

THE WORK OF THREE PIONEERS IN INITIATING FEDERAL FOOD AND DRUG LEGISLATION.*

REPRESENTATIVE H. B. WRIGHT, PA.; GEN. R. L. T. BEALE, VA.; AND COL. H. CASEY YOUNG, TENN.

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A FEW INTRODUCTORY OBSERVATIONS.

We do not want to go back too far to get a start but it is desirable to point out a few landmarks in passing. In 1820 two books appeared in this country that left indelible impressions, one the United States Pharmacopœia, now in its tenth decennial revision, the other an American edition of Frederick Accum's



HENDRICK B. WRIGHT.



RICHARD LEE T. BEALE.

"Treatise on Adulteration of Foods," a classic and probably the most extensively reviewed book on chemistry ever written.

In 1823, J. Cutbush published his "Lectures on Food Adulteration," and Lewis C. Beck's book entitled "Adulteration of Various Substances Used in Medicine and the Arts," appeared in 1846. Two years later the Federal Import pure drug and chemical law was put on the statute books by the 30th Congress. The same Congress (1848), appropriated the first money for making chemical analysis of food stuffs, detecting adulterations and devising ways and means to guard against their injuries. The investigations were of great value but were not followed up for over a quarter of a century. Representative R. L. T. Beale, of whom we shall hear later, was a member of this Congress. If he were with us he might be able

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to tell us many interesting things about drug adulteration at that time and particularly why Senator Dickinson of N. Y. characterized the 1848 drug law an attempt "To put the bell on the cat." Standards for a number of drugs were early developed under this law.

Comparative quiet on adulterations prevailed in this country for about 20 years but there was considerable turmoil in England, and Germany and France were not idle. In England, a Sanitary Commission was appointed; A. H. Hassell was the leading spirit. His book "Adulteration Detected," appeared in 1857. The first English law covering food adulteration in general came into existence in 1860. It was modified to include drugs in 1872. The same year the first state general food and drug law in the United States was passed in California. The alleged practically worthless English "Sale of Food and Drugs Act 1875," came into existence. An amendment thereto in 1879 made the law effective.

Things began to get restless in the United States. A drastic editorial in the American Grocer for 1869 reads in part:

"We need a law which will impose severe penalties for adulterated food. At present there are certain articles which never can be obtained pure. * * * No Community in the civilized world, we presume, is as much fed on shams as are the residents of New York."

"Coffee beans are now actually made, like bricks, from a pale greenish clay, and approximate so closely to the natural Java coffee that in their'unroasted state they are mixed with the genuine and cannot be distinguished by the eye alone."

In 1878 the United States Congress made drug adulteration in the District of Columbia a misdemeanor. Angell, in 1877, began his crusade against adulteration. His activities are related in another paper presented at this meeting.

With the above introduction we are prepared to consider the pioneer Federal bills that resulted, after a struggle of 27 years, in the passage of the Food and Drugs Act of June 30, 1906.

FIRST GENERAL PURE FOOD BILL INTRODUCED INTO CONGRESS.

On January 20, 1879, 45th Congress, 3rd Session, Honorable H. B. Wright introduced (H. R. 5916) the first general food bill into the United States Congress entitled, "A Bill for Preventing the Adulteration of Articles of Food and Drink." This bill penalized the manufacturing or selling of foods or drinks that were known to contain any injurious ingredients, or selling or offering to sell, any adulterated foods or drinks as pure and unadulterated. Any person was authorized to demand a sample of any food or drink that he had reason to believe was in violation of the law, have it analyzed by a chemist, and if found to contain any ingredient injurious to health or adulterated, he could recover in a summary way all the costs from the offender before any United States Judge. If any one refused to sell a suspicious sample of food or drink in his possession, he could be fined and in the discretion of the Commissioner imprisoned until the fine was paid and a sample of the article in question furnished.

Any person violating this act could be arrested upon complaint, in writing under oath, tried and if convicted, pay a fine and all costs or be committed to jail until such fine and costs be paid. For a second offense the party shall be fined and imprisoned. This was a rather drastic bill, had it not been tempered with the word "knowingly."

The Wright Bill was referred to a committee, printed and expired with the 45th Congress.

THE SECOND PURE FOOD BILL INTRODUCED INTO CONGRESS.

Representative R. L. T. Beale served in the same Congress (45th) with Mr. Wright and was reelected to the 46th Congress. General Beale also served in the Congress (30th) that enacted the 1848 pure drug import law. Several months after Representative Beale took office in 1879, he introduced on May 23rd, 46th Congress, 1st Session, the second pure food bill (H. R. No. 2014) entitled "A Bill to Provide for the Welfare of the People in Preventing the Adulteration of Articles of Food and Drink." It was practically the same bill as the Wright Bill. The Beale Bill was referred to the "Committee on Manufacturers," and was the first food bill that received consideration at the hands of Congress.

Nine months later, February 25, 1880, the Committee on Manufactures made a very interesting report, accompanied with a substitute bill (H. R. No. 4738) entitled "A Bill to Regulate the Manufacture and Sale of Articles of Human Food and Drink." The bill was twice read and recommitted to the Committee on Manufactures. On March 4th, the substitute bill was "Reported with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed." The following are a few of the points covered by the Report and the Substitute Bill, respectively:

FIRST REPORT ON PURE FOOD BILL BY CONGRESS.

(H. R. 46th Congress, 2 Sess., Report No. 346.)

Congress has the right to regulate interstate commerce and it is its duty to protect the citizens of the states against frauds and abuses. Each state has the right to protect and should protect its citizens against frauds and abuses arising within its jurisdiction. The Beale Bill was faulty in failing to set out these different features. The Substitute Bill aims to provide for these defects.

In this connection the report reads:

"It is evident that concurrent legislation by each state would remedy the evils of adulteration of human food and drink, and render any legislation by Congress unnecessary, touching inter-state Commerce, upon this subject. Such legislation, however, is wholly voluntary, and we might add, not within the range of a reasonable hope in the near future. And one material branch of the subject, that embraced in the foreign commerce of the country, is exclusively within the control of this Government."

The report further reads:

"The rapid advance of chemical science has opened a wide doorway for compounding mixtures so nearly resembling nature's products that the senses are impotent to detect the differences. Human cupidity eagerly grasps the chances to turn a dishonest penny, and in its greed for money, becomes calloused to human suffering."

Coffee beans were artificially colored with a mixture of lead chromate, barium sulphate and charcoal; tea contained only sufficient tea dust to give it a smell; sugar was adulterated with chloride of tin; candy loaded with terra alba (Kaolin); a newcomer was Oleomargarine cheese, that is, cheese in the manufacture of which animal fat was used instead of milk cream.

FIRST PURE FOOD SUBSTITUTE BILL, SUBMITTED TO A COMMITTEE OF CONGRESS.

(The Substitute Bill, H. R. 4738.)

This bill prohibits the manufacture, importation, sales or barter of any human food or drink in the District of Columbia, or the United States Territories, knowing the same to be adulterated or containing any substance poisonous to life. Fine \$100 to \$1000, and to serve sentence not exceeding one year.

Prohibits the selling or offering for sale or bartering in the District of Columbia, or the U. S. Territories, of any article of human food or drink, adulterated with a substance of lower commercial value which may be injurious to the consumer, unless each package be "distinctly labeled with a statement of each substance used in the mixture or adulteration, and the percentage of each." Penalty, a misdemeanor with a fine of not less than \$100 nor more than \$500.

Forbids any person, firm or corporation, transporting knowingly, from one state to another, any article of food or drink, mixed with a substance of less commercial value, or harmful to the consumer, unless each package be "distinctly labeled with a statement of each substance used in the mixture of adulteration, and the percentage of each." Penalty, a misdemeanor with a fine of not less than \$100 nor more than \$500.

Forbids any person, firm or corporation, transporting knowingly, from one state to another, any article of food or drink, mixed with a substance of less commercial value, or harmful to the consumer, unless each package be labeled with a statement of each substance used in the mixture and the percentage of each.

Forbids any person, firm or corporation knowingly to import from any foreign country or from another state, any article of food or drink, which is mixed, impregnated, or coated with any poisonous substance for the purpose of sale or barter, unless each package of food and drink be labeled as above set forth. Fine \$100 to \$1000 and at the discretion of the court to be imprisoned not to exceed one year.

PUBLIC BECOMES DISTURBED.

While Congress deliberated on the above, both the trade and the consumer, with the assistance of the press, became very much agitated. A stormy public meeting was held in Chickering Hall, New York City, in connection with sugar adulteration. It was alleged that paid emissaries of the "Sugar ring" were endeavoring to break it up. Indignation ran high. The antagonists almost came to blows.

At a later date Angell was attacked; sugar adulterations created further excitement; truthful labeling was called for; demands were made that the names of those responsible for the ruinous system of manufacturing and selling adulterated goods should be published; the United States Board of Trade, through a committee, reported that Congress had the power to enact needful legislation to regulate commerce between the states; a score of petitions were sent to Congress asking for relief; the National Board of Trade at its annual meeting in Washington, December 12, 1879, through the generosity of a larger dealer of oleomargarine, then generally sold as butter, offered \$1000 in three prizes for a draft of a "Food Adulteration Act," etc.

It will be noted that the Substitute Bill of Congress reflects public sentiment to a considerable extent. The proposed legislation was, however, severely attacked

in the *Plumber and Sanitary Engineer*, 3 (1880), 151, as "Unwise Food Legislation." The bill passed into oblivion with the expiration of the 46th Congress, but it must be said that it contained a number of the basic features embodied in the Federal Food and Drugs Act, 1906.

REPORT¹ OF BOARD OF TRADE COMMITTEE ON PRIZE ESSAYS.

Five outstanding citizens were appointed by the President of the National Board of Trade to serve as a committee on awards and to prepare drafts of suitable state and national laws, designed to prevent injurious adulteration and to regulate the sale of foods, without imposing unnecessary burdens upon commerce. The announcement of the prizes was made through the *Plumber and Sanitary Engineer*. The committee's report appeared in detail in this publication. It seemed that the whole affair was managed through this Plumber's paper. Why this obscure publication was selected to give so important a subject publicity is frequently a matter of comment.

For our purpose it seems desirable to call attention to a few features of the committee's report, namely, a proposed bill "To Prevent the Adulteration of Foods or Drugs," and the remarks accompanying the awards.

THE ADULTERATION BILL.

Its enforcement was lodged with the National Board of Health which was then under fire. In its make-up the bill was excellent. It did not cover either misbranding or seizures. These came through later bills. It contains 12 sections, many of which closely parallel the present Federal law. In fact certain wordings of this bill are identical with the present law.

THE INTRODUCTORY REMARKS OF THE REPORT.

This is where this committee erred. The remarks brought sharp and caustic attacks. They were set forth under nine headings. Some one paraphrased them as follows:

- "1st That none of our stable articles of food or drink is so adulterated as to be dangerous.
- "2nd That one of the main objects of legislation should be to nullify the operations of ignorant and sensational alarmists.
- "3rd That adulterated drugs are more dangerous than adulterated foods.
- "4th That it is much better to do too little than too much.
- "5th That it would be unwise to attempt to secure uniform State laws.
- "6th That the law should not attempt to define in detail what is adulteration.
- "7th That the Board of Health should have power to exempt any article from the penalties.
- "8th That care should be taken not to make penalties excessive.
- "9th That under no circumstances should fees or moities be allowed informers."

The editor of a Western publication wrote about the report as follows:

"Out West it looks as if the unscrupulous and dangerous adulterations have poisoned the people and trade until the demand cannot be stopped, and 'the wise men from the East' kindly propose to capture and take charge of the whole reform business after this style:

"1st There is no danger.

"2nd Stop the 'ignorant alarmist,' he will damage the business interests of adulterators.

¹ "Proc. Nat. Board of Trade," 11 (1880), 74.

"3rd Poisoned food eaten three times a day is not as bad as adulterated drugs.

"4th The laws we propose, if passed, will not be worth a cent. It is better to do too little than too much.

"5th Don't try to get uniform State laws, for you can't.

"6th We don't think, etc.

"7th Don't define what adulteration is (somebody might be caught). If any one is caught give the board discretion to let him out.

"8th Don't hurt any one too much, and under no circumstances pay any one for enforcing the law.

"9th It is desirable that something should be done."

Why the committee reported that none of our staple articles of food or drink were dangerously adulterated, is difficult of comprehension. This claim is made in face of the fact that the prize essayists themselves declare that our foods contain such poisons as lead chromate, red lead, arsenicals, white lead, copper sulphate, sulphuric acid, tin chloride, cocculus indicus and others, and Dr. O. W. Wright, Commissioner of Health of Milwaukee says: "and about 25 other dangerous adulterations."

CONGRESSMAN H. CASEY YOUNG TAKES A HAND.

When these matters were brought to the attention of Representative Young he introduced on January 24, 1881, H. R. No. 7005, 46th. Cong., 3rd Session, a bill which authorized the President to appoint a commission of three persons, learned in chemistry and sanitary science, to investigate and report on the adulteration of foods and other articles. This bill was referred to a special committee, which committee held several hearings. On February 4th, the committee reported (Report No. 199) back with amendments, referred the bill to the Calendar and ordered it printed. This is the first exhaustive report on food adulteration published by Congress up to that time. The introduction of the committee report reads as follows:

"That they (the committee) have investigated, so far as they could with the time and opportunities they have had at their command, the injurious and poisonous compounds used in the preparation of food substances, and in the manufacture of wearing apparel and other articles; and find, from the evidence submitted to them, that the adulteration of articles used in the everyday diet of vast numbers of people has grown to and is now practised to such an extent as to seriously endanger the public health, and to call loudly for some sort of legislative correction. Drugs, liquors, articles of clothing, wall-paper and many other things, seem to be subjected to the same dangerous process. The legislation required to meet the end is of too important a character, the committee think, to be entered upon without a fuller investigation than any committee of Congress could give it; and it is therefore necessary for a commission to be appointed, as provided in the bill, to make a thorough and minute examination of the entire subject, aided by the necessary scientific appliances. * * * * *

"The committee recommended that the bill be passed."

The report covers adulterations detected by Prof. G. A. Miner, a chemist of Chicago, Dr. R. U. Piper, a chemist and microscopist of Chicago, Prof. S. W. Johnson of Yale college and many others. One would hardly call these men alarmists. It will be noted that Representative Casey introduced his bill in the last session, just one short month before the 46th Congress expired. So far as my searches have gone, I have been unable to find any record of either the final passage of the bill or the appointment of the commission authorized by the bill or a report of an investigation as provided thereunder.