

THE GREAT AMERICAN FRAUD



By

SAMUEL HOPKINS ADAMS

Articles on the Nostrum Evil and Quackery

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"OUR NATIONAL QUALITY OF COMMERCIAL SHREWDNESS FAILS US WHEN WE GO INTO THE OPEN MARKET TO PURCHASE RELIEF FROM SUFFERING."

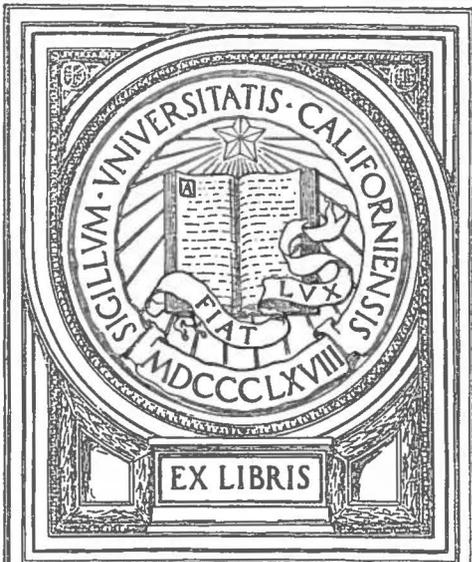
—SAMUEL HOPKINS ADAMS

FIFTH AND ENLARGED EDITION

[PRICE 25 CENTS]

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hold
good. Some of the *nostrums* and concerns described
in the earlier articles have gone out of existence; the
composition of some preparations has changed, while
the claims that were made for many of the products
have been modified since Mr. Adams brought the
matter to the attention of the public.

Harry S. Thompson
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By SAMUEL HOPKINS ADAMS ^{re7} 1891-

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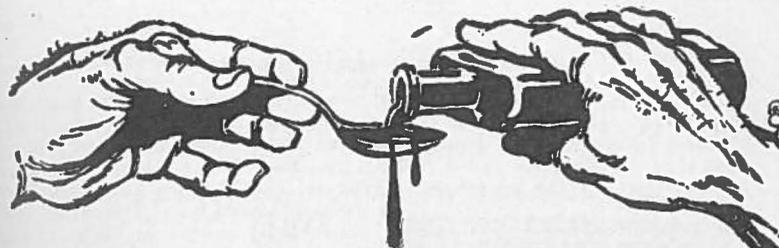
The Patent Medicine Conspiracy Against the Freedom of the Press
"Confidential."—Private letters and the nostrum manufacturers.
Patent Medicines under the Pure Food Law.

FIFTH EDITION

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PRESS OF
AMERICAN MEDICAL ASSOCIATION
FIVE HUNDRED AND THIRTY-FIVE NORTH DEARBORN STREET
CHICAGO

R730
A21
1912



[REPRINTED FROM *Collier's*, OCT. 7, 1905.]

THE *NOSTRUM* EVIL

INTRODUCTION

This is the introductory article to a series which will contain a full explanation and exposure of patent-medicine methods, and the harm done to the public by this industry, founded mainly on fraud and poison. Results of the publicity given to these methods can already be seen in the steps recently taken by the National Government, some State Governments and a few of the more reputable newspapers. The object of the series is to make the situation so familiar and thoroughly understood that there will be a speedy end to the worst aspect of the evil.

Gullible America will spend this year some seventy-five millions of dollars in the purchase of patent medicines. In consideration of this sum it will swallow huge quantities of alcohol, an appalling amount of opiates and narcotics, a wide assortment of varied drugs ranging from powerful and dangerous heart depressants to insidious liver simulants; and, far in excess of all other ingredients, undiluted fraud. For fraud exploited by the skillfulest of advertising bunco men, is the basis of the trade. Should the newspapers, the magazines and the medical journal refuse their pages to this class of advertisements, the patent medicine business in five years would be as scandalously historic as the South Sea Bubble, and the nation would be richer not only in lives and money, but in drunkards and drug-fiends saved.

"Don't make the mistake of lumping all proprietary medicines in one indiscriminate denunciation," came warning from all sides when this series was announced. But the honest attempt to separate the sheep from the goats develops a lamentable lack of qualified candidates for the sheepfold. External remedies there may be which are at once honest in their claims and effective for their purposes; they are not to be found among the much-advertised ointments or applications which fill the public prints. Cuticura may be a useful preparation, but in extravagance of advertising it rivals the most clamorous cure-all. Pond's Extract, one would naturally suppose, could afford to restrict itself to decent methods, but in the recent epidemic scare in New York it traded on the public alarm by putting forth "display" advertisements headed, in heavy black type, "Meningitis," a disease in which witch-hazel is about as effective as molasses. This is fairly comparable to Peruna's ghoulish exploitation, for profit, of the yellow-fever scourge in New Orleans, aided by various southern newspapers of standing, which published as *news* an "interview" with Dr. Hartman, president of the Peruna Company.

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Drugs That Make Victims

When one comes to the internal remedies, the proprietary medicines proper, they all belong to the tribe of Capricorn, under one of two heads, harmless frauds or deleterious drugs. For instance, the laxatives perform what they promise; but taken regularly, as thousands of people take them (and, indeed, as the advertisements urge), they become an increasingly baneful necessity. Acetanilid will undoubtedly relieve headache of certain kinds; but acetanilid, as the basis of headache powders, is prone to remove the cause of the symptoms permanently by putting a complete stop to the heart action. Invariably, when taken steadily, it produces constitutional disturbances of insidious development which result fatally if the drug be not discontinued, and often it enslaves the devotee to its use. Cocain and opium stop pain; but the narcotics are not the safest drugs to put into the hands of the ignorant, particularly when their presence is concealed in the "cough remedies," "soothing syrups," and "catarrh powders" of which they are the basis. Few outside of the rabid temperance advocates will deny a place in medical practice to alcohol. But alcohol, fed daily and in increasing doses to women and children, makes not for health, but for drunkenness. Far better whiskey or gin unequivocally labeled than the alcohol-laden "bitters," "sarsaparillas" and "tonics" which exhilarate fatuous temperance advocates to the point of enthusiastic testimonials.

None of these "cures" really does cure any serious affection, although a majority of their users recover. But a majority, and a very large majority, of the sick recover, anyway. Were it not so—were one illness out

As to Testimonials

The ignorant drug-taker, returning to health from some disease which he has overcome by the natural resistant powers of his body, dips his pen in gratitude and writes his testimonial. The man who dies in spite of the patent medicine—or perhaps because of it—doesn't bear witness to what it did for him. We see recorded only the favorable results: the unfavorable lie silent. How could it be otherwise when the only avenues of publicity are controlled by the advertisers? So, while many of the printed testimonials are genuine enough, they represent not the average evidence, but the most glowing opinions which the nostrum vender can obtain, and generally they

MENINGITIS

Dr. Dunham of the Meningitis Commission says:

"We know that the germ is very sensitive and outside of the body easily destroyed. There is no advice to give as to preventatives except to keep healthy generally, and particularly careful to stop any trouble in the nose and throat. We know the germ must get into the head in some way, it is not created there. Any inflammation of the nasal organ might furnish an avenue for the germ which under ordinary conditions of health might be closed to it." (N. Y. Herald, April 8, 1905.)

Pond's Extract is the oldest, best known and most effective remedy for all diseased conditions of the mucus membranes, and therefore meets all the above requirements. It should be used morning and night as a spray for the nose and throat when diluted with an equal quantity of water.

Caution.—Do not use as a substitute the commercial witch hazel which is sold and represented to be the same as Pond's Extract. Of seventy samples of which hazel recently purchased from as many dealers in the open market, fifty-two contained Wood Alcohol (poison) or Formaldehyde (poison) or both.

SHIFTING BURDEN

A "Pond's Extract" advertisement trading on the public alarm over the recent meningitis epidemic in New York City.

of fifty fatal—this earth would soon be depopulated.

are the expression of a low order of intelligence. Read in this light, they are unconvincing enough. But the innocent public regards them as the type, not the exception. "If that cured Mrs. Smith of Oshgosh it may cure me," says the woman whose symptoms, real or imaginary, are so feelingly described under the picture. Lend ear to expert testimony from a certain prominent cure-all:

"They see my advertising. They read the testimonials. They are convinced. They have faith in Peruna. It gives them a gentle stimulant and so they get well."

There it is in a nutshell; the faith cure. Not the stimulant, but the faith inspired by the advertisement and encouraged by the stimulant does the work—or seems to do it. If the public druggist can convince his patron that she is well, she is well—for his purposes. In the case of such diseases as naturally tend to cure themselves, no greater harm is done than the parting of a fool and his money. With rheumatism, sciatica and that ilk, it means added pangs; with consumption, Bright's disease and other serious disorders, perhaps needless death. No onus of homicide is borne by the nostrum seller; probably the patient would have died anyway; there is no proof that the patent bottle was in any way responsible. Even if there were—and rare cases do occur where the responsibility can be brought home—there is no warning to others, because the newspapers are too considerate of their advertisers to publish such injurious items.

The Magic "Red Clause"

With a few honorable exceptions the press of the United States is at the beck and call of the patent medicines. Not only do the newspapers modify news possibly affecting these interests, but they sometimes become their active agents. F. J. Cheney, proprietor of Hall's Catarrh Cure, devised some years ago a method of making the press do his fighting against legislation compelling makers of remedies to publish their formulæ, or to print on the labels the dangerous drugs contained in the medicine—a constantly recurring bugaboo of the nostrum-dealer. This scheme he unfolded at a meeting of the Proprietary Association of America, of which he is now president. He explained that he printed in red letters on every advertising contract a clause providing that the contract should become void in the event of hostile legislation, and he boasted how he had used this as a club in a case where an Illinois legislator had, as he put it, attempted to hold him for three hundred dollars on a strike bill.

"I thought I had a better plan than this," said Mr. Cheney to his associates, "so I wrote to about forty papers and merely said: 'Please look at your contract with me and take note that if this law passes you and I must stop doing business.' The next week every one of them had an article and Mr. Man had to go."

So emphatically did this device recommend itself to the assemblage that many of the large firms took up the plan, and now the "red clause" is a familiar device in the trade. The reproduction printed on page 6 is a fac-simile of a contract between Mr. Cheney's firm and the Emporia Gazette, William Allen White's paper, which has since become one of the newspapers to abjure the patent-medicine man and all his ways. Emboldened by this easy coercion of the press, certain firms have since used the newspapers as a weapon against "price-cutting," by forcing them to refuse advertising of the stores which reduce rates on patent medicines. Tyrannical masters, these heavy purchasers of advertising space.

To what length daily journalism will go at the instance of the business office was shown in the great advertising campaign of Paine's Celery Compound, some years ago. The nostrum's agent called at the office of a

prominent Chicago newspaper and spread before its advertising manager a full-page advertisement, with blank spaces in the center.

"We want some good, strong testimonials to fill out with," he said.

"You can get all of those you want, can't you?" asked the newspaper manager.

"Can you?" returned the other. "Show me four or five strong ones from local politicians and you get the ad."

Fake Testimonials

That day reporters were assigned to secure testimonials with photographs which subsequently appeared in the full-page advertisement as

This Contract is Void if Patent Sheets with Advertisements are Used.

Three Years' Advertising Contract.

City of _____ *County of* Linn
State of Iowa, *190* 1907

We hereby agree with CHENEY MEDICINE COMPANY, for the sum of _____ DOLLARS, to insert the advertisement of "HALL'S CATARRH CURE," containing matter as per copy furnished (set in our regular reading matter type) to be published each issue of Paper and to appear in regular reading matter not to be preceded by any paid notices, and on local or editorial page. Said advertisement to be run for three years with the privilege of twelve changes annually.

Payments to be made semi-annually. Advertisements to be published in Daily Gazette and Weekly Gazette
 Published at Emporia, Iowa

We also agree to mail a copy of each issue containing "Ad." to Cheney Medicine Co., Toledo, Ohio.

Circulation, Daily 2000 Circulation, Weekly 2050

It is mutually agreed that this Contract is void, if any law is enacted by your State restricting or prohibiting the manufacture or sale of proprietary medicines.

Remarks _____

CHENEY MEDICINE CO.

Name of Paper Gazette Per W. A. White
 Per W. A. White Manager.

A CONTRACT CONTAINING THE RED CLAUSE
The "Red Clause" is shown in heavy type, beginning with the words "It is mutually agreed . . ." The Gazette has recently decided to exclude all patent-medicine advertising from its columns.

promised. As for the men who permitted the use of their names for this purpose, several of them afterward admitted that they had never tasted the "Compound," but that they were willing to sign the testimonials for the joy of appearing in print as "prominent citizens." Another Chicago news-

The USUAL RESULT FROM TAKING HOODWINK'S SARSAPARILLA OR ANY OTHER OLD "PATENT" NOSTRUM.

BEFORE USING. AFTER USING.

MORAL:
 Don't Dose Yourself with secret "Patent Medicines." Almost all of which are Frauds and Humbugs. When sick Consult a Doctor and take his Prescription: it is the only Sensible Way and you'll find it Cheaper in the end.

ECONOMICAL DRUG CO.
G. H. McCONNELL, Pres't.

A WINDOW EXHIBIT IN A CHICAGO DRUG STORE.

paper compelled its political editor to tout for fake indorsements of a nostrum. A man with an inside knowledge of the patent-medicine business made some investigations into this phase of the matter, and he declares that such procurement of testimonials became so established as to have the force of a system, only two Chicago papers being free from it. To-day, he adds, a similar "deal" could be made with half a dozen of that city's dailies. It is disheartening to note that in the case of one important and high-class daily, the *Pittsburg Gazette*, a trial rejection of all patent-medicine advertising received absolutely no support or encouragement from the public; so the paper reverted to its old policy.

One might expect from the medical press freedom from such influences. The control is as complete, though exercised by a class of nostrums somewhat differently exploited, but essentially the same. Only "ethical" preparations are permitted in the representative medical press, that is, articles not advertised in the lay press. Yet this distinction is not strictly adhered to. "Syrup of Figs," for instance, which makes widespread pretense in the dailies to be an extract of the fig, advertises in the medical journals for what it is, a preparation of senna. Antikamnia, an "ethical" proprietary compound, for a long time exploited itself to the profession by a campaign of ridiculous extravagance, and is to-day by the extent of its reckless use on the part of ignorant laymen a public menace. Recently an article announcing a startling new drug discovery and signed by a physician was offered to a standard medical journal, which declined it on learning that the drug was a proprietary preparation. The contribution was returned to the editor with an offer of payment at advertising rates if it were printed as editorial reading matter, only to be rejected on the new basis. Subsequently it appeared simultaneously in more than twenty medical publications as reading matter. There are to-day very few medical publications which do not carry advertisements conceived in the same spirit and making much the same exhaustive claims as the ordinary quack "ads" of the daily press, and still fewer that are free from promises to "cure" diseases which are incurable by any medicine. Thus the medical press is as strongly enmeshed by the "ethical" druggers as the lay press is by Paine, "Dr." Kilmer, Lydia Pinkham, Dr. Hartman, "Hall" of the "red clause," and the rest of the edifying band of life-savers, leaving no agency to refute the megaphone exploitation of the fraud. What opposition there is would naturally arise in the medical profession, but this is discounted by the proprietary interests.

The Doctors Are Investigating

"You attack us because we cure your patients," is their charge. They assume always that the public has no grievance against them, or rather, they calmly ignore the public in the matter. In his address at the last convention of the Proprietary Association, the retiring president, W. A. Talbot of Piso's Consumption Cure, turning his guns on the medical profession, delivered this astonishing sentiment:

"No argument favoring the publication of our formulas was ever uttered which does not apply with equal force to your prescriptions. It is pardonable in you to want to know these formulas, for they are good. But you must not ask us to reveal these valuable secrets, to do what you would not do yourselves. The public and our law-makers do not want your secrets nor ours, and it would be a damage to them to have them."

The physicians seem to have awakened, somewhat tardily, indeed, to counter-attack. The American Medical Association has organized a Council on Pharmacy and Chemistry to investigate and pass on the "ethical" preparations advertised to physicians, with a view to listing those which

are found to be reputable and useful. That this is regarded as a direct assault on the proprietary interests is suggested by the protests, eloquent to the verge of frenzy in some cases, emanating from those organs which the manufacturers control. Already the council has issued some painfully frank reports on products of imposingly scientific nomenclature; and more are to follow.

What One Druggist Is Doing

Largely for trade reasons a few druggists have been fighting the nostrums, but without any considerable effect. Indeed, it is surprising to see that people are so deeply impressed with the advertising claims put forth daily as to be impervious to warnings even from experts. A cut-rate store, the Economical Drug Company of Chicago, started on a campaign and displayed a sign in the window reading:

PLEASE DO NOT ASK US

ANY OLD
PATENT
MEDICINE

What is Worth?

*For you embarrass us, as our honest answer
must be that*

IT IS WORTHLESS

*If you mean to ask at what price we sell it, that is an
entirely different proposition.*

*When sick, consult a good physician. It is the only proper
course. And you will find it cheaper in the end than
self-medication with worthless "patent" nostrums.*

This was followed up by the salesmen's informing all applicants for the prominent nostrums that they were wasting money. Yet, with all this that store was unable to get rid of its patent-medicine trade, and to-day nostrums comprise one-third of its entire business. They comprise about two-thirds of that of the average small store.

Legislation is the most obvious remedy, pending the enlightenment of the general public or the awakening of the journalistic conscience. But legislation proceeds slowly and always against opposition, which may be measured in practical terms as \$250,000,000 at stake on the other side. I note in the last report of the Proprietary Association's annual meeting the significant statement that "the heaviest expenses were incurred in legislative work." Most of the legislation must be done by states, and we have seen

in the case of the Hall Catarrh cure contract how readily this may be controlled.

Two government agencies, at least, lend themselves to the purposes of the patent-medicine makers. The Patent Office issues to them trade-mark registration (generally speaking, the convenient term "patent medicine" is a misnomer, as very few are patented) without inquiry into the nature of the article thus safeguarded against imitation. The Post-Office Department permits them the use of the mails. Except one particular line, the disgraceful "Weak Manhood" remedies, where excellent work has been done in throwing them out of the mails for fraud, the department has done nothing in the matter of patent remedies, and has no present intention of doing anything; yet I believe that such action, powerful as would be the opposition developed, would be upheld by the courts on the same grounds that sustained the Post Office's position in the recent case of "Robusto," namely:

That the advertising and circular statements circulated through the mails were materially and substantially false, with the result of cheating and defrauding those into whose hands the statements come;

That, while the remedies did possess medicinal properties, these were not such as to carry out the cures promised;

That the advertiser knew he was deceiving;

That in the sale and distribution of his medicines the complainant made no inquiry into the specific character of the disease in any individual case, but supplied the same remedies and prescribed the same mode of treatment to all alike.

Should the department apply these principles to the patent-medicine field generally, a number of conspicuous nostrums would cease to be patrons of Uncle Sam's mail service.

Some states have made a good start in the matter of legislation, among them Michigan, which does not, however, enforce its recent strong law. Massachusetts, which has done more, through the admirable work of its State Board of Health, than any other agency to educate the public on the patent-medicine question, is unable to get a law restricting this trade. In New Hampshire, too, the proprietary interests have proven too strong, and the Mallonee bill was destroyed by the almost united opposition of a "red-clause" press. North Dakota proved more independent. After Jan. 1, 1906, all medicines sold in that state, except on physician's prescriptions, which contain chloral, ergot, morphin, opium, cocain, bromin, iodine or any of their compounds or derivatives, or more than 5 per cent. of alcohol, must so state on the label. When this bill became a law, the Proprietary Association of America proceeded to blight the state by resolving that its members should offer no goods for sale there.

Boards of health in various parts of the country are doing valuable educational work, the North Dakota board having led in the legislation. The Massachusetts, Connecticut and North Carolina boards have been active. The New York State board has kept its hands off patent medicines, but the Board of Pharmacy has made a cautious but promising beginning by compelling all makers of powders containing cocain to put a poison label on their goods; and it proposes to extend this ruling gradually to other dangerous compositions.

Health Boards and Analyses

It is somewhat surprising to find the Health Department of New York City, in many respects the foremost in the country, making no use of carefully and rather expensively acquired knowledge which would serve to pro-

tect the public. More than two years ago analyses were made by the chemists of the department which showed dangerous quantities of cocain in a number of catarrh powders. These analyses have never been printed. Even the general nature of the information has been withheld. Should any citizen of New York going to the Health Department, have asked: "My wife is taking Birney's Catarrh Powder; is it true that it's a bad thing?" the officials, with the knowledge at hand that the drug in question is a maker of cocain fiends, would have blandly emulated the Sphinx. Outside criticism of an overworked, undermanned and generally efficient department is liable to error through ignorance of the problems involved in its administration; yet one cannot but believe that some form of warning against what is wisely admittedly a public menace would have been a wiser form of procedure than that which has heretofore been discovered by the formula, "policy of the department."

Policies change and broaden under pressure of conditions. The Health Commissioner is now formulating a plan which, with the work of the chemists as a basis, shall check the trade in public poisons more or less concealed behind proprietary names.

It is impossible, even in a series of articles, to attempt more than an exemplary treatment of the patent-medicine frauds. The most degraded and degrading, the "lost vitality" and "blood disease" cures, reeking of terrorization and blackmail, cannot from their very nature be treated of in a lay journal. Many dangerous and health-destroying compounds will escape through sheer inconspicuousness. I can touch on only a few of those which may be regarded as typical: the alcohol stimulators, as represented by Peruna, Paine's Celery Compound and Duffy's Pure Malt Whiskey (advertised as an exclusively medical preparation); the catarrh powders, which breed cocain slaves, and the opium-containing soothing syrups which stunt or kill helpless infants; the consumption cures, perhaps the most devilish of all, in that they destroy hope where hope is struggling against bitter odds for existence; the headache powders, which enslave so insidiously that the victim is ignorant of his own fate; the comparatively harmless fake as typified by that marvelous product of advertising effrontery, Liquozone; and, finally, the system of exploitation and testimonials on which the whole vast system of bunco rests, as on a flimsy but cunningly constructed foundation.