyer. Bragg & Burrowes of St. Louis, the Midwestern agents for BRAGG'S ARTIC LINIMENT, offered a free one-year subscription to the United States Journal to anyone who purchased the \$1.00 size bottle<sup>(26)</sup>. Medicine sellers often bought ad space in almanacs, while other medicine makers opted

to publish their own annual almanacs. Dr. William Moffat, the maker of PHOENIX BITTERS AND MOFFAT'S VEGETABLE LIFE PILLS, published almanacs from the 1840s through the 1860s. Dr. David Jayne, the maker of DR. D. JAYNE'S EXPECTORANT, published his Jayne's Medical Almanac and J.C. Ayer, manufacturer of AYER'S CHERRY PECTORAL, published the Ayer's American Almanac. All of these almanacs contained the typical information you would expect to find in an almanac, along with numerous testimonial letters singing the praises of the medicine. "Dr. Jayne - Sir: I have used your LINIMENT and SANATIVE PILLS with decided success. I consider them superior to any medicines ever used in my family. They deserve their

well-earned reputation. C.I. Berry."<sup>(27)</sup> "Dr. Ayer. My Dear Sir: I have been completely cured by your PILLS from rheumatism, which has afflicted me for the last three years... I could feel the good they were doing me every day I took them. After three weeks' time I have discontinued their use, because I have no further use for them. They have completely cured me; and I feel as sound as ever in my life. I wish every man afflicted as I have been might be as fortunate in getting cured; and I hope you will be rewarded for the good you do. Your obedient servant, J.S. P. Tirrell."<sup>(28)</sup>

## COUNTERFEITING AND COMPETITION

All of the success in the medicine industry spawned numerous counterfeits and copies. William Swaim of Philadelphia had his SWAIM'S PANACEA

copied. Dr. SWAYNE'S PANACEA and SWAN'S PANACEA appeared on the market, but Dr. Swaim took legal action against these copiers. BRANT'S INDIAN PULMONARY BALSAM (figure 10), a national best seller, is known to have been copied, as were the products of James C. Ayer, Dr. David Jayne, John Rowand and Dr. S. P. Townsend. One company, the Comstock Company, seems to have specialized in counterfeiting and reproducing the medicines of other people. The company began selling medicines in about 1831 and was owned by Edwin Comstock, who was later joined by brothers Lucius, John, and George. The brothers produced knock-offs of such medicines as HOUCK'S PANACEA, OXYGENATED BITTERS, GAY'S CANCHALAGUA AND HAY'S LINIMENT. John Rowan of Philadelphia, the maker of ROWAND'S TONIC MIXTURE (figure 19), sued the Comstocks when they put their ROWLAND'S TONIC MIXTURE on the market<sup>(29)</sup>. Medicine men began to warn the public about the spurious copies. Dr. Ayers complained: "Counterfeit. Some unprincipled dealers in the cities and country have sold a counterfeit Cherry Pectoral for the genuine. We are in pursuit of evidence to convict them of this wicked fraud upon the guileless sick, and shall publish their names as soon as sufficient legal evidence has been obtained."<sup>(30)</sup> On the last page of Jayne's Medical Almanac, Dr. Jayne cautioned: "Before I dismiss my readers, I would caution them to beware of all the articles made in imitation of my preparations, many of which are called by the same, or similar names. They possess none of the medical qualities of my articles, but are manufactured and vended by unprincipled and ignorant persons, with the hope that, in consequence of the popularity of my 'Family Medicines,' they may be able to impose upon, and trifle with the lives of that portion of the community, who, from their afflicted, helpless and, in many instances, hopeless condition, require the gentle and benevolent hand of kindness, and the most generous sympathies of our nature, rather than such base, cruel, and heartless deception."<sup>(31)</sup> Dr. Moffat, in his 1848 almanac railed: "BEWARE OF COUNTERFEIT AND IMITATIONS OF MOFFAT'S LIFE PILLS AND PHOENIX BITTERS. The palming off of vile compounds of cheap drugs for Moffat's Life Medicines has been practiced to some extent, both in New York and in the Canadas, and per consequence, the public at large have been the greatest sufferers."<sup>(32)</sup> On the back pages of the 1847 and 1848 almanacs, Dr. Moffat informs the reader to look for his product in white wrappers. "The wrappers and Samaritans are copyrighted; therefore, those who procure them with the white wrappers can be assured that they are genuine. Be



Figure 11



Figure 19

careful, and do not buy those with YELLOW WRAPPERS: but if you do, be satisfied that they come direct from us, or don't touch them."<sup>(33)</sup>

### END OF AN ERA

In 1905, Samuel Hopkins Adams published an expose entitled "The Great American Fraud" in Collier's Weekly, exposing the sorry state of patent medicines in the United States. The first Pure Food and Drug Act was passed in 1906. The law did not ban the alcohol, narcotics and stimulants in the medicines, but it did require them to be labeled as such, thus curbing some of the more misleading, overstated or fraudulent claims. In 1936, the law was revised to ban such hazardous ingredients and the U.S. entered a long period of even more drastic reductions in the medications available unmediated by doctors and pharmacists.<sup>(34)</sup> More recently, herbal supplements and concoctions have been marketed as "nutritional supplements." While these products are careful not to make explicit claims, and bear disclaimers, they are nonetheless marketed as remedies. The days of Dr. Townsend, Dr. Moffat, Dr. D. Jayne and their like are long gone. Today they are merely names on old bottles. Yet they had an indelible impact on our history. American history would probably not be the same without these men.

### ENDNOTES

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