

PATENT AND BRAND-NAME MEDICINES

MY DROPS AND MY PILLS - WILL CURE ALL YOUR ILLS

Ready-made, patented, brand-named or trademarked remedies made up a major part of the pharmaceutical chemist's stock right through the 1800s and on into the 1900s. Lumped together in trade terms as 'proprietarys' and in the mind of the buying public all as 'patent' medicines, they were direct descendants from the *nostrums* (literally 'ours') peddled in the streets by 'quacks' in the 1600s and 1700s.

Many contemporary writers satirised the 'quacks' and the popular demand for their medicines. In his 'Journal of the Plague Year', writing in 1723 of the London plague some sixty years earlier, Daniel Defoe described how '*people ran madly after every quack, montebank and practicing old woman who had an antidote or remedy to sell*' and goes on to describe their '*infallible pills*', '*never failing preservatives*' and '*sovereign cordials*'.

The physician, Oliver Goldsmith (1728-1774) made a similarly rueful survey of the contemporary taste for 'specifics': '*The English are peculiarly excellent in the art of healing. There is scarcely a disorder against which they are not possessed of an infallible antidote... You will find numbers in every street, who, by levelling a pill at the part affected, promise certain cure*'.

Like the quack cure-alls, most later proprietary medicines were very similar to orthodox prescription medicines, relying heavily on opium, mercury and antimony. Bought over the counter they were cheaper than a visit to the doctor and satisfied the British public's, sometimes addictive, taste for self dosing.

Patented remedies gained respectability from association with ancient, royal letters patent, granted to give an individual sole manufacturing rights for a unique product. To obtain the patent the ingredients of the remedy had, naturally, to be declared. The first medicinal patent in England was for Epsom Salts and granted to a London Physician, Nehemiah Grew, in 1698.

By contrast 'secret', branded or trademarked remedies could cloak their, often very ordinary, formulae in mystery. By registering and protecting just the product's name, manufacturers could both discourage outright imitation and capitalise on the 1800s advertising boom.

In 1909 the British Medical Association tried to discredit branded medicines by analysing and disclosing their contents in its publication; 'Secret Remedies: what they cost and what they contain'. The National Health Insurance Act of 1912 gave the working population, though not their dependants, free access to doctors and prescription medicines. Legislation in the '20s, '30s and early '40s restrained the manufacturers of branded medicines from claiming miracle cures for such diseases as cancer, VD and tuberculosis.

Despite these measures, proprietary sales stayed buoyant, with 40,000 medicine patents operating in 1915, 60,000 in 1926, rising to 160,000 by the mid '30s. Not until 1948 did the National Health Service Act cut into the market for proprietary medicines by bringing prescription



medicine within the reach of all. In recent years, rising prescription charges have again made some medicines cheaper bought 'over-the-counter' than on prescription.

LAWS AFFECTING PROPRIETARY MEDICINES

- 1624 A Statute of James II established the basis of modern patent law, allowing for manufacturing rights to be reserved to the 'true and first inventor' of any new process or product.
- 1783 A tax was imposed on medicines sold by anyone not a surgeon, apothecary or shop based druggist. The duty levied depended on the cost of the product.
- 1812 After a series of minor changes the tax was replaced by the Medicines Stamp Act. This required a duty stamp to be fixed to the packaging of those manufactured medicines not deemed to be of a standard, well-known recipe. The tax paid was in proportion to the cost of the medicine. On a shilling (12 penny) remedy it would be one and a half pence.
- 1868 Under the Pharmacy Act remedies containing specified, or 'scheduled', poisons could only be sold by registered pharmaceutical chemists or chemists and druggists. This was a success for the young Pharmaceutical Society (founded 1842) and led to the first national register of practicing pharmacists. After various amendments, the poison schedules were revised and rationalised under the Poisons and Pharmacy Act, 1908.
- 1915 Medicine stamp duty was doubled as a wartime fundraiser.
- 1920 The Dangerous Drugs Act regulated the import and sale of potential 'drugs of addiction', including the derivatives of opium, cocaine and cannabis so widely used in proprietary remedies.
- 1917 The Venereal Disease Act prohibited the advertising of medicines for VD and selling mixtures containing scheduled substances. It introduced the concept of 'prescription only' medicines.
- 1938 The Food and Drugs Act prohibited the adulteration and mislabeling of drugs.
- 1939 The Cancer Act restricted the advertisement of products claiming to treat cancer.
- 1940 Under the Finance (No. 2) Act purchase tax was imposed on a range of goods including most drugs and medicines.
- 1941 The Pharmacy and Medicines Act repealed the old medicine stamp duty. It forbade the general advertisement of products claiming to treat a number of specific illnesses including Bright's disease, cataract epilepsy and TB, or to be effective in procuring an abortion. For the first time manufacturers were required to list the active ingredients of products on their packaging.
- 1948 The National Health Service made prescription medicine available to all. Until the introduction, in the 1950s, and subsequent hefty increasing of prescription charges, proprietary medicines were no longer seen as a cheap alternative to seeing the doctor.

The continuing development of powerful new drugs in the latter half of the 1900s has seen the tightening of controls over the sale, content and marketing of proprietary medicines. The 1968 Medicines Act was a major landmark, establishing three categories of medicines, General Sale (available from any shop), Pharmacy (to be sold only with a pharmacist in attendance) and, of course, Prescription Only. Curbs on extravagant advertising were further strengthened by the Trades Description Act, also passed in 1968.

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The illustration overleaf is from a Museum postcard showing a travelling medicine seller. *'Dr Drench' claims 'My drops and my pills – will cure all your ills'. Probably 18th century.*

This information sheet is also available in a large font size.

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