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Elixirs, Drops, Powders, and Pills: The Origins and Foundation of the American Patent Medicine Industry

Brent W. Tharp
College of William & Mary - Arts & Sciences

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ELIXIRS, DROPS, POWDERS, AND PILLS:
The Origins and Foundation of the American Patent Medicine Industry

A Thesis
Presented to
The Faculty of the Department of History
The College of William and Mary in Virginia

In Partial Fulfillment
Of the Requirements for the Degree of
Master of Arts

by
Brent W. Tharp
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APPROVAL SHEET

This thesis is submitted in partial fulfillment of the requirements for the degree of

Master of Arts

Brent W. Thorp
Author

Approved, May 1988

James L. Axtell

John E. Selby

Kevin P. Kelly
Achievement stands on a foundation of close family and the best of friends. This thesis is dedicated to them for their support, advice, and encouragement, which made it possible.
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ABSTRACT

The purpose of this study is to trace the origins and development of the patent medicine industry in America from its beginnings in the late seventeenth century to the early nineteenth century.

The origins of the patent medicine industry lie in centuries of folk medicine. Traditionally used as family remedies, these ancient remedies were first produced on a large scale and marketed outside their local regions in the late-seventeenth and early-eighteenth centuries.

Patent medicines were imported to America in great quantities by the middle of the eighteenth century. The colonies were almost entirely dependent upon England for supplies of patent medicines. The Revolution, however, cut off these supplies, and forced Americans to produce their own.

English patent medicines returned to America after the war, but they could not compete with the American industry the war had created. American entrepreneurial efforts in the patent medicine industry continued to expand, guided by their English origins.
ELIXIRS, DROPS, POWDERS, AND PILLS:
THE ORIGINS AND FOUNDATION OF THE AMERICAN
PATENT MEDICINE INDUSTRY
INTRODUCTION

The mention of patent medicines evokes images of the nineteenth-century salesman peddling his wares from the back of a colorful wagon, providing showmanship and song to draw his unsuspecting crowd. Once they had gathered, the entertainment ceased and business began. An American social commentator of the 1850's in his pamphlet *Humbug: A Look At Some Popular Impositions* satirized these cunning vendors with ironic accuracy:

"Congratulate me -- my fortune is made -- I am immortalized, and I've done it myself. I have gone into the Patent Medicine business...Bought a gallon of tar, a cake of beeswax, and a firkin of lard, and in twenty-one hours I presented to the world the first batch of Doestick's Patent Self-Acting-Four-Horse-Power Balsam, designed to cure all diseases of mind, body, or estate, to give strength to the weak, money to the poor, bread and butter to the hungry, boots to the bare-foot, decency to blackguards, and common sense to the Know-Nothings. It acts physically, morally, mentally, psychologically, physiologically, and geologically; and it is intended to make our sublunary sphere a blissful paradise, to which itself Heaven shall be but a side-show."

This was a time of bawdy and gaudy salesmanship with no bounds. It was truly "anything goes." One English advertiser was so bold as to donate hymnals to a poor parish with the lyrics:

"Hark the herald angels sing
Beecham's Pills are just the thing.
For blessed peace and mercy mild --
Two for Mother, one for child!"
Americans knew the business as well, and were just as adept at marketing as their English competitors. The situation in America led the anonymous commentator to reflect that, "the people of this Yankee-land have acquired a world-wide reputation of being unapproachably 'cute' and 'sharp;' and they, no doubt, have earned the reputation; yet it is notorious there is no people over whose eyes it is so east to 'pull the wool,' -- so easy to dupe and humbug, as this same 'cute Yankee people...Our 'cute brethren take as naturally to mermaids, woolly horses, and humbugs generally, as ducks to a millpond. Were this not the case, Yankeedom would not be what it now is, -- the Paradise of Quacks."  

Paradise is a good choice of words for the situation in nineteenth-century America. Medical knowledge was still limited and government regulation of the field was almost nonexistent. There was, thus, a great market for nostrums and no practical restrictions on their manufacture or sale. In fact, the only government involvement in the patent medicine business, until the Pure Food and Drug Act of 1906, was its attempt to reap some profit through the patent medicine stamp tax. Under these unrestricting circumstances, medical nostrums became a gigantic industry.

Patent medicines are still a gigantic industry. A recent House Subcommittee on Health and Long-term Care estimated medical quackery to be a $10 billion business in the U.S. and growing "at an alarming rate." In spite of all our present medical knowledge and our strict regulation,
Patent medicines are still a booming business. Many of the reasons for its success remain the same as they were in the industry's infancy in the eighteenth century.

The names may have changed over 200 years, but there remain diseases for which there is no known cure. Yet people have always hoped miracle cures would be derived from a yet unknown source. In the eighteenth century that hope spurred people to ingest a concoction known as Turlington's Balsam. Distilled from the bark and roots of several South American plants, Turlington's Balsam claimed to cure malaria or the ague, as it was often called. In the twentieth century, that same hope has spurred people to spend their money on another concoction made from the bark of a South American tree. Pau D'Arco Taheebo Tea, produced by the Nutrition for Life company, "works with the immune system" said one distributor, and can therefore, she claims, cure cancer and AIDS.5

Patent medicines have always been popular as the quick and easy path to good health and beauty. Women in the eighteenth century, desiring porcelain-like, white complexions, dosed themselves with various arsenic and lead-based nostrums, which were fatal with continuous use. Similarly, vanity in the twentieth century has created a vast market for quick diet nostrums. The Herbalife Company produces several diet products based on powerful herbal laxatives that medical consultants agree can cause dependency and mineral depletion.6
The sustaining factor of the industry has, from the eighteenth century on, been advertising. It was the increased availability of newspaper advertising space that was the growth catalyst for the industry in the eighteenth century. It turned local reputations and remedies into international celebrities and merchandising fortunes. The tactics of testimonial advertising and consignment sales became standard forms. These marketing features are still with us, enhanced by the sight and sound of television.

The term "patent medicine industry" is not used often today, however, which gives the impression that it is a long-dead curiosity of the past that we look at as quaint and humorous. We chuckle at the rubish mentality of those who suggested that when attending the ill one "ought to stuff their noses with tobacco, or some other strong smelling herb" so as to prevent infection, as William Buchan prescribed in his book *Domestic Medicine* (1772). Yet the House Subcommittee on Health and Long-Term Aging, chaired by Representative Claude Pepper, discovered "cancer cures such as a compound composed of ground-up diamonds, a tonic made from warts of horses suspended in sour milk, and serums drawn from human urine and fecal matter." All were selling profitably in our modern age of science and logic. As poet Wallace Stevens so concisely stated, "All history is modern history."
NOTES


CHAPTER I
THE ORIGINS OF THE PATENT MEDICINE INDUSTRY

In 1687 Thomas Wier, an Edinburgh physician, approached King James II and asked for a patent on his invention of pills compounded from angelica, a family of herbs. Anderson's Scots Pills, as they were called, were therefore the first patented medicine, one individual being granted by law the sole use and benefit of an invention for a limited time. The origins of the proprietary medicine industry do not necessarily begin here, however. Thomas Wier inherited the formula for the medicine from a woman by the name of Katherine Anderson. She, in turn, had inherited the formula from her father Patrick Anderson, who claimed to be physician to Charles I.1 Patrick Anderson claimed to have learned the formula in Venice, and if this was the case, the formula was probably a folk remedy used for generations. Here lie the origins of the patent medicine industry, in the centuries of folklore and folk medicine that preceded the seventeenth.

Herbal remedies have been collected for centuries. The Chinese seem to have been very proficient in collecting and documenting thousands of specimens of materia medica and observing their effects on the body. Asthma and bronchitis
were treated by the Chinese 4000 years ago with a juice made from a Chinese fir tree. In 1878, it was discovered that this herbal remedy was associated with the alkaloid ephedrine, which is still vital in treating pulmonary disorders.²

Exploration in the fourteenth and fifteenth centuries made this kind of information available in Europe in a significant quantity for the first time. European herbal knowledge was not nearly as complete or thorough as was the Chinese, and Europe's sciences were steeped in astrology, witchcraft, and superstition. For instance, W. W. Bauer, in his book Potions, Remedies, and Old Wives Tales, describes the use of mistletoe in folk medicine. "The mistletoe, like other parasitic plants, was greatly revered, perhaps because of its mysterious ability to grow without roots or other apparent source of sustenance. It was regarded virtually as a cure-all, especially for the 'falling sickness' (epilepsy), because it was 'itself unable to fall to the ground.'"³

Folk medicine was, in a sense, an outgrowth of desperation. When life hangs precariously in the balance, people turn to miracle cures, magic, and religion for help. This instinct for survival led to experimentation with plants and minerals as medicines, which in turn was the basis of modern pharmacy and the patent medicine industry. Until the age of exploration, European pharmacological knowledge was based more on which plants would harm you rather than help you. European knowledge of poisons was
much more extensive. Most other plant materials they used were inert.  

Medical historian Howard W. Haggard commented that "most of the substances that have been used as remedies depend upon their appeal to the imagination for the healing virtues they are believed to possess." Healing powers were assigned to many substances just because they were new, or very rare, or because they had some kind of unusual association. The New World produced a great many plants believed to have medicinal properties, not because they were rare but because they had never been seen before. Sassafras is a good example. It was by no means rare; by 1602 it was arriving in England by the boatload from expeditions to North America. Sir Walter Raleigh was able to pay for two ships to go to America "having saved the charg in sarsephraze." At first sassafras brought a price of ten to twenty shillings a pound, but the market was soon glutted. Raleigh went so far as to have his competitor, Gosnold, arrested and his cargo of sassafras impounded so that his shipment would make it to market first. Rarity was a factor with items such as potable gold, and the gruesome associations of mummy dust and Unsea, the mold from a criminal's skull, made them sought-after medicinal aids as well.

How did these substances, many of which were inert, continue to be considered medicinal? As Haggard put it, "the medicine has an essentially thaumaturgic value; it is a
sort of amulet worn internally by which they (the patients) are periodically nauseated, griped or otherwise forcibly reminded that they are getting well." Any modern pharmacological test maintains a control group unknowingly given a placebo. In every case, some percentage of the control group are or attest to being better. They have experienced the same cure as those in the eighteenth century who consumed the elaborate placebos of various patent medicine vendors. We should never underestimate the power of the mind, nor the tenacity of the human body to heal itself in spite of the travesties performed on it by nature and man. Many patent medicines can therefore attribute much of their success to the fact that patients who recovered after taking a particular medicine mistakenly established a causal relationship, because one event followed another. 

But some herbs and plants did have profound effects on the body. One class well known in the eighteenth century were purgatives. The lack of green vegetables in the English diet made constipation a constant problem. Medicines with a laxative effect played an important role in almost any treatment. Many, including John Wesley, the founder of Methodism and author of a book on home remedies, believed that God had intentionally created a plant to cure each ailment. This excited an exhaustive search for materia medica, which created the foundation of modern pharmacology and the patent medicine industry.

In the late seventeenth century, the patenting of
Anderson's Scots Pills started the trend of proprietary medicines. By the eighteenth century the growth of the industry became explosive both in England and America. Three factors created the boom: the medical situation at the time, a commercial revolution, and the patenting system.

The medical situation in the seventeenth and eighteenth centuries was bleak. Medical historian Guy Williams called the eighteenth century "The Age of Agony." Williams pointed out that the arts of healing developed so slowly at this time, because "the social and political conditions that prevailed at the time were wholly unfavorable for the necessary research." An almost total lack of public and personal hygiene, the blithe acceptance of drunkenness, and the acceptance of inhumane treatment of fellow humans were all contributing social factors. William Smith in his history of New York (1758) complained of the medical situation in the colonies:

"A few physicians among us are eminent for their skill. Quacks abound like locusts in Egypt, and too many have been recommended to full practice and profitable subsistence; this is less to be wondered at, as the profession is under no kind of regulation. Loud as the call is ...we have no law to protect the lives of the King's subjects from the malpractice of pretenders. Any man at his pleasure, sets up for physician, apothecary, and chirrugeon. No candidates are either examined, licensed, or sworn to fair practice."

Inadequate training and regulation was only one problem of the medical profession. Medical theories abounded, and few were based on scientific study. "The colonies," historian Wyndham Blanton observed, "though they
had to import their theories second-hand, showed the same fondness for speculation in regard to the cause and mechanism of disease, and their therapy, founded upon hypothesis and not fact, was equally fantastic and faulty. Often the prescription of patent medicines was part of these theories. What we consider quackery today was often in the eighteenth century considered a valid medical practice. Robert Turlington, the inventor of Turlington's Balsam of Life, asserted in his 46-page brochure that the "Author of Nature" provided "a Remedy for Every Malady" which "Men of Learning and Genius" have "ransacked" the "Animal, Mineral and Vegetable World" to discover.

Many physicians agreed with Turlington and made patent medicines an integral part of their practice. A Tudor physician, Laurent Joubert, "is said to have complimented his mother on her salve, ointment and 'wine of absinthe' exactly as he might have praised the recipes used in her kitchen."

Further complicating the medical situation, were the many professions, besides the trained physician, caring for the ill. There were apothecaries, who since the establishment of the Royal College of Physicians in 1518, were considered of inferior distinction, and were subject to a physician's oversight. However, since there was a scarcity of trained physicians, the apothecary was often the only available medical professional with some knowledge, having at least served an apprenticeship. In this role, the
apothecary not only prepared and sold medicinal compounds, but also administered standard treatments of the day, including the prescription of patent medicines. The apothecary was an important member of the medical community.

Apothecaries and surgeons made up such a large part of Virginia's medical community that the colony attempted to legislate price-fixing upon their services. The first section of the 1736 act well illustrates the problems inherent in their practice:

"Whereas the practise of phisic in this colony, is most commonly taken up and followed, by surgeons, apothecaries, or such as have only served apprenticeships to those trades, who often prove very unskillful in the art of a phisician; and yet do demand excessive fees, and exact unreasonable prices for the medicines which they administer, and do too often, for the sake of making up long and expensive bills, load their patients with greater quantities thereof, than are necessary or useful, concealing all their compositions, as well to prevent the discovery of their practice, as of the true value of what they administer: which is become a grievance, dangerous and intolerable, as well to the poorer sort of people as others, and doth require the most effectual remedy that the nature of the thing will admit."

As the act implies, the use of proprietary medicines of unknown composition was not uncommon to these apothecaries, surgeons, and other untrained individuals. At the same time, a physician's services were expensive, and those who could not afford it probably bought patent medicines. There were also many barber-surgeons and midwives filling in the gap of available, trained physicians. Although these professions were less educated, they treated a good portion of the colony's population. One midwife in Williamsburg was lauded
at her death by the Virginia Gazette as an "eminent midwife" who had "brought upwards of 3,000 children into the world."17

Due to the scarcity of medical professionals in rural areas, the sales of patent medicines prospered as a substitute. Medical men were not always available outside the towns. In 1783, a trader on the frontier of Canada, shot by a rival, asked for Turlington's to stop the bleeding. Another man familiar with the discomforts of the frontier was the Methodist circuit rider Francis Asbury, who looked to Stoughton's Elixir for an intestinal complaint.18 When doctors were available, they were often expensive. Patent medicines, on the other hand, were relatively inexpensive, and could be stockpiled for any occasion. The American Balsam of Dr. J. Hill could be bought at a price of 3/9 a bottle, or by the dozen at 3/3 per bottle.19 Gentleman's Magazine of 1748 prefaced a listing of patent medicines with this commentary:

"The rich and the great (generally speaking) will seek relief from the regular physician, and true-bred apothecary; for whom provision is made in the college dispensatory. But the majority of mankind (in hopes of saving charges, and on a presumption of surer help) are apt to resort to the men of experience, as they are called, whose remedies they are induced to think, from their advertisements (so often repeated, and at so great expense) have been successful in the cure of several distempers for which they are calculated..."20

The rise of patent medicines was also a result of a revolution in consumerism in the eighteenth century. More people were buying more than ever before in history. Items
which had for centuries only been available to the rich were now available to more of society. Items that before could only have come to many through inheritance were bought instead by each generation for themselves. Items that had been praised for durability were set aside in preference of fashion. In the wake of these changes came the transformation of marketing; society was commercialized. Products were produced and marketed with specific economic groups in mind. "In England," historian Michael Greenburg states, "commercial capitalism developed as the dominant mode of production during the seventeenth and early eighteenth centuries. The growth of foreign and colonial trade intensified and extended the influence of a money economy; market forces seeped into all areas of English life and thought." In the area of health, market forces seeped in as patent medicines.

Patent medicines were a marketing success. They sold well to all classes of society. Patent medicines were not a luxury item. Wealthy and poor alike purchased the nostrums. Archeological discoveries in Montserrat, West Indies discovered a Turlington's Balsam phial in the grave of individuals believed to be black slaves or indentured servants. Patent medicines were also used in the military and the fur trade. Procurement of medicines for the military varied through the years, but was generally carried out by the surgeon, physician, or apothecary attached to the regiment. Archeology found Essence of
Peppermint bottles in context in eight frontier military posts, British and American. Medicines may have been purchased by individual soldiers from traders, too. Archeology has revealed the use of patent medicines at sites of the Hudson Bay Company, the Northwest Company, and the American Fur Company. It was the fur trade that brought patent medicines to yet another group, Indians. Indians probably obtained patent medicines as gifts, as a small part of the trade, and from traders administering medicine to Indians. Essence of Peppermint vials were discovered at nine different native sites, seven of them in burials.  

The rise of patent medicines can be attributed also to the creation and development of the patent system. The present system of patenting began in the seventeenth century as a way of enriching court favorites by granting them monopolies on an invention or process, on entire industries, or the development of discovered lands. The lure of royal revenues, however, seems to have been the stronger motive for the extensive use of patents by James I, rather than the protection of an inventor's rights. His abuse of the system brought about conflict with Parliament. In a move limiting his power, Parliament passed the Statute of Monopolies, which revoked the king's power to establish monopolies, except for "the sole working or making of any manner of new manufacture," medicines included.  

The American colonies imitated the English patent system for granting monopolies for inventions and
businesses. They seem to have used them, many times, for the establishment of a service or product in short supply in the colony. For instance, Massachusetts granted a monopoly on salt manufacture in 1646, and in 1750 for the manufacture of sperm candles and whale products. No patent seems to have been issued by any colonial government for a medicine, though. As Vaughan points out, these patents were probably effective only on a local level and for a limited time. Their long-term and general influence was slight. "Their common use, in New England especially, to encourage new industries appears to have been due to an acquired habit of legislation rather than for successful experience."  

This colonial system was continued by the Articles of Confederation, with about as much success. Under the Constitution, the first United States patent law was enacted on April 10, 1790. The system was strict and unpopular, however, and a new law was passed in 1793. The 1793 act was the only U.S. patent law that did not provide for any examination into a candidate's novelty or utility; that was to be decided in the courts. So, unfortunately, we know only the names of the applicants and their medicines under this law; no formulae survive.

Patent systems were intended to promote inventiveness among the population by rewarding the efforts of the inventor. The reward-by-monopoly thesis, as historian H. I. Dutton points out, "was based on the notion that inventors should be rewarded according to the usefulness of their
invention. Since reward cannot be guaranteed by ordinary market forces, the state should intervene to provide a temporary monopoly." The effectiveness of this system in promoting inventiveness has been debated since the creation of patenting. In 1774, W. Kendrick wrote *An Address to the Artists and Manufacturers of Great Britain* where he argued that the "most plausible and politic method of bestowing that encouragement is therefore, that by which the eventual utility of such invention is made the measure of reward. This is effected by letter patent." However, in 1836 a letter in *Mechanics Magazine* in England complained of the "misfortune, and not a small one, that patents for inventions have descended historically as arbitrary grants of privilege...and this erroneous view...has not been entirely discarded to this day."

What was the system's effect on patent medicines? Was it an incentive to their development? At first it would seem not. The title "patent" medicine is misleading, for many of these medicines were actually never patented. Most would be considered proprietary medicines, but the term has come to include all of them. It also seems that the system created as much counterfeiting as inventiveness. Neither in England nor America could many be restrained from profiting illegally from the pirated name of an established medicine. The *London Advertiser* of October 29, 1743 carried in the same column almost identical advertisements for "Daffy's Elixir" and "Dr. Daffy's Elixir." Each claimed to be the
genuine article. Each claimed its trademark was the original, and each warned of counterfeitors.\textsuperscript{34}

In spite of the non-patented medicines and the amount of counterfeiting, the patent system did provide some incentive to inventors. While many medicines were not patented, many others were. Some of the earliest patents approved in England and America were for medicines, such as Lee's Bilious Pills patented in 1796 as the first medicine under the fledgling U. S. Patent Office. During that office's first 46 years, seventy-five patents were granted covering a variety of medicines.\textsuperscript{35}

While fighting counterfeiting was a difficult proposition at any time, it was almost impossible in a court of law without a patent. Joseph Cruttenden, a London merchant, was stocking and selling Stoughton's Elixir in 1711.\textsuperscript{36} A patent for Stoughton's was not taken out until 1712. The patent was probably an attempt to curtail counterfeiting of a medicine that had already been on the market for some time. So the patent system did have an effect on the growth of the industry. It was a significant part of the origins of the explosive growth of these medicines in the eighteenth and nineteenth centuries.

With its origins in centuries of folk medicine, the patent medicine industry established itself in the late seventeenth century. While it started from humble beginnings, the industry, encouraged by the inadequacies of medicine, better marketing, and patent systems, developed at
a very rapid rate in the eighteenth century. By 1748, *The Gentleman's Magazine* printed a partial list of proprietary medicines in England which had 202 entries. Many were exported to the American colonies.
NOTES
FOR CHAPTER ONE


5. Ibid., 322.


7. Haggard, 323.

8. Bauer, 80.


11. Mike Moore, "Caveat Emptor," The Ohio State Medical Journal, 56(1960), 1486


15. Ibid., 17 - 18.

17. Virginia Gazette, October 24, 1771.


20. Griffenhagen, Bulletin 218, 162.


27. Vaughan, 16.


29. Vaughan, 17.

30. Ibid., 18 - 19.


32. Ibid., 18.

33. Ibid., 22.


CHAPTER TWO
THE DEVELOPMENT OF THE AMERICAN MARKET

The patent medicine business was in its infancy when in the early 1600s the first successful English voyages were returning from North America. These voyages, as well as those to Africa and the Orient, helped spur the industry's growth by returning with cargoes of new herbs and plant materials to excite the investigations of physicians and apothecaries throughout England. The early voyages returned with great quantities of sassafras, ginseng, tobacco, and other roots and barks believed to be of medicinal value. A description of the resources of the lands around Jamestown written probably by Gabriel Archer in 1607, noted many "Apothecary drugges of diverse sortes, some known to be of good estimation, some strange of whose vertue the salvages report wonders."¹

The search for medicinal plants encompassed the entire eastern seaboard. Apothecaries were interested in the medicinal possibilities of American plants, while merchants were interested in the economic possibilities. The search continued through the eighteenth century. Jefferson was one of many who promoted the search in Virginia. In his Notes On Virginia, he listed twenty-one medicinal plants native to
the region. Of those, at least eight were being exported in significant quantities by the middle of the eighteenth century.  

In the eighteenth century, materia medica was exported consistently, but in limited quantities. Medicinal plants continued to be exported to England until the Revolution. The war years interrupted the trade, but like most items it resumed after the hostilities ceased. In 1790, the exportation of medicinal drugs from the United States amounted to $1,735. The very next year, the value of drug exports more than doubled to $4,233, and by the end of the century the exports of raw drugs in 1800 amounted to $23,477.  

Throughout the eighteenth century the country continued to export materia medica, but America's importance to the patent medicine business lay more in its consumption of the finished products of England's apothecaries, physicians, and businessmen.

The same materials the Americans exported were, under the colonial trade system, reimported in the form of patent medicines. In 1770, The Pennsylvania Gazette ran an unusually large advertisement for an English patent medicine called the American Balsam. According to the inventor, a London physician by the name of Hill, it was entirely "prepared from some new American plants, sent to England by that ingenious gentleman Mr. William Young, of Pennsylvania, Botanist to their Majesties the King and Queen of Great Britain." Dr. Hill's medicine was an accurate reflection of
the lack of American industry created by the British mercantile system. In this case, the raw materials and the market were both in North America, yet the manufacture of the product was in England. Despite the foreign production, the marketing of Dr. Hill's balsam was directed specifically to the American market. "As this medicine is prepared from the American plants," he instructed, "no wonder it must have the best effect in that country; as it is most natural to the constitution of the people."⁴

The American Balsam of Dr. Hill was a latecomer to the American market. Patent medicines were sold in the colonies at a much earlier date. When the first patent medicines arrived in America is difficult to say. Of the first 225 men sent to Jamestown in 1607 seven were practitioners of medicine. It seems likely that one of them would have taken a package of Anderson's Scots Pills or one of the other early English patent medicines, although no mention is specifically made of one. According to one document, one of these men, George Liste, was sent "with a Chest of Ch[i]rurgery sufficiently furnished," which may have contained some patent medicines. Even if this first voyage was not supplied with patent medicines, later voyages likely were, since Liste was allowed to return to England "the better to enfourme us [the London company] what medicines and drugges are fittest to be provided for the use of the colonie."⁵ Unfortunately, we do not know what Liste's recommendations were, or if he even ever made it back to England.
The hardships of sea travel and the thought of settling in a "untamed wilderness" cut off from the culture of native England were sobering thoughts. Sickness and death were ever-present consequences, and patent medicines would have provided some hope for relief for these early settlers. One of the earliest references to the use of a patent medicine in New England appears in 1630. In that year, a gentleman by the name of Nicholas Knopp of Massachusetts Bay was punished "for taking upon him to cure the scurvey by a water of noe worth nor value, which he solde att a very deare rate."  

These early clues hint at the presence of English patent medicines, but the earliest reference of an actual medicine is found in a Surry County, Virginia inventory. The inventory of George Proctor, recorded in 1678, lists "18 boxes of Lockyer's Pills." In 1684 William Byrd I requested merchants Perry and Lane of England to send along with his window glass, sodder, and lead "10 boxes of Lockyer's Pills." These late-seventeenth-century examples were just the beginning of the American market for patent medicines. There is a distinct lack of patent medicine advertisements in newspapers in the early eighteenth century. While this may suggest that the use of patent medicines in America at this time was infrequent, it is also probably the result of limited and therefore expensive advertisement space. By 1750, though, the use and advertisement of patent medicines was prevalent.
While it was small at first, the American market was not a secondary market or a bonus to English patent medicine merchants. It was a vital part of the English merchants' marketing strategy, a vital part of their profits. Otherwise, patent medicine vendors such as Robert Turlington would not have personally entered a newspaper feud of 1760 and 1761 in the New York *Mercury*. His Balsam of Life was being sold by five different individuals, each arguing over their right to vend Turlington's medicine or what they said was Turlington's. Colonial consumers were in such a quandary, that Turlington, keeping abreast of American developments, stepped into the feud to resolve it. He warned against counterfeiters and denied the allegation of one man who claimed an exclusive franchise of the medicine. Furthermore, Turlington sent a supply of his medicine to the editor of the *Mercury* in order to provide consumers with a legitimate source for the authentic balsam. Turlington's problems with distribution and counterfeiting were typical of patent medicine vendors throughout the colonies. The difficulties Turlington encountered in America, though, were not new or unique. Shrewd American merchants had adopted the vices and marketing techniques of the English merchants.

The marketing techniques developed by merchants in the eighteenth century were the basis for the patent medicine industry in the nineteenth and twentieth centuries, modified only slightly by technology such as mail-order services, radio, and television. The most important difference was
the change in location of the manufacture of patent medicines. Throughout most of the eighteenth century, the manufacture of patent medicines had been, almost without exception, based in England. In the late eighteenth and early nineteenth centuries, Americans began to manufacture patent medicines in large quantities.

Until the Revolution, patent medicines in America were almost always imported. Most came from London. Many of the New England merchants had their origins in this city, and once in the colonies, they established their trade connections with those whom they had known and left behind in England. Therefore, not only medicines but most goods sent to America arrived from warehouses in the center of London. At these warehouses, firms such as Robert Turlington's, Francis Newbery, and Okell & Dicey, made and sold their medicines, while stockpiling other patent medicines to be exported to the colonies. The firm of Okell and Dicey had created the very popular medicine Bateman's Pectoral Drops (patented in 1726), which they made and sold at their warehouse at Bow Churchyard, Cheapside, London. Many other brands of patent medicines also passed through their warehouse on their way to American merchants.

The inventor of a patent medicine could also be the manufacturer, such as Robert Turlington and Richard Stoughton, an apothecary in Southwark, Surrey, who produced Stoughton's Elixir. More often merchants claimed to have received the "original" formula from a "more learned"
source. This claim, they felt, gave their patent medicine more legitimacy. Daffy's Elixir was one of the most popular patent medicines of the eighteenth century. It was said to have been discovered by a Reverend Thomas Daffy around 1750. The medicine was never patented, though, and after his death the medicine was manufactured by many different companies often with a slightly different version of the name and a great diversity in formulas. Likewise, Richard Stoughton's death in 1726 created a frenzy of copies, and feuds ensued as to the owner of the original formula.  

Some producers licensed merchants to sell their products, often, though unsuccessfully, in an attempt to discourage counterfeiters. No matter who manufactured the medicine, its sale to the colonies was usually on a consignment basis. Patent medicines were often sold to distributors in the colonies. These merchants and apothecaries might sell some of the medicines individually, but often they were more interested in selling the lot to other merchants rather than dealing directly with the public themselves. Dr. Hill of London instructed William Young, his authorized merchant in Philadelphia, to accept Pennsylvania currency so "that the shop-keepers, and others, in Philadelphia, who buy to sell again, might have about a Shilling profit on each bottle; and masters of vessels, shop-keepers, and others who live far in the country, or other provinces, who may have greater expenses, may there sell said balsam, for the price mentioned in the bills, for
the value in sterling money." These instructions were included in the advertising to encourage others to buy in gross for resale.

Marketing patent medicines in this manner allowed the public to purchase them from a wide variety of individuals. They were not sold exclusively by apothecaries and merchants. Once acquired for resale, patent medicines could be purchased from the post office, tavern keepers, and various craftsmen. Almost everyone sold patent medicines at one time or another, since they were not difficult to buy or store, and the market for nostrums was good enough to make a quick profit. Ship's captains seem to have often been involved in the sale of patent medicines. For them patent medicines represented a product that took minimal room to transport, and yet sold well in the many ports they might visit bringing a tidy sum. Even the tailor Robert Hutchings in Petersburg, Virginia sold patent medicines.

Although many were quack remedies, many other patent medicines were considered valid. Their use was accepted as part of the medical theories of the time, and many doctors were not averse to selling patent medicines. Dr. George Gilmer of Williamsburg was the first to advertise the sale of Anderson's and Bateman's Pills in 1737. He had studied medicine at the University of Edinburgh, and practiced in London before he came to Virginia in the employ of a land company. After spending a brief time in Virginia, he returned to England to marry the daughter of the doctor
under whom he had practiced. He returned to Virginia after her death in 1731. This time he settled in Williamsburg to practice medicine, which included the sale of patent medicines. He probably prescribed the medicines to those under his care, but also, for extra profit, sold them to those in need of medical care but unable or unwilling to pay for his services.

This proliferation of vendors is one of the factors that made counterfeiting a rampant practice in the marketing of patent medicines. If imitation is the sincerest form of flattery, many of the original inventors and producers of patent medicines were frequently flattered. The lack of government regulation and inspection, and less concern than today on the part of the public, made counterfeiting a simple and prosperous activity. Most victims seem to have been able to do little more than warn their customers to be wary of imitations and hope that they took heed. To impress upon consumers the worst of consequences seems to have been considered the most effective tool. "I do advise all persons, for their own safety," warned a Hertfordshire vendor in 1721, "not to meddle with the said Cordial [Godfrey's Cordial] prepared by illiterate and ignorant Persons, as Bakers, Malsters, and Goldsmiths, that shall pretend to make it (Godfrey's Cordial), it being beyond their reach; so that by their Covetousness and Pretensions, many Men, Women, and especially Infants, may fall as Victims, whose Slain may exceed Herod's Cruelty..."
Another factor built into the marketing of patent medicines that encouraged counterfeiting was the consistent packaging of nostrums. Consistent bottle shape and labeling made patent medicines easily recognizable even to the illiterate. In this way manufacturers insured that consumers could always find their product even though it was not sold by the same person or at the same place. Consistent packaging therefore encouraged repeat customers, but it also encouraged counterfeiting. As Griffenhagen points out, the proprietor might be able to retain his secret formula, but the reproduction of the bottle or its wrapper was relatively simple. The London merchant Joseph Cruttenden faced this problem and admitted to a Salem, Massachusetts customer that, "I cannot positively assert the Tincture to bee the same with Stoughtons, but it is very near it and I believe it as good; I gott all the light I could possible into his medicine and I dare affirme this will performe whatever his will; you may give them the same directions about taking them."

Such a lack of concern for authenticity as Cruttenden's forced most manufacturers to accept counterfeiting as legitimate competition. However, one proprietor who attempted to thwart his unethical rivals was Robert Turlington. Turlington patented his Balsam of Life in 1744. It became one of the best selling nostrums in England and the colonies, but it also became one of the most counterfeited. In an attempt to curb the copying,
Turlington changed the shape of his bottle three times. His first bottle was square and impressed with a coat of arms. By 1749, though, Turlington complained that the Whitefriars glasshouse was manufacturing his vial and selling it to competitors. In response, Turlington changed the vial to a chello-shaped bottle. Again competitors caught up with him, and in 1754 he altered the bottle's appearance to a pear-shape with an elaborate inscription.²⁰

The shape of the bottle, more than the inscriptions seems to have been considered the important element to accurately copy. A Turlington's bottle found at Montserat, West Indies compared almost exactly in shape to a Turlington's bottle found in archaeological excavations in Williamsburg, Virginia. The most striking difference, though, was the patent date. The Montserrat bottle was dated October 29, 1751, whereas the Williamsburg vial was dated March 25 or 26, 1750. A comparison with other bottles suggested that the Montseratt vial was one of the many counterfeits that plagued Turlington.²¹

The shape of the vial was important to maintain because it affected not only product recognition but also the dispensing of the medicine. Most patent medicines in liquid form in the eighteenth century were prescribed by drops. Most prescribed a certain number of drops to be added to another drink, usually alcohol, tea, or water. The manufacturer of Stoughton's Elixir recommended a dose of 50 to 60 drops of the Elixir "in a glass of Spring Water, Beer,
Ale, Mum, Canary, White wine; with or without sugar, and a dram of brandy as often as you please." Variations in the angle of the shoulder and neck, the shape of the body, and the shape of the finish all affected the size of the drop and consequently the amount taken, which was especially important for medicines that contained dangerous substances such as laudanum.

Counterfeiting and the practice of sale for resale prove that there was a substantial and competitive market for patent medicines. In this competitive market, advertising became the essential tool for success. The eighteenth-century merchant turned primarily to newspapers and broadsides. The periodical originated from a need to inform buyers of the goods available from various merchants. The first periodical, the French Journal of Public Notices, seems to have been a want-ad format. This format was copied in England as The Publique Register for generall commerce. It provided a medium where buyers and sellers could list their goods or needs to be distributed across the country. These early listings developed into the paid advertisements that revolutionized marketing. With newspaper advertising merchants could, relatively inexpensively, inform buyers over a large area of their stock, and with a few more sentences convince the uncertain consumers of their need. Patent medicine vendors were some of the earliest to take advantage of this medium.

The earliest newspaper medicine advertisement seems to
be in the English publication News (1664). "SMALL BAGGS," began the pitch, "to hang about Children's necks, which are excellent both for the prevention and cure of the Rickets, and to ease Children in breeding of Teeth, are prepared by Mr. Edmund Buckworth, and constantly to be had at Mr. Philip Clark's, Keeper of the Library in the Fleet, and nowhere else, at 5 shillings a bagge."\(^25\) The first American patent medicine advertisement appeared in the Boston News-Letter on October 4, 1708. Nicholas Boone at the sign of the Bible advertised: "Daffy's Elixir Salutis, very good, at four shillings and sixpence per half pint bottle."\(^26\)

English advertising techniques developed quickly in the eighteenth century. The patent medicine ads became essays complete with lengthy descriptions of the medicine's properties, numerous testimonials to its success, and elaborate, even outrageous, stunts to draw the attention and business of the curious public. A Mr. Van Butchell in England in the 1770s went so far as to advertise the showing of his deceased wife's embalmed body to draw potential patients to his practice.\(^27\)

Across the ocean American newspaper advertisements resembled more the early registers of the first English periodicals. With a few exceptions, the vast majority of advertisements were merely a list of goods "just arrived." "Just IMPORTED in the Rachael, Capt. Armstrong;" announced the Virginia Gazette in 1751, "and to be SOLD reasonably, by the Subscriber, in Williamsburg, A Choice Assortment of
Drugs and Medicines consisting of Jesuits Bark, Ipecacuana, Sarsparilla and China Roots... Anderson's, Lockyers Pills, Bateman's Drops, Squires, Daffy's and Stoughton's Elixirs..." Most American ads followed this exact format of simply listing the medicines and did not elaborate. The shortage of advertising space in the few colonial newspapers made further elaboration expensive. An extensive description of the medicines was also probably unnecessary to sell the product, since there was already an inadequate supply to meet the demand. Little more than announcing their arrival was needed to deplete the seller's supply.

Newspapers were not the only printed material to offer opportunity to the patent medicine vendor. Pamphlets and broadsides were an important part of the marketing of patent medicines. These could range in size from one page to small books of 40 and 50 pages, such as those of Robert Turlington. This medium offered the manufacturers the opportunity and space to elaborate and detail the qualities of their goods, something the newspapers could not do. Some pamphlets even contained illustrations such as one showing "the kneeling patent medicine man presenting George III with a packet, and with this caption:

His Majesty on the Esplanade at Weymouth graciously accepting a Box of Ching's Patent Worm Lozenges which was presented to him as a Patent Medicine."
Broadsides were often used as the label for bottles. They contained testimonials to the powerful effects of the medicine and instructions for the medicine's use. A critic of physicians in New York in the 1750s complained that physicians relied on patent remedies that they read about in "London Quack Bills." These bills were often, he protested, many physicians' only reading material. Dr. William Douglass, commenting on the American colonies, noted "How dismal is it to observe some apothecarie's shops wainscotted or papered with advertisements, recommending quack medicines for the profit of the shop, but the destruction of their neighbors."  

Most of these broadsides and pamphlets were printed in England and imported, although some were printed in the colonies. The first medical pamphlet published in New York in 1731 was An Abstract of the Patent Granted by his Majesty King George to Benj. Okell, the Inventor of a Medicine call'd Dr. Bateman's Pectoral Drops. The eighteenth century was an age of pamphlets and essays written on almost every subject. Those dealing with medicines and medical theory were read as avidly as those on political subjects. One of the earliest in America to deal with home medical treatment was Every Man his own Doctor: or the Poor Planters Physician. Printed in 1734 and sold by William Parks at his printing offices in Williamsburg and Annapolis, the pamphlet even contained formulas for remedies.  

While most vendors used advertising to draw customers
to their business, the peddler took his nostrums to potential customers. The few references to peddlers of patent medicines seem to uphold the image of the peddler as a mountebank with something to hide and always encouraged to move on. "On Thursday last," the Pennsylvania Gazette reported, "a Person that went by the name of Charles Hamilton, came here, and offered to Sale at several Houses in Town Sundry Medicines for different Disorders; pretending he was brought up to the Business of a Doctor and Surgeon, under one Dr. Green." Upon closer inspection, suspicious townspeople discovered the peddler to be a woman and she was jailed.34

In an earlier event, a travelling peddler by the name of Torres arrived in Philadelphia and took an ad in the Pennsylvania Gazette promoting his "Chinese stones." "Mr. Torres will in a short Time set out for New-England; Those that are inclined to buy his Powders, may find him at Mr. Jacob Duche's, in Market Street, or at Mr. Anthony Duche's, the Dyer." Before Mr. Torres could leave for New England, however, another ad appeared revealing his "stones" as nothing more than blackened buckshorn wood. "Your Sawdust, and Raspings and chips of the same Horn, burnt in the same Manner, and put into a little Linen Rag makes the miraculous Chymical or Comical Powder."35 Mr. Torres may have left Philadelphia in a hurry.

No matter how patent medicines were sold in America throughout the greater part of the eighteenth century, the
vast majority were English imports. As in so many other industries, the English mercantile system produced a product cheaper and better than the colonists could make it themselves. Along with strict regulations, the colonial system dampened American enterprise. It took a cataclysmic event and many years afterward to shake the yoke of English industrial domination. The Revolution made many aware of their acute dependence on the British for medicines, and at the same time they realized the potential of their own vast resources which could replace the British nostrums. Dr. Johann David Schoepf, traveling in the states in 1783 and 1784, commented on this dilemma:

"It is to be wished that the physicians in America, who have already in other matters, shown their patriotism in many noble efforts, may also have a patriotic eye to the completer knowledge and more general use of their native materia medica. It betrays an unpardonable indifference to their fatherland to see them making use almost wholly of foreign medicines, with which in large measure they might easily dispense, if they were willing to give their attention to home products, informing themselves more exactly of the properties and uses of the stock of domestic medicines already known...and they would be working usefully for the poor if they made it their business to further the employment of the manifold wealth afforded by nature in its precious gifts to them."

As the eighteenth century drew to a close, society in the last decades witnessed American entrepreneurs take up Schoepf's challenge. The production and sales of American patent medicines soon eclipsed British imports.
NOTES

CHAPTER TWO


4. Pennsylvania Gazette, October 11, 1770.


7. Clarke, Apothecary, 44.


12. Ibid., 161-162.


15. Virginia Gazette, May 27, 1737.

17. Griffenhagen, Bulletin 218, 158.
18. Ibid., 167.
22. Griffenhagen, Bulletin 218, 162.
27. Sutphen, Mad Old Ads, 18.
28. Virginia Gazette, January 17, 1751.
31. Clarke, Apothecary, 45.
32. Archibald Malloch, Medical Interchange Between the British Isles and America Before 1801 (London, Royal College of Physicians, 1946), 128.
33. Every Man His Own Doctor, or the Poor Planter's Physician, (Williamsburg, William Parks, 1736).
34. Pennsylvania Gazette, July 16, 1752.
35. Pennsylvania Gazette, October 17 and 31, 1745.
CHAPTER THREE
THE DEVELOPMENT OF THE AMERICAN INDUSTRY

While imports dominated the American patent medicine market, examples of American entrepreneurship did exist, primarily in the form of counterfeiting. James Carter of Williamsburg made and sold his own version of Stoughton's vials. He apparently produced the medicine and packaged it in counterfeit bottles imported from England. The formula might have been one of his own creation, or he may have used a formula published under Stoughton's name. Formulas for popular proprietary medicines were published in various pharmacopoeias and books on domestic medicine. (see Appendix A)

Another Williamsburg doctor produced his own patent medicines and bottled them in imported counterfeit vials. Dr. William Pasteur in 1768 ordered one half gross of "botts for Daffy's Elixir empty," along with "Quincey's Dispensatory last Editn," which contained the formula for Daffy's and Stoughton's Elixir. Similar practices probably occurred throughout the colonies, and men like Carter and Pasteur represent the first inkling of an American patent medicine industry. However, their efforts constituted only a small proportion of the patent medicine business. The colonies were dependent upon England for imports of proprietary medicines. That dependence would become critical as the Revolution loomed ever closer.
Colonists were made frighteningly aware of their dependence early in the confrontations before the war. Drugs and medicines were not included in the fury of nonimportation in response to the Townsend Acts. The resolution on nonimportation of the Virginia House of Burgesses on June 22, 1770 did not include drugs or medicines in the list of items to be boycotted. The merchants of Boston specifically listed drugs and medicines along with tin plates, die stuffs, and school books as items exempt from their agreements of nonimportation. Patent medicines were too important to the daily lives of the colonists to risk losing them, even as a political statement.

In the years before the outbreak of the war, as nonimportation again became an issue, a Maryland merchant, John Boyd, used the threat of patent medicine's inclusion in the nonimportation resolutions to boost his business. He advertised in the Maryland Gazette of September 29, 1774 that he had just received a fresh supply of medicines, and with nonimportation being considered again, he advised his customers to purchase the medicines immediately before supplies ran out. What John Boyd did not know was that it was not the nonimportation acts which would cut off his supplies but the war.

The outbreak of the Revolutionary War began a process of significant change in the patent medicine business. It marked the decline of the importance of English patent
medicines in America. The war created a crisis in the business. Added to the regular demand of patent medicines were the massive needs of the military. The British moved quickly to ensure that these needs were not met. The British blockade effectively cut off the shipments from England that had been arriving regularly since the 1730s, and the army moved to capture existing supplies. As General William Howe moved into Boston, he realized the importance of the medicinal stores, and by his order "all the drugs and medicines in the town [were] seized for the use of the army." 6

Some of these pre-war stores seemed to have lasted well into the war years. The Williamsburg apothecary W. Carter in an inventory of 1779 still had patent medicines, including the remedies of Anderson, Bateman, and Daffy. 7 However, this was unusual, and as the armies moved toward Virginia, Carter's supply was undoubtedly used quickly. Shortages were often the result of inefficient transport and communication on the part of the military, rather than inadequate supply. In August 1776, medical supply officers begged the Congress in Philadelphia for drugs. At the same time, John Thomson of Petersburg, Virginia was advertising a wide assortment of medicines and other medical supplies. 8

To meet the demand for drugs and medicines, Americans turned to several sources. While the British blockade was effective, it was not perfect. Medicines were successfully imported from other countries in Europe and the West Indies.
The British, attempting to halt the intercoastal trade as well, were much less successful, and drugs and medicines moved from colony to colony. A Salem, Massachusetts, merchant shipping medicines in 1777 made sure to take precautions against British discovery. In his account book, the following entry appeared: "The above 13 packages and 4 cases of medicines are ship'd on Board the Sloop Called the Two Brothers Saul West Master...The cases are unmarked being ship'd at Night."  

The smuggling of medicines was a dangerous undertaking and provided an inconsistent supply, and thus other sources were needed. Pirating, therefore, became a lucrative business that supplied medicines to the Continental Army. Many British ships met a fate similar to the Richmond, which was captured by the Americans in August 1776. She had left London bound for Halifax and among the booty of gold and sugar were "3 cases of drugs." Over a thousand vessels were captured by Massachusetts privateers alone, and drugs and medicines destined for the British army were often part of the cargoes. One privateer recorded in his ledger the payment of 62 pounds from the Massachusetts government for drugs taken from the captured ship Julius Caesar, and another payment of 170 pounds for the "drugges taken in the prize Brig Three Friends."  

Another option available to the Americans was to use their own resources and knowledge to produce the medicines. Wars throughout time, while bringing death and destruction,
have also always brought the chance for some people to profit. The American Revolution was no exception. Therefore, the most important result of the war for the patent medicine industry was the American substitutes that were produced. These remedies, created as a necessity of war, became the steady-selling post-war American patent medicines that would overtake their British counterparts in a decade.

After the war, when peace resumed, British goods quickly returned to the American market. This flood of English manufactures included patent medicines. However, the merchants of the old English patent medicines did not find the lucrative markets of pre-war America awaiting them. Instead, throughout the states, British merchants competed with many small American drug and medicine firms that had sprung up in the war years and immediately after. By the turn of the century, many of those small concerns had developed into larger interstate businesses. An 1804 drug catalogue of Jacob Scheiffelin of New York still listed the old English medicines of Anderson's, Godfrey's and Turlington's. However, the English medicines were far outnumbered by new American products by manufacturers such as Lee, Perrin, or Ryan.12 The 1834 price list of John Henshaw's of Boston listed even fewer English medicines. By this time the old English patent medicines had all but disappeared from the American scene.

Although American firms continued to sell the old
English patent medicines, they also produced American versions of the best-selling English medicines. Therefore, most warehouses were selling two versions of English patent medicines, one English or "true" and one American or "common" as they were listed in the catalogues. John Henshaw's catalogue of 1834 sold three versions of the venerable Anderson's Pills. One was a generic English brand, one an American brand, and one, he noted, was specifically from the English firm of Dicey and Company, which was one of the oldest English firms selling patent medicines.  

The lack of concern for patents and ownership of patent medicines that had been so aptly demonstrated in the counterfeiting of the eighteenth century carried on into the nineteenth. Copying of medicines was rampant. In 1837 the free use of old English medicine names received officials' sanction from a Massachusetts court which ruled that the old English patent medicine names had "acquired a generic meaning descriptive of a class of medicines, names which everyone was free to use and no one could monopolize." English merchants could not compete with this kind of competition. American versions could almost always be sold at considerably less than the imported medicines, and in a market where name and origin meant very little to the consumer, price meant everything. Henshaw's of Boston sold the English version of Anderson's Pills at $15.00 a gross, whereas the American version sold for $5.00 a gross.
apothecary in Salem, Massachusetts offered Turlington's Balsam from London at 36 shillings a dozen, while his "own" was a mere 15 shillings.16

English medicines had to compete with the lower manufacturing costs of American domestic medicines and the country's tariffs. As a direct result of the devastating costs of the Revolution, the British government further crippled British patent medicine exports by taxing them. In 1783, the first British patent medicine tax was passed. The products went tax-free only if they disclosed their formula, an action the government was certain few would do.17 A similar tax was not imposed on American patent medicines until 1862. Ironically, this act too stemmed from the need to finance a war. To field an army to defeat the southern insurrection, Congress passed a comprehensive excise tax bill that included stamp duties on proprietary medicines.18 Until this time, however, British patent medicines had to compete with untaxed American brands.

Not even the British government stamps could ward off American copies that sold for much less. Americans merely copied the stamp as well. "Many, very many days," recollected a Boston druggist of his apprenticeship in the 1820s, "were spent in compounding these imitations, cleaning vials, filling, corking, labelling, stamping with facsimiles of the English Government stamp, and in wrapping them with...little regard to the originator's rights or that of their heirs..."19
To further increase the competition, American patent medicine vendors picked up the bold advertising and marketing techniques of their English counterparts, which they had lacked in the eighteenth century. Americans became more creative in naming their products. Whereas the few colonial American products had simple, explanatory names such as "Ointment for Itch," the new American product names were livelier, such as Bilious Cordial, Cordial Restorative Balsam, and the Infallible German Corn Plaister. As the names became bolder, so did their printed claims. Samuel Chamberlain of Massachusetts patented his Bilious Cordial on December 31, 1804. In an 1807 pamphlet describing the medicine, Chamberlain asserted that "this Cordial has cured every one who has taken it for the piles, that has come within my knowledge many who have been afflicted with it a number of years." In his pamphlet, Chamberlain also included many testimonial of those who had used or administered the wonderful Bilious Cordial:

"One man to whom I administered my Bilious Cordial, told me had been in a habit of puking once a every twenty four hours for 3 years or more, so costive as not to be uncommon to pass from one to three weeks without a natural evacuation. In the rage of his disorders, he commenced taking the Cordial--he got down nearly a bottle before it had much effect; but in about week, without taking more than two bottles, his whole system appeared to be in perfect regulation. I have lately been informed of a similar complaint, being cured by the cordial in a woman who had been in the habit of puking up her breakfast for thirteen years."

Many of the marketing practices established by the British were continued and expanded in the United States.
The practice of selling primarily wholesale continued in America, and their marketing reached further than their local area. In 1799 "Dr. Church's Genuine Medicines," were "sold wholesale by the INVENTOR and sole PROPRIETOR, Dr. James Church, at his Dispensary, upper end of Broadway, and Office, No. 10, Courtland Street, New-York." He also listed his appointed representatives (doctors, booksellers, printers, and postmasters) in New York, New Jersey, Massachusetts, Delaware, Pennsylvania, Virginia, and even St. Johns, Nova Scotia.²¹

Peddlers continued to criss-cross the states selling patent medicines, and apparently their reputation had not changed much from that of the eighteenth century. Nathaniel Hawthorne recorded his impressions of a peddler he met in 1837. "A vendor of patent medicines, Doctor Jaynes, makes acquaintance with me, and shows me his recommendatory letters, in favor of himself and drugs, signed by a long list of people. He prefers he says, booksellers to druggists as his agents, and inquires of me about those in this town. He seems to be an honest man enough, with an intelligent face, and sensible in his talk--but not a gentleman, wearing a somewhat shabby brown coat and mixed pantaloons, being ill shaven, and apparently not well acquainted with the customs of a fashionable hotel."²²

The man Hawthorn met, Dr. David Jayne, was a travelling doctor, who dispensed cures from his saddlebags. He had studied at the University of Pennsylvania from 1818 to 1822.
His practice in Salem, New Jersey had led him to the conclusion that time was vital in prescribing medicine to relieve pain. In response, the doctor developed Dr. Jaynes Family Medicines in 1830, which could be prescribed when a doctor was not available. This was the beginning of a family business that exists today in Philadelphia.  

After the war American entrepreneurs quickly caught up with, and soon crippled, the British imports of patent medicines. They were so successful that the editor of the *New York Advertiser* reflected that "Perhaps no past period in the history of this country has teamed with such a multitude of medical mountebanks as the present. The vendors of patent medicines in almost every capital town in the United States are fattening on the weakness and folly of a deluded public."  

The first of these patent medicine vendors to actually secure a patent from the United States government was Samuel Lee, Jr. of Wyndham, Connecticut. In 1796 Samuel Lee secured a patent for his Bilious Pills Advertised to cure yellow fever, jaundice, dysentery, dropsy, and worms; as the first American medical patentee, Lee appropriately labeled the medicine with an American eagle. In the tradition of patent medicines, Lee's success was followed by copies. In 1799 another patent was granted for Lee's Bilious Pills, only these were the product of a New London, Connecticut physician by the name of Samuel H. P. Lee. Apparently the second Lee decided to profit from the coincidence in similar
name and residence, and developed his own version of bilious pill. Samuel Lee, Jr. warned the public, "If people incautiously purchase his [Samuel H. P. Lee] Pills for mine, I shall not be answerable for their effects," a wise move on his part considering that the New London medicine contained mercury. The feud continued until the patents expired, and then resumed when each proprietor renewed, all the while attracting more business from the attention they received.²⁵

In drug catalogues such as John Henshaw's of Boston, the two medicines were distinguished as either the Windham or New London brand. Others capitalized from the use of the name Lee, while yet others copied the name Bilious Pills. In 1797 Benjamin Duvall of Virginia patented an anti-bilious pill, as did Thomas H. Fauson of Connecticut in 1802 and 1803.²⁶ Probably many other copies did not obtain a patent, but sold well, such as Gregory's Bilious Pills listed in an 1804 drug catalogue.²⁷

The successes and excesses of the patent medicine industry can often be contributed to the unique personalities of its entrepreneurs. One of the most unusual men and one of the most successful in the early nineteenth century was Thomas W. Dyott. Dyott was one of the first true industrialists in the patent medicine business, with factories centered in Philadelphia. His company's origins were in patent medicines, and although the emphasis remained so, he diversified to include the production and sale of
glass, garden seeds, paints, dyer's supplies, chemical and pharmaceutical apparatus, foodstuffs, and cowskin whips. Dyott's ads filled the pages of the *Aurora*, the *Democratic Press*, and many other newspapers, advertising his "approved family medicines which are celebrated for the cure of most diseases." Dyott was the sole proprietor of the medicines, but he had agents in New York, New Orleans, Cincinnati, and other parts of the country to distribute his products nationwide. As if a predecessor of McDonald's, Dyott's bottles and boxes announced a million persons cured by his nostrums.28

Dyott, an English immigrant, had opened a shoe cleaning and polishing shop, manufacturing his own liquid shoeblacking, an ominous beginning for preparing patent medicines that some claimed were as effective on diseases as shoe polish. His business was apparently successful enough to allow him to open his own drug store selling medicines of his own manufacture. The next several decades saw Dyott's operation expand so that by 1820 he founded Dyotsville, a company town complete with library, concerts, lecture, and a hospital.29

Dyott's operation expanded at this time to include his own glassworks. His research and experimentation improved the quality of bottle glass and lowered its price considerably in the United States. The advantage was of course that he gained his own supply of bottles for his medicines, but he also produced counterfeit bottles for the
old English patent medicines. This action severed the last tie with imported English medicines. Though the formulas had been copied in America for years, the bottles were still often imported from England. When Dyott was able to decrease the price of the bottles by over $3.00, the English imports were doomed.

Dyott's empire ended with the Panic of 1837. Dyott's Manual Labor Bank, which he had created for his employees, had gone under in the economic crisis. Audits revealed embezzlement, and Dyott was jailed. The final chapter of Dyott's story, however, was a triumphant comeback after his release. In 1861, Thomas Dyott died a wealthy man.

Competing with Dyott were hundreds of smaller firms across the country. They started, like Dyott, as single-man operations selling a few assorted medicines. Most lasted only a short time, but some weathered the viciously competitive market, some even into the twentieth century. In 1795 Dr. Isaac Thompson of New London, Connecticut first offered his nostrum Dr. Isaac Thompson's Celebrated Eye Water. In 1830 he sold his formula to his son-in-law John L. Thompson, who produced the medicine and sold it along with other popular patent medicines. By the Civil War, John L. Thompson Sons and Co. occupied a four-story building in Troy, New York. In 1937 the company expanded to a neighboring building. Another success story is that of Jeremiah Curtis and Son. In 1835 the parent company of Curtis and Perkins was manufacturing Mrs. Winslows Soothing
Syrup. "Used in season, never fails to cure all diseases with which children are affected during the process of teething." The firm moved to New York several years later. In 1942 the medicine was still being produced and sold from offices in the Empire State Building.  

Two further developments grew out of this early American period of patent medicines that would affect the industry throughout the nineteenth and into the twentieth century. Most important to the quality of drugs and nostrums was the first attempts at professionalization and standardization. The movement came, appropriately, from Philadelphia which had become the center of the large American drug and medicine trade. The Philadelphia College of Pharmacy realized that "the great body of practitioners, especially those residing in the country, knowing medicines only by their names, have been ignorant of the very different qualities subsisting among them. In their purchases, incapable of making a selection as to quality, the lowest price was preferred." In response the College intended to establish standards for the apothecary, teach the rudiments of the field, and present some type of distinguishing accreditation.  

In 1821 the college created a Master of Pharmacy degree. The college required candidates for the degree to have served a three-year apprenticeship under a respectable apothecary, to prove good moral character, and to attend two courses of lectures on chemistry, materia medica, and
pharmacy. The act met with stiff opposition from many who felt it was an attempt to drive them out of business, especially since it would require a fee of $10.00 or $15.00 to graduate. The college and its degree did little at first to suppress the quackery rampant in patent medicines, but it did set an important precedent for quality and professionalism.

Of more immediate effect on the patent medicine industry was the college's attempt to standardize the formulas for eight of the old English patent medicines which were still sold in the United States, but had been altered in their preparation. The committee assigned to this task found their collection of recipes to "differ so much from each other, as to render a reformation in the formulae absolutely necessary and the task of reformation a very difficult one. In some of the recipes for the same medicine, for instance, there are not two articles alike, and the quantity of opium in the Bateman's drops varies from one to nearly fourteen parts in a thousand parts of the liquid." They also determined that the original specifications of the medicines listed at the Office of Rolls in London, served only to mislead possible counterfeitors, so the committee set about to standardize the formulas to meet as closely as possible their claims. The resulting pamphlet was reprinted several times, and no doubt served as a valuable guide to many preparators of Hooper's, Turlington's, Anderson's and the other medicines.
The second important development in the 1790s and early 1800s affected the quantity of patent medicines. To all the factors discussed in Chapter One for the success of patent medicines must be added the country's westward expansion and growing population. As the population moved westward, so did the demand for patent medicines. Thomas W. Dyott's advertisements in the 1820s and 1830s evoked this opening market. Pictured being loaded in front of his Philadelphia factory was a Conestoga wagon laden with his nostrums destined for the West.37

Production naturally followed demand. To escape the high costs of transportation, patent medicine firms appeared throughout the West, away from the older centers of New York and Philadelphia. In 1834 Thomas Bohannan and Co. of Louisville, Kentucky sold nineteen different patent medicines.38 Farther west, on the Missouri frontier was the business of Dr. John Sappington. Sappington had become renowned for his treatment of malaria with ground chinchona bark (quinine). He was so successful that he began large-scale production of his Fever Pills in 1832. Twelve years later he was producing 500,000 boxes a year.39

By 1840 the American patent medicine industry lay on the verge of the explosive growth that characterize it today. As for the industry's English origins, "the trade had gone full circle" notes historian John Camp, "and many American specialties were being exported to Britain. Contrary to the practise a century before, English
manufacturers were now making their own medicines and giving them American names." Throughout the century, better transportation developed, medical knowledge grew, population increased, and American society developed, changing the marketing and production of patent medicines. Yet the industry's general form was always based on its eighteenth- and early nineteenth-century antecedents. In November 1906 the Bureau of Chemistry of the Department of Agriculture was reminded how close the industry was to its origins. The Bureau received a letter from a wholesale druggist in Evansville, Indiana. One of the remedies in his stock was Godfrey's Cordial. Because it contained opium, he wanted to know what he was required to do under the provisions of the new Pure Food and Drug Act. The original Godfrey's Cordial had been patented in London in 1721.
NOTES
CHAPTER III


3. Virginia Gazette, June 22, 1770.

4. Virginia Gazette, August 24, 1769.


6. Virginia Gazette, January 10, 1776.

7. Virginia Gazette, June 12, 1779.


10. Virginia Gazette, August 16, 1776.


13. John Henshaw's Prices Current, (Boston, 1834). Lloyd Library, Cincinnatti


15. John Henshaw's Prices Current


25. Ibid., 13.


27. *Catalogue of Guenuine Drugs, Medicines, Paints, Oils...etc. Sold by Sands and Shaw* (Albany, Packard & Van Benthuysen, 1834), 20 Lloyd Library, Cincinnati


29. Mike Moore, "Caveat Emptor" *The Ohio State Medical Journal*, 56(1960), 1486.


33. Ibid., 116-119.

34. England, *College*, 43-44.

35. Ibid., 46-47.


38. Thomas Bohannon & Co.'s Prices Current, Louisville, Kentucky, 1834. Lloyd Library, Cincinnati


APPENDIX A

The following is a list of formulas for some eighteenth and early nineteenth century patent medicines. In some cases, there are several different formulas listed. These only begin to suggest the great variety of products that were bottled under the same name. It is probable that formulas varied between lots made by the same manufacturer. What does remain relatively constant, though, are the types of ingredients used. This list is a glimpse of the types of early patent medicines being consumed by Americans in the early years of the industry. The source follows each formula.

**Anderson's Pills:** 1. Barbadoes aloe 1 oz., jalap 1/4 oz., soap 1 dr., oil of aniseed 1/2 dr., tincture of aloe q.s.; mix, and divide into 4-grain pills.

2. Barbadoes aloe 5 oz., water 1 oz.; soften by the heat of a water-bath, and add powdered jalap, powdered aniseed, and ivory black, of each 1 oz., oil of aniseed 1 dr.

3. Barbadoes aloe 16 oz., black hellebore, jalap, sucbarvonate of potash, of each 1 oz., oil of aniseed 1/2 oz., syrup of buckthorn q.s. to form a mass. To be divided into 4-grain pills.

4. Barbadoes aloe 24 oz., soap 4 oz., colocynth 1 oz., gamboge 1 oz., oil of aniseed 1/2 fluid oz., mix, and divide into pills of 3 gr. each.

(From *The Druggist's General Receipt Book*, 1850, Lloyd Library and Museum)

**Ball's Purging Vermifuge Powder:** Ball's purging vermifuge powder is a very powerful medicine. It is made of equal parts of rhubarb, scammony, and calomel, with as much double refined sugar as is equal to the weight of all the other ingredients. These must be well mixed together, and reduced to a fine powder. The dose for a child is from ten grains to twenty, once or twice a week. An adult may take a dram for a dose. (From William Buchanan, *Domestic Medicine*, London, 1772)

**Bateman's Pectoral Drops:** 1. Compound spirit of aniseed 16 fluid ounces, opium 1 dr., camphor 1 dr., oil of fennel 20 drops, cochineal 2 dr.

2. Proof spirit 4 gal., red saunders 2 oz.; digest 24 hours, filter, and add powdered opium 2 oz., camphor 2 oz., catechu 2 oz., oil of aniseed 4 fluid drachms.

(From *The Druggist's General Receipt Book*)
Daffy's Elixir: Take of the best senna, guaiacum, liquorice sliced small aniseeds, coriander seeds, and elecampane-root, of each half an ounce; raisins of the sun, stoned, a quarter of pound; let them all be bruised and put into a quart of the best brandy. Let it stand by the fire a few days, and then strain it.
(From John Wesley, *Primitive Remedies*, London, 1776)

Another Receipt for Daffy's Elixir: Take of senna leaves, two ounces coriander-seeds, a quarter of an ounce; proof spirit, or brandy, three pints: put all the ingredients into a bottle for four or five days, shaking it frequently; strain off the tincture, and add three ounces of powdered sugar candy. This medicine is more active than the preceding, and is calculated to remove obstructions in the bowels, in cholics and other complaints that require purging, especially when castor oil has not the desired effect. The dose is one, two or three table spoonsful, in a cup of camomile tea, or water.
(From John Wesley, *Primitive Remedies*, London, 1776)

Daffy's Elixir: This is similar to the compound tincture of senna; but different makers have their peculiar formulae. The following are some of them. Avoid drupois weight seems to be intended.
1. Senna leaves 3 3/4 lb, jalap aniseed, caraway seed, of each 20 oz., rectified spirit 18 pints, sugar 5 lb. Infuse the senna 2 or 3 times in sufficient boiling water to yield, when strained with pressure, 4 gallons in the whole. Add to this the tincture made with jalap and seeds, digested with the spirit for a week. Pour off the clear liquor, and add the sugar, and brandy colouring if required.
(From *The Druggist's General Receipt Book*, 1850)

2. Carbonate of magnesia 2 scruples, oil of peppermint 1 drop, oil of nutmeg 2 drops, oil of aniseed 3 drops, tincture of castor 30 drops, tincture of assafœtida 15 drops, tincture of opium 5 drops, spirit of pennyroyal 15 drops, compound tincture of cardamom 30 drops, peppermint water 2 oz. Mix.
3. Water 10 lb. white sugar 32 oz., tincture of opium 6 fluid oz., oil of peppermint, caraway, and fennel, of each 40 minims. Mix.
(From *The Druggist's General Receipt Book*, 1850)

Lee's Antibilious Pills: Aloes 12 oz., scammony 6 oz.,
gamboge 4 oz., jalap 3 oz., calomel 5 oz., soap 1 oz., syrup of buckthorn 1 oz., mucilage 7 oz.; mix, and divide into 5-grain pills.

(From The Druggist's General Receipt Book, 1850)

Dr. Stephen's Cordiall Water: "Take a gallon of ye best gascoyne wine, then take cloves, ginger, galling gall, cinnamon & nutmeggs graynes, anny seeds, fennell seeds, caraway seeds, of each a dram, then take wild time, lavender, sag-mints, hysope, red roses, garden time, pellitory of ye wall & rosemary of each one handful, bray the hearbs small and stamp ye spices all together very small & put into your wine and cover it, close for 12 hours except when your stir it which must be often, distill it in a Linbeck and keep ye first water by its selifie it beeing ye strongest, but of ye second sort may drink A greater quantity."

(From Frances Parke Custis Cook Book, Colonial Williamsburg Foundation Library)

2. Genetian 4 lb, orange peel 2 lb, cardamom seed 1 oz., rectified spirit 8 gallons.

(From The Druggist's General Receipt Book, 1850)

Turlington's Balsam: Take balsams of Peru and Tolu, of each half an ounce; gum storax, in tears, and gum guaiacum, of each one ounce; gum benjamin, an ounce and a half; hepatic aloes and frankincense, of each two drachms: let the gum be bruised, and put all the ingredients into a quart of rectified spirits of wine; shake the bottle frequently, and in eight days it is fit for use. This is indeed a most excellent medicine for man or beast, or for any fresh wound.

(From Primitive Medicine)

Turlington's Balsam: Rectified spirit 8 old wine pints, bensoin 12 oz., liquid styrax 4 oz., socotrine aloes 1 oz., balsam of Peru 2 oz., myrrh 1 oz., angelica root 1/2 oz., balsam of tolu 4 oz., extract of liquorice 4 oz., make a tincture.

(From The Druggist's General Receipt Book, 1850)

Turner's Cerate: Turner's cerate may be prepared by dissolving half a pound of yellow wax in an English pint of olive oil, over a slow fire. As the mixture cools, and begins to grow stiff, half a pound of calamine prepared must be sprinkled into it keeping constantly stirring them together till the cerate is grown quite cold.

(From Domestic Medicine)
APPENDIX B

Patent Medicines Available in Williamsburg
and Date of First Availability:

1737
Anderson's Pills
Bateman's Drops
Squire's Elixir

1745
Daffy's Elixir
Lockyer's Pills
Stoughton's Elixir

1746
Bostock's Elixir
Eaton's Balsamic
Raleigh's Cordial
Stoughton's Drops

1751
Eaton's Styptic
Freeman's Cordial
Glauber's Salts
Godfrey's Cordial
Helvetius' Styptics
Turlington's Balsam of Life
Turlington's Drops

1755
Bostock's Cordial

1759
Fraunce's Female Strengthening Elixir
Greenough's Tincture
Dr. James' Fever Powders

1761
Daffy's Grand Elixir

1767
Bostock's Purging Elixirs
Daffy's Purging Elixir
Hill's Essence of Waterdock
Hill's Tincture of Valerian
Mrs. Rednap's Fit Drops
Stoughton's Bitters
Ward's Red Pills
Ward's Essence For Headache
Ward's White Drops

1768
Bateman's Pectoral Drops
Blackrie's Lixivium
Friar's Balsam
Hill's Bardana Drops
Hill's Elixir Bardana
Hill's Goldenrod
Hooper's Female Pills
Pitt's Bitters
Walker's Jesuit Drops

1769
Hill's Pectoral Balsam of Honey
Perkin's Specific Dentifrice
Trueman's Cordials

1770
Bateman's Golden and Plain Spirits of Scurvy Grass
Betton's British Oil
Dr. Bolderson's Worm Cakes
Chase's Balsamic Pills
Madden's Oil
Madden's Foreign Oil
Madden's Sovereign Oil
Radcliffe's Elixir
Stoughton's Stomachic Elixir
Swinsen's Electuary for Stone and Gravel

1771
Hemet's Essence of Pearl Powder
Pike's Ointment For Itch

1772
Bateman's Antimonial Drops
Dutton's Corn Salve
Fit Drops
Jesuit's Antimonial Drops
Keyser's Pills
Dr. Norris' Antimonial Drops
1773
Fraunce's Female Pills
Pugh's Famous Eye Water

1774
Brinkwell's Purging Elixir Of Peppermint
Hill's Balsam of Honey
Hill's Tincture of Goldenrod

1775
Maredant's Anti Scorbutic Drops

1778
Dr. Baker's Dentifrice
Ryan's Worm Destroying Sugar Plums

1779
Dickinson's Drops
Hammond's Antimonial Essence
Hammond's Specific Pills
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VITA

Brent Warren Tharp


In July 1986, the author entered the College of William and Mary as an apprentice in the Museum Management Program in cooperation with the Colonial Williamsburg Foundation.