BRANDING, PACKAGING AND TRADE MARKS IN THE MEDICAL MARKETPLACE
C.1870-C.1920

Thesis submitted for the degree of

Doctor of Philosophy

at the University of Leicester

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June, 2019
Abstract

Popular narrative has equated branded medicines with quacks selling patent medicines to a gullible public. This thesis provides an alternative picture of branded medicines in light of the 1875 Trade Marks Registration Act, which enabled proprietors to frame their medicines as respectable brands within a system of ‘intelligent’ market participants that included retail chemists, wholesalers, professional medical practitioners, and the lay consumer. In contrast to historians of medicines, like Young (1969), who dismiss consumers as gullible fools duped by patent medicine vendors, this thesis presents the sophisticated marketing efforts deployed by wholesale and manufacturing firms as evidence of a more informed consumer.

Building on scholarship from business historians, this thesis shows that branding was redefined in the period as a result of trade mark legislation. In consequence, the materiality of pharmaceutical products was transformed and thereafter they formed new meanings within wider economic, regulatory, and medical contexts. Concentrating particularly on pharmaceutical product packaging and advertisements from the trade periodical *The Chemist and Druggist*, and supplemented with material from the trade and professional press between c.1870 and c.1920, this thesis also broadens our understanding of ‘branding’ to include all paratext found on products. Paratexts such as ‘registered’ and ‘without which none are genuine’ indicate how authority, ownership, and credibility were communicated throughout a supply chain that had become increasingly depersonalized with the onset of mass production separating the producer and the end-consumer. This thesis demonstrates that messages encoded in the branding of a commodity affected not only how it was understood by lay, trade, and medical communities at the time, but also subsequently by medical historians reflecting on the period.
Acknowledgements

I gratefully acknowledge the Arts and Humanities Research Council and the Worshipful Society of Apothecaries, for jointly funding the Collaborative Doctoral Award that enabled me to undertake this research project. Many people have offered me invaluable assistance while working on this thesis. I thank my supervisors’ Professor Steven King and Dr Elizabeth Hurren at the University of Leicester for their encouragement and advice throughout this project. I am also hugely appreciative to Dr David Helm for his support. While researching this thesis I spent many wonderful hours in numerous archives and am, therefore, indebted to the many archivists I came across during my research. Special thanks to John Ford and Janet Payne at the Society of Apothecaries, the staff at the Royal Pharmaceutical Society Museum, and the staff at the Wellcome Library in London. This project could not have been completed without the support of friends and family. I thank my husband Josh Robson and my mum Sheila Mainwaring for their unwavering encouragement, especially the latter for lending me her laptop for longer than she expected. I am also particularly grateful to Ian Mainwaring, Bethany Crowhurst, and Angela Stacey for everything they have done to help me during my studies. Finally, I dedicate this thesis to my dad, David Mainwaring, and my grandparents, Phyllis and Norman Edwards, and Marie Mainwaring.
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Abbreviations and Acronyms

AHA: Apothecaries Hall Archives
BA: The Boots Archives
BMA: British Medical Association
B.W. & Co: Burroughs Wellcome & Co
C & D: The Chemist and Druggist
GMC: General Medical Council
GSK: GlaxoSmithKline
JRL: John Rylands Library
LMA: London Metropolitan Archives
LSA: Licentiate of the Society of Apothecaries
MRCS: Membership of the Royal College of Surgeons
PATA: Proprietary Articles Trade Association
PJ: The Pharmaceutical Journal
RPS: Royal Pharmaceutical Society
TMJ: Trade Marks Journal
TNA: The National Archives
WA: Wiltshire Archives
WL: Wellcome Library
Chapter 1 - The Advertising, Packaging, and Branding of Pharmaceutical Products c.1870-c.1920

1.1 Introduction
By the nineteenth century there were numerous types of medicines available for health care needs: namely home remedies, chemists’ nostrums, generic medicines made up from official pharmacopeias, and branded medicines. Branded medicines had been a feature of the marketplace from the seventeenth century, with the likes of popular patent medicines, including Dalby’s Carminative, Dr Hooper’s Female Pills, and Turlington’s Balsam of Life. The sellers of these nostrums were denoted as ‘quacks’ and ‘irregulars’ by orthodox practitioners and the products were characterised by their exaggerated claims and secret ingredients. Sales of these types of nostrums increased, culminating in the ‘golden age of quackery’ in the eighteenth century. The ‘golden age’ has traditionally been seen to end with the onset of professionalisation and moves to regulate the market. However, despite regulatory efforts, branded medicines in the form of pre-packaged articles came to dominate the medical marketplace, thus side-lining the traditional mode of community pharmacy where mixtures were tailored towards the patient. These pre-packaged articles, also known as proprietary medicines and patent medicines could be advertised or sold by any vendor, regardless of whether they had obtained a professional qualification to act as a medical practitioner. It was difficult to distinguish between patent and proprietary medicines; both were commercial medicines and could be accessed by the patient without a doctor’s prescription, and both were part of the advertising landscape. Scholars tend to associate patent medicine with itinerant quack doctors and sensational claims, whereas proprietary medicines have been linked to respectable pharmaceutical firms. In this thesis patent and proprietary medicines are referred to under the term branded medicines due to their blurred demarcation.

1 The terms ‘drug’, ‘medicine’, and ‘pharmaceutical product’ are defined in this thesis as any substance that was used as an intended cure or marketed as a health-giving commodity.
4 The term ‘patent medicines’ was applied to all medicines that required a stamp, regardless of whether they had been patented or not.
5 As long as the product did not contain a scheduled poison. Many products, however, did not list their ingredients, so it was possible for vendors to sell customers’ products containing poison.
There had been no regulation concerning the supply of drugs until the 1851 Arsenic Act that enshrined in law the requirement for a vendor to record every sale of arsenic. The Pharmacy Act of 1868 further regulated the selling of poisons, like strychnine and opium, requiring that registered chemists were to record the sale of any product containing these substances, and ensure these were clearly labelled as poison. However, as an anonymous correspondent in the columns of the C & D merrily remarked,

The ‘making or dealing in patent medicines’ are specially exempted from the action of the Pharmacy Act, nor is there any other law to prevent you from assassinating your fellow-creatures in this popular-method to your heart’s content.

The enforcement of regulations on the marketplace was notoriously difficult, and loopholes in legislation ensured that the selling of proprietary and patent medicines containing dubious ingredients continued and developed. The supply of branded medicines was made easier by the fact that they could bought from grocers and apothecaries without prescriptions from doctors. In fact, any persons could participate in providing medicine as a commodity, which ultimately led to many ‘irregulars’ or ‘quacks’ setting up shop in the health market. The consumption of branded medicines led to considerable backlash from the medical profession, social commentators, and consequently historians who have characterised the medical marketplace in this period as unregulated and positioned consumers as gullible victims. Contemporaries framed the public as easy prey; The Practitioner remarked that ‘the 41 ½ millions who make up the population of these islands are mostly fools.’

The early twentieth century saw the publication of a series of tirades from the British Medical Association, an association of professional doctors, in Secret Remedies: what they cost and what they contain (1909), and subsequently More Secret Remedies (1912). The publications listed the ingredients and the costs of these for popular

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7 The Chemist & Druggist, 15th September 1875, p. 328.  
pharmaceutical products like Warner’s Safe Cure, Singleton’s Eye Ointment, and Beecham’s Pills. The public were derided in the preface:

It is not, however, only the poorer classes of the community who have a weakness for secret remedies and the ministration of quacks; the well-to-do and the highly-placed will often, when not very ill, take a curious pleasure in experimenting with mysterious compounds. In them it is perhaps to be traced to a hankering to break safely with orthodoxy; they scrupulously obey the law and the church and Mrs Grundy, but will have their fling against medicine.¹⁰

By 1914 the government were concerned about the excessive expenditure on medicines touting fraudulent claims¹¹ and a select committee was set up to assess the sale and advertisement of patent and proprietary medicine, discovering that two million pounds was being spent annually.¹² It surmised that,

British law is powerless to prevent any person from procuring any drug, or making any mixture, whether potent or without any therapeutical activity whatsoever (so long as it does not contain a scheduled poison), advertising it is any decent terms as a cure for any disease or ailment, recommending it by bogus testimonials and the invented opinions and facsimile signatures of fictitious physicians, and selling it under any name he chooses, on the payment of a small stamp duty, for any price he can persuade a credulous public to pay.”¹³

The report was concluded in a similar vein, finding that secret remedies were ‘put upon the market by ignorant persons, and in many cases by cunning swindlers who exploit for their own profit the apparently invincible credulity of the public.’¹⁴

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¹⁰ British Medical Association, Secret Remedies: what they cost and what they contain (London, 1909). Mrs Grundy is a figurative name for a conventional person.
¹¹ Examples of fraudulent claims in the report: ‘It never fails to cure cancerous ulcers, syphilis, piles, rheumatism, gout, dropsy,’ (Clarke’s Blood Mixture); ‘Cures Bright’s Disease’ (Munyon’s Kidney Cure, consisting of sugar only); ‘The absolute specific for all, or some, of their phases’ of ‘syphilis and every form of venereal disease’ (Wallace’s Specific) see: Secret Remedies (1909).
¹³ Ibid, p. ix.
Other frequently referenced commentary found in newspapers from the period reveals a discourse of rivalry between vendors of commercial medicines and the medical profession, with the profession denouncing vendors as quacks. Yet, Curth has observed that ‘the tendency to equate proprietary medicines with quacks has led to a skewed view of the makers of these products.’\textsuperscript{15} In fact, both groups supplied medicines that were made up of the same or similar ingredients.\textsuperscript{16} As Holloway noted, ‘the illiterate, bungling, positively dangerous chemist and druggist is a stereotype invented by interested parties in the nineteenth century, and perpetuated by uncritical historians.’\textsuperscript{17} Furthermore, the use of sources direct from the profession and the government have obscured the fact that movements against patent medicines were more apparent within medical and trade journals than in the lay press. H. Masterman, a chemist from Darlington, stated in \textit{The Pharmaceutical Journal} in 1906 that,

\begin{quote}
It is a waste of time running these quack medicines down in letters to the \textit{P.J.}, simply because the public never have an opportunity of reading same. What we ought to do is to bring the matter directly before each individual.\textsuperscript{18}
\end{quote}

Unscrupulous advertisements have also tended to appear in catalogues and surveys of the period, distorting our view of the state of the medical market and stories of quack doctors have held fast in our imagination.\textsuperscript{19} Crellin asserted that in order to pass judgement on the ignorance of the populace it is important to understand the context in which medicines were used in the past. These medicines, as now, were socially validated according to medical opinion.\textsuperscript{20} Building on Crellin’s and Holloway’s observations, this thesis provides an alternative picture of branded medicines in light of the 1875 Trade Marks Registration Act, which enabled proprietors to frame their

\begin{flushright}
\textsuperscript{18} The \textit{Pharmaceutical Journal}, 24\textsuperscript{th} February 1906, p.192.
\end{flushright}
medicines as respectable brands within a system of ‘intelligent’ market participants that included retail chemists, wholesalers, physicians, and the lay consumer. Using trade marks, packaging, and labels found on surviving products from the period and looking to their depiction in advertisements found in the medical and trade press between 1875 and 1920, this thesis explores these previously understudied sources to highlight the proliferation of branding in the medical marketplace. Furthermore, it explores how and why proprietors adopted trade marks and used them on packaging, labels and advertising to market their products.

1.2 Framework Conditions
The use of packaging and advertisements as sources for this study necessitates a look at the wider social and economic conditions of the period; their presence and use was impacted by a myriad of factors, including: population rises, urban expansion, print and technological developments, changing therapeutics, professional attitudes to the trade, and increasing competition within the medical marketplace.

To begin with, the industrial revolution and the advent of steam ushered in the age of mass production, changing the market dramatically and aiding the expansion of a middling class of merchants, tradesmen and craftsmen. In just fifty years between 1851 and 1911 the population rose by eighteen million. Coupled with a rise in real wages and an expanding middle-class, the demand for manufactured products and newspapers rose.\(^1\) Commercial medical care proliferated with the growth of urban centres and the concentration of potential consumers, as an entirely new market arose consisting of the provincial population ailing in their unfamiliar industrial lives; giving the proprietary medicine market a boom.\(^2\) An increase of 70 percent in real wages gave the working-class purchasing power for all goods; with regards to medicines the demand for proprietaries increased eight-fold between 1850 and 1913.\(^3\) Efficient distribution was required to meet this demand. Cargo movement became more reliable and between 1870 and 1914 there was a three-fold increase in freight tonnage.\(^4\)

alteration of demographic structures also had a profound effect on consumption patterns, especially with a national and international market developing alongside transport improvements. The use of steamships from the 1870s helped speed up transatlantic travel and developments in communications with the likes of the electric telegraph allowed for stronger overseas managerial control. Developments in commercial networks in the nineteenth century allowed for the quicker movement of goods and services, including that of pharmaceutical products, and led to a rise in production and marketing.

Technological advances in printing meant that it was cheaper to produce publications on a larger scale than ever before, particularly with advances like the introduction of the steam-roller press. The C & D described the work that went into producing their annual Summer Issue, ‘Since Monday of this week the machine department of one of the largest printing establishments in London has been throbbing out sheets of this journal by the mile’, indicating the importance of new technology for publications with high-circulation. The mid-nineteenth century also saw the repeal of stamp duty which gave rise to cheaper publications and reduced the expense of advertising. Innovative printing techniques arose with the likes of lithography, typesetting, and colour techniques; and the world’s first illustrative journal – The Illustrated London News - was launched in 1842. Printing and production developments had impact beyond the world of the press. The mass-production of decorative packaging meant that the packages and their labels were able to become more central to the promise of personal guarantee. Packaging design assured consumers they were receiving the same product previously purchased and many advertisements implored the buyer to be aware of imitations. For example, Steedman’s Soothing Powders, marketed for children cutting their teeth, cautioned the consumer to ‘beware of imitation of this medicine, and to observe in every case that the words “John Steedman, Chymist, Walworth, Surrey,” were engraved on the Government Stamp affixed to each package, without which they are not genuine.’ And Dr Scott’s Pills from London declared in

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advertisements that ‘the genuine are in a square green packet’ and reasserted its assurance of quality by imploring the consumer to ‘not be persuaded by anyone to buy any other medicine.’ Moreover, with the increased use of typographical styles in newspaper advertisements there was more obvious differentiation stylistically between products and firms than was the case with text only advertisements commonly found in eighteenth-century print.

Communication advances, with the railway and the electric telegraph, alongside the growth of national literacy opened up the world of print to a wider audience. All of these factors aided the proliferation of various print publishing platforms, including: books, newspapers, periodicals, journals, almanacks, broadsides, pamphlets, and print aimed at specific genres like the religious, radical and political press. Whilst medical journals had begun to appear in the late seventeenth century, it was not until the mid-nineteenth century that many achieved longevity in the market due to the riper economic and social conditions. Expansion of circulation and distribution of publication mediums meant that manufacturers and retailers could take full advantage of advertising. Yet, the history of advertising does not follow a teleological path. Despite the proliferation of advertising it was not immediately taken up by everyone interested in obtaining a market share. Joseph Rowntree, the successful confectioner, was opposed to advertising; he viewed it as distrustful, akin to puffery, associated with quackery in patent medicine sphere and ultimately against his Quaker convictions. As stated in the introduction, pharmaceutical products are featured prominently within histories of advertising, with patent medicines receiving condemnation for their characteristic excessive claims. These medicines were mocked by nineteenth-century commentators; George Cruikshank’s ‘The Sick Goose and the Council of Health’ (c. 1850)

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30 Wiltshire Archives, MS 1235/99, ‘Wootton Bassett Almanack and Directory 1897’.
31 Text only adverts would continue to dominate certain publications throughout the nineteenth century like The Times, where space was limited. For more on changing stylistic features see, Hindley and Hindley, Advertising in Victorian England, p. 66.
32 A competitive publishing trade pushed down prices of reading mediums and there was a proliferation of avenues that gave access to reading material, with the likes of circulating libraries, penny dreadfuls, public libraries, mechanics institutes, book clubs, and subscription institutions, see: M. Willes, Reading Matters: Five Centuries of Discovering Books (Yale University, 2008), p. 193.
depicted products in their packaging, personified to satirise the medical market (Figure 1.1).

*Figure 1.1 - The Sick Goose and the Council of Health, by George Cruikshank.*

![The Sick Goose and the Council of Health, by George Cruikshank.](image)

Source: Etching by G. Cruikshank, c. 1850s. Wellcome Collection. Creative Commons Attribution.

Advertising in general was criticised, in part, due to its connection with the patent medicine trade. *Judge*, a weekly satirical magazine published *The Advertising Craze* in 1893 (Figure 1.2), which depicted an array of parodied popular medicines with the caption ‘It is enough to make a nervous man think he has them all.’

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36 This source refers to the American marketplace but many of the brands parodied were also sold in Britain: ‘The Advertising Craze’, *Judge*, 23rd December 1893.
Journals helped to shape the medical marketplace through their commentary regarding professional and commercial activities. Indeed, Frampton noted that medical periodicals were ‘self-declared upholders of professional ethics’. The medical journal *The Lancet* (established 1823), for example, was used as a mouth-piece by medical reformers to impose regulation on the market in an attempt to improve medical practice. The *C & D*, as part of the trade press, was also a platform where medical, as well market issues, were discussed. They relayed to their readers that,

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The necessity of a trade journal need not be insisted upon nowadays. The size of this issue is, perhaps, the best proof that we fill an obvious want. A striking illustration of the value of a trade journal such as this occurred last week in the fourteen reports of legal cases, all of which had a bearing on the chemists' trade. With legislation fencing us around to such an extent as is now the case, it is essential that all engaged in the business should be kept acquainted with their risks and liabilities.  

Wanting to be at the forefront of trade matters, in March 1885 the C & D published an extra issue to provide their readers with a copy of the Government Poisons Bill. This included a verbatim report of the debate in the House of Lords from the previous evening.  

Non-specialised publications were also an important source of information for health care matters. Publications like The Gentleman’s Magazine reported on medical topics, disseminated recipes, reviewed how to treat every day ailments, and discussed public health issues and life expectancy, although many of these were reprinted from other sources. The printing of medical recipes in lay publications show that the public had an active role in interpreting their ailments; in an environment where the pathology of specific diseases were not yet known, home-made or family recipes could be just as efficacious as those supplied or suggested by a medical practitioner. Prevention was considered better than cure in a therapeutically limited marketplace. Regimen in the form of diet and exercise as well as superstitious beliefs were all considered significant to maintaining health. Porter, looking at the eighteenth century, has shown that doctors were not privileged within this system. Even where people had access to medical practitioners the presence of recipe books and advice manuals confirms the prominence of self-management and self-dosing. Moving into the nineteenth and twentieth centuries, it has been recognised that obtaining medicines without the
help of the medical profession remained part of health management. Yet, whilst the medical profession and advertising of branded medicines are usually seen as diametrically opposed, some of the most popular patent medicines were linked to members; James’ Fever Powders, for instance, originated at the hands of an eminent physician in the eighteenth century. The link of the profession to the trade of medicines was never a comfortable one; a commentator in the late nineteenth century lamented that ‘As his [Dr James’s] character was respectable... it is with great regret that we see his name associated with a nostrum.’

Lori Loeb highlighted the confused attitude of the profession towards advertisements, showing that the *British Medical Journal* carried advertisements for patent medicine despite publishing editorials opposed to these nostrums.

The profession was significant to the structure of the nineteenth century medical marketplace and thus supplies the context for this study. Traditionally, the professional structure of this market consisted of an elite system of physicians at the top, followed by the surgeons, and then the apothecaries. This latter group’s remit was to supply the medicines that the physicians prescribed. However, in many cases, an apothecary would give medical advice and treatments, encroaching on these other professional territories. In 1704, in what became known as the Rose Case, a freeman of the Society of Apothecaries asserted his right to prescribe medicines, resulting in the Society Fellows being accepted as members of the medical profession. Scholars have shown that the demarcation between practitioners of medicine were not that distinct, with overlap between the roles and activities of the participants, particularly away from the City of London. During the eighteenth century tripartite practice would become a rarity with the evolution of the apothecary into the General Practitioner. This role was further cemented in 1815 with the passing of the Apothecaries’ Act, which empowered the Society in educational and regulatory matters, creating a Court of Examiners and

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the power to grant licences. The certificate acknowledged the practitioner as a Licentiate of the Society of Apothecaries (LSA) and was a legal requirement to practice medicine. The Society was endowed with the power to bring legal action against practitioners who had not received the license to practice. They also used this power to remove practitioners from their register if they were involved in a misdemeanour.\textsuperscript{47} As a result of their professional powers, the Society of Apothecaries were keen to shred the ‘taint of trade’ associated with them. Throughout the nineteenth century \textit{The Lancet} had no qualms providing derogatory statements about the Apothecaries’ Hall; frequently dubbed ‘the Old Hags of Rhubarb Hall,’ the use of their powers as ‘an instrument of profit’ was deplored:

It has for some time been rumoured in certain quarters, that the Worshipful Company of Pharmacopolists, alarmed at the recent indications of their approaching downfall, had resolved, during the interval between the dissolution and the next session of Parliament, to make a vigorous effort of vindication of their privileges, and to convince mankind that medical interests could not confided to a more dignified and efficient body, than that of the incorporated retailers of rhubarb, who have so long oppressed the profession by the mercenary exercise of powers which ought never have been conceded to them, and degraded it by the legislator imbecility.\textsuperscript{48}

Before the Society obtained their professional remit, they were linked solely with commercial undertakings. Early attempts to control the medical market, particularly within the City of London, had been through letters patent, special privileges, and monopolies.\textsuperscript{49} The Worshipful Society of Apothecaries was granted a royal charter from James I in 1617 to sell medicinal sundries and substances to the public within the City of London. As one of London’s livery companies they were given a monopoly for selling drugs. In 1672 they established a laboratory at the Apothecaries’ Hall: thus creating the first large scale production of drugs in the country, with customers ranging from

\textsuperscript{47} For example, George Stratton Symmons was struck off the register for attempting to commit sodomy and George Goforth Myer for failing to treat a lunatic, see: Apothecaries Hall Archives, Box 2/6. ‘Correspondence and cutting from the Medical Press regarding the re-examination and re-registration of licentiates by the General Medical Council, letter from James Prichard Upton, Clerk, to the Registrar of the General Council of Medical Education of Registration, 16th November 1876’.

\textsuperscript{48} \textit{The Lancet}, 29th July 1826, p. 563.

\textsuperscript{49} Stieb, \textit{Drug Adulteration}, p.106.
wealthy individuals to large contracts with the Government, the Army, the Navy and the East India Company; and distribution extending throughout the British Empire.\textsuperscript{50} Initially there were no manufacturers of drugs that could compete on the same level as the Apothecaries’ Hall and they dominated the drugs market up until the mid-nineteenth century, when they began to lose their contracts to other wholesalers.

Competitors to the Apothecaries’ Hall and practising apothecaries included other wholesalers and manufacturers, as well as the lowly retail chemist operating out of the back of a shop. The distinction between medical practitioners became even more complex with the emergence of this latter group, the chemist and druggist, in the late eighteenth century. Their growth has been linked to the commercialisation of society and the rise of fixed shops.\textsuperscript{51} Holloway has convincingly shown that the apothecaries’ calls for legislation, which culminated in the 1815 Apothecaries’ Act, was due to the perceived threat of competition from the chemist and druggist.\textsuperscript{52} Nonetheless, a loophole in the 1815 act meant that the apothecaries could not retain their monopoly for vending medicine, with chemists and druggists winning the right to sell drugs as long as they did not prescribe. The druggist thus started to supply the public with medicine sold over the counter at a much lower price than that charged by medical practitioners.\textsuperscript{53} Between 1865 and 1905 chemists and druggists increased from 10,000 to more than 40,000.\textsuperscript{54} Their growth has been linked to the demand side of the marketplace; Hilary Marland connects urban development and population growth in towns to the growth of the chemist and druggist livelihood.\textsuperscript{55} Large commercial drug manufacturing companies also started to emerge in the eighteenth century; many of which began to legitimise their undertakings alongside the professional developments of the orthodox avenues of medicine, thus creating overcrowding in the Hall’s traditional market.\textsuperscript{56} Allen and Hanburys and Burroughs Wellcome & Co (hereafter B.W.

\textsuperscript{51} Holloway, Royal Pharmaceutical Society, p. 32.
\textsuperscript{56} Major wholesalers included: Allen and Hanburys (founded 1715), Howards of Ilford (1797), Thomas Morson (1821), T.H. Smith of Edinburgh (1827), and May & Baker (1834).
& Co), started to encroach on the territory of the intellectual elite and became part of the scientific conversation in their own right. By the end of the nineteenth century B.W. & Co, for instance, successfully campaigned for the right to experiment on animals: a privilege previously only given to academic laboratories. With developments in medical science, commercial providers of pharmaceutical products could appeal to science when marketing their products, which undermined the Hall’s tradition of relying on their superior drug quality to sell their wares. In 1880 the Hall experienced an unprecedented financial loss and it became apparent that as a quasi-commercial enterprise, steeped within their guild tradition, they were unable to respond to the pressures of the market, particularly as the guild system and apprenticeship format was in decline following industrialisation and a widespread faith in free trade.

Regulation was conceived as a restrictive force at odds with the process of a free market, however, the nineteenth century had begun to see changes in legislation concerning market processes, which in turn would impact the selling of pharmaceutical products. With regards to the medical marketplace, the lack of state regulation and overcrowding within the market caused specific concern for those vendors wishing to align themselves with the profession. Significantly, the Pharmaceutical Society of Great Britain was founded in 1841 in reaction to the fact anyone could title themselves chemist and/or druggist. A year later a School of Pharmacy was formed and the 1852 Pharmacy Act established a register of pharmacists, recording who was a member of the Society. Members of the Pharmaceutical Society were spokespeople for reform and helped to pass the Medical Act of 1858, which created a register of qualified medical practitioners for the first time. The 1858 Act led to the formation of the General Medical Council, which was made up, in part, from representatives from the medical corporations: the Royal College of Surgeons, the College of Physicians, and the Society of Apothecaries. In 1868 a revised Pharmacy Act was passed that stated all

59 Before the Medical Act (1858) was passed the market was regulated by a guild system. In London this fell to the medical corporations, but in the provinces the market was controlled by local guilds and acted on by local councils.
60 Digby linked the establishment of state registration with the improved social status of doctors, see: A. Digby, The Evolution of the General Practice 1850-1948 (Oxford, 1999).
pharmacists had to pass Pharmaceutical Society exams in order to sell and dispense drugs that contained poison. There were two exams: passing the minor meant the person could use the title chemist and druggist; and passing the major meant the person could be titled a pharmaceutical chemist. With the professionalisation of these groups, the standardisation of the substances used in making up medicines also required legitimisation. One official publication concerning dosage advice and an attempt at standardisation was the British Pharmacopoeia, first published in 1864. This publication highlights the efforts of the medical profession to regulate themselves in reaction to the development of what was seen as the illegitimate encroachment on their territory by ‘quack’ vendors.

As the ‘Framework Conditions’ have identified, the nineteenth century saw significant changes that are important to this study, namely: population growth, urbanisation and the increased demand for medicinal substances, medical professionalisation, changing ideas of health and sickness, and technological innovations for print and packaging. All these themes have been discussed at length in multiple disciplines, significantly by scholars within the history of consumption, retail history, history of advertising/ marketing, business history, and the history of medicine. The remainder of chapter one discusses what studies have been undertaken on these themes within four macro-contexts that encompass the ‘Framework Conditions’: regulation, medical, economic, and material culture, and establishes the gaps found within the literature. At the end of this introductory chapter the methodology and sources employed for this study will be explored, and lastly the thesis structure will be set-out.

1.3 Historiography

1.3.1 Historiography: Regulatory Context

Regulation tends to be narrowly defined as state administration and narrated within a national or institutional framework. Conceived in this way regulation in the nineteenth

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62 Holloway, Royal Pharmaceutical Society, pp. 185-188.
63 The British Pharmacopoeia evolved out of the London Pharmacopoeia, which had been originally compiled in 1618 by the Royal College of Physicians (the original name reflecting the metropolitan bias of professional medicine). For more on the pharmacopoeia, see: A. Cartwright, The British Pharmacopoeia, 1864 to 2014: Medicines, International Standards and the State (Oxford, 2016).
century was difficult to enforce. At the British Pharmaceutical Conference in August 1882, John Attfield, the President, reflected on the relation of pharmacy to the state, lamenting on the ongoing drama of the unqualified and unregistered vendors of medicine and the negative effect on their presence in the market on public welfare. Attfield, however, remarked that ‘internal effort to improve and extend pharmaceutical research may come from societies and from individuals.’\textsuperscript{64} His speech recognised the failure of reform through professional regulation, but indicated that the individual also had a part to play. It is thus important to identify who had the power to regulate the market. Holloway, a medical historian, has surmised three distinct models of regulation acting on the medical marketplace – ‘consumer sovereignty’, ‘occupational control’, and ‘bureaucratic regulation’, as well as identifying two planes of study, the regional and national.\textsuperscript{65} Some forms of regulation might also fall into more than one category; for instance, both the Society of Apothecaries and the College of Physicians were occupational forces supported by the state, thus also falling under bureaucratic regulation. Likewise, social and medical historians’ Gaudillière and Hess have offered ‘Five ways of regulating’ based on John Pickstone’s ‘Ways of Knowing.’ These are identified as state/administrative intervention, professional regulation, self-regulation, public influence, and juridical influence.\textsuperscript{66} Even though the selling of drugs in the nineteenth century is typically part of a narrative of an unregulated society, this is not necessarily the case when considering all forms of regulation. The link between regulation and consumption of medicines extended into other spheres, such as print history with newspaper tax stamps; and business history, with trade mark and merchandise laws.

Indeed, as Gaudillière and Hess have shown, regulatory issues have typically been given institutional meaning.\textsuperscript{67} For instance, the history of the Worshipful Society of Apothecaries has predominately been approached through the lens of its


\textsuperscript{67} Ibid.
professional and occupational roles.\textsuperscript{68} Holloway, for example, has addressed the Society with regards to occupational control and their attempts at controlling the market after the\textsuperscript{69} 1815 Apothecaries Act. However, this stopped short at an assessment of professional rivalry and did not extend look at how external regulatory forces could impact the networks of buying and selling within the Hall’s own drugs trade, an area that has received very limited commentary. Simmons, however, has recently shown how their professional and occupational roles affected the way the Hall’s commercial activities were undertaken.\textsuperscript{70} Other attempts to ascertain the Hall’s influence of the market have concentrated on their conflict with the Royal College of Physicians; in 1703 an agreement for a monopoly to supply drugs to the Navy created the Navy Stock, formed, in part, as a response to the College of Physicians attempting to encroach on the Hall’s trade prerogative by supplying drugs to a fleet sailing to the West Indies.\textsuperscript{71} Inter-professional rivalry between the corporations was rife and has received extensive commentary from historians of medicine.\textsuperscript{72} However, an integrated history of the Society concerning the principles of marketing and regulation needs to be addressed in order to add to our understanding of the mechanisms for buying and selling in the medical marketplace.

Furthermore, packaging and advertising in the medical marketplace have both traditionally been conceived as unregulated when held up to professional and institutional standards, due to the fact unorthodox and unlicensed vendors could put up any product on the market.\textsuperscript{73} These standards are also made more pronounced when considering the protocol that marketing material has to adhere to today.\textsuperscript{74} Broadening our idea of regulation towards commercial legislation to look at how market

\textsuperscript{68} These studies have focused on its role as a livery company or as its function as a professional regulatory body: P. Hunting, The History of the Society of Apothecaries (London, 1998); E.A. Underwood (ed.), A History of the Worshipful Society of Apothecaries of London, Vol. 1, 1617-1815 (London, 1963).
\textsuperscript{70} Simmons, ‘Chemical and Pharmaceutical Trading Activities.’
\textsuperscript{71} Hunting, History of the Society of Apothecaries, p. 164.
\textsuperscript{73} J.C. Whorton, The Arsenic Century: How Victorian Britain was Poisoned at Home, Work, & Play (Oxford, 2011); Stieb, Drug Adulteration.
participants attempted to regulate, control and protect the market will enhance our understanding of how pharmaceutical products were sold and understood.

1.3.2 Historiography: Medical Context

*Materia medica* prior to the nineteenth century was predominately made up of simple galenicals of herbal and vegetable origin and it was common for home and chemists’ nostrums to be similar to those found in the *Pharmacopeia*, an official medical text. There were various forms of drugs available in the nineteenth-century medical marketplace, such as tonics that stimulated the body, blood purifiers, cathartics, oxygenators, and nerve stimulants.\textsuperscript{75} Medicines in this period were not very palatable, often consisting of bitter and astringent ingredients. Many of these medicines were strong concoctions that caused obvious reactions, such as purging of the bowels. It was surmised that illness was caused by an imbalance of the body and thus orthodox treatment attempted to rebalance the system through the likes of purging, sweating, bleeding, and blistering. The active ingredients in drug nostrums were rarely stated on labels or packaging, and branding and trade names eliminated the requirement to specify the ingredients - unless they contained a poison, like opium, (after the introduction of the Pharmacy Act in 1868). Previous literature on the theme of therapeutics has predominantly focused on quacks and their outrageous advertising claims, and the fact they contained unknown ingredients.\textsuperscript{76} The identification of medicine with harm increased as scandals of poisoning and overdosing were reported in the media. This certainly impacted the marketplace on the surface, with manufacturers starting to claim via print advertisement that their formula did not use a certain substance or were a safe version. Thus, an advert for Freeman’s Chlorodyne that was released prior to the 1868 Pharmacy and Poisons Act stated ‘see the reports in “Manchester Guardian”, December 30\textsuperscript{th}, 1865, and “Shropshire News”, January 4\textsuperscript{th}, 1866, of the fatal result from the use of an imitation.’ Freeman announced proudly that, although the substances used are considered dangerous, his original preparation is


`essentially different to those produced by the various deceptive and dangerous compounds bearing the name of Chlorodyne.' By the 1900s many wholesale traders were marketing their concoctions without poisons in light of informed public awareness. Whilst scholars have explored the retailing of certain substances, like arsenic or tartar emetic, and their use and abuse in society, there has been limited consideration of how the poison schedule and public awareness impacted the design and marketing of medicines.

One consequence of the use of poisons in medicines was the rise of alternative medicine, with the likes of medical botany and homeopathy. These alternative movements enjoyed a surge in popularity, positioned as they were in the market against the heroic treatments of the profession and the unknown ingredients of the nostrum sellers. Alternative medical movements have been discussed by scholars as part of narratives of professionalism and self-help. Brown’s study of the medical marketplace found that ‘many nineteenth century popular “medical” movements were ideologically opposed to conventional medicine.’ James Morison was one such unorthodox practitioner. His ‘Hygien’ system of health, with the slogan ‘Every man his own physician’, celebrated the use of vegetable pills. The medical marketplace was not limited to one system of health care, thus an integrated study of products in the medical marketplace, that does not just focus on what the modern eye would perceive as efficacious and safe, is required. Alternative medicine was found in advertisements within the lay, trade and professional press, yet its presence in the market has not been explored as part of narratives away from quackery or alternative medicine.

The cultural context of the medical marketplace is important to take note when considering the medicine used in the period. For example, Richards found that ‘Elliman’s Embroctions, a maker of Veterinary preparations, took to selling its mixture under a

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different cover for use on humans,’ and commented on the ‘outrageousness of these swindles’. Yet medicine for animals and humans were not so clearly demarcated in the period. Indeed, such medicines were interchangeable – some people used animal versions for their own treatment, and vice versa. In fact, during this period human and animal diseases were dealt with within a similar explanatory framework; both were treated heavily with laxatives in an attempt to cleanse the digestive system and restore balance. Animal products were usually just lower-cost human variants. Beridge and Edwards found that in isolated localities laudanum was used for farm animals and humans alike. Pharmaceutical development of drugs specified for animals did not emerge at a significant level until the 1950s, with the advent of sulpha drugs. As a result, an array of animal products and services could be found in ordinary chemists shops at the turn of the century. Cooper’s Sheep Dip, for example, was a commonly advertised product in the C & D. Horses in particular were of significance to British society before the proliferation of mechanised transport, and horse powders and horse balls were routinely made up at chemists or bought in for retail from wholesalers like Allen & Hanburys. Yet, studies on the medical marketplace have tended to focus on human medicines. As they were intended for sale in the chemist shop, advertisements for animals will be included in the samples of advertisements used in this thesis.

Medicine was undergoing significant theoretical shifts in the nineteenth century with the beginnings of chemical medicine and the onset of scientific pharmacology and clinically efficacious drugs. Therapeutic advances have been highlighted in discussions of the marketing of drugs; with therapeutic developments, standardised dosages, and known efficacy, drugs could be marketed in a more structured way. Liebenau has explored tactics employed in drug marketing, directly linking it to scientific developments. However, Church argued the therapeutic advancement of medicine and

87 With the discovery of germ theory in the 1880s specific causes to diseases started to become established.
its impact on drug marketing has been overplayed, and instead highlights the role of ‘low’ (such as print developments) rather than ‘high’ (scientific) advances of technology in transforming the marketing efforts of pharmaceutical companies. Church’s study, however, focuses on Silas Burroughs and Henry Wellcome’s contributions and is thus limited in scope. Elsewhere, Wallis has suggested that the wide range of medicine on the market was a result of trade routes, rather than due to therapeutic advances. Marketing and its relationship to developments in medicine is a complex narrative. Pickstone emphasised that new ways of knowing are ‘displaced’ rather than ‘replaced,’ arguing traditional ways of perceiving ideas of health and sickness were not dropped as soon as medical science was adopted. This ‘displacement’ contributed to the complexity of the later marketplace. Indeed, marketing practices, such as the use of drug jars, were not replaced by the display packaged goods, which is important to reflect on when considering how the branding, packaging and advertising of goods changed in the period.

1.3.3 Historiography: Economic Context

Looking at the history of medicine through the lens of consumption and the wider marketplace is significant for our understanding of the interplay of medicine to society. Certainly, the presence of traders of medicine was connected to the rise of consumer society; Holloway linked the emergence of the chemist and druggist to the commercialisation of society. However, the competitive medical marketplace was not just centred on commercial products, but extended into the profession, with health practitioners vying for patients. Historians have suggested that the medical marketplace in the nineteenth century was overcrowded with an array of orthodox and unorthodox practitioners competing to supply medical care. Digby’s socio-economic

89 P. Wallis ‘Exotic Drugs and English Medicine: England’s Drug Trade, c. 1550–c. 1800’ Social History of Medicine, 25, No.1, (February 2012), pp. 20–46.
92 Holloway, ‘The regulation of the supply of drugs in Britain before 1868’, p.81.
94 Loudon, Medical Care and the General Practitioner, pp. 208-227.
history explored the medical marketplace in terms of the supply side of medical practitioners and their relationship to domestic care as retaining aspects of trade despite shifts to professionalism in the nineteenth century. Her study explores the idea that the general practice was essentially a small business and garnering appointments equated with a wage. Digby uses the conceptual framework of Social Darwinism to explain the medical marketplace, arguing that the oversupply of practitioners in relation to demand led to ‘competitive individualism’ and the development of ‘ecological niches’, i.e. specialisms, in order to survive in the overcrowded market from the mid-nineteenth century. By the early twentieth century medical practitioners were engaging in a whole range of economic undertakings to bring in an income: from Poor Law medical officers, sanitary inspectors, or employees for insurance companies and friendly societies, amongst others.\footnote{Dupree, ‘Other Than Healing’, p. 81.} Providing a niche product or service was also a feature of the wider medical marketplace. Novel side-lines were commonly offered by retail chemists to consumers in order to make a profit; Figure 1.3 satirises this phenomenon, showing a chemist attempting to flog a headache cure, in the form of a blunt instrument, with the caption ‘In these days of competition chemists will find the new instant headache-cure a splendid payer.’\footnote{C & D, 8\textsuperscript{th} April 1899, p. 575.}
In order to compete with each other many pharmacies offered long opening hours or specialised services like photographic development or eye examinations. No authorisation was required for these ad hoc activities, including dentistry or veterinary practice. The latter, as previously stated, was an important sub-set of British pharmacy in the period, although due to the limited therapeutic value of the veterinary medicine, animals tended to be slaughtered rather than treated. As a side business, many chemists offered a euthanasia service at the back of the shop for domestic animals.97

Retail pharmacy, linked with the rising use of advertising, grew in prominence throughout the nineteenth century. Multi-shop drug retailers with a wider regional or national presence started to appear from the 1880s with the likes of Boot and Company Ltd (Nottingham), Taylors Drug Company (Leeds), and Timothy White (Portsmouth), increasingly amongst others.98 Their business model of bulk-buying gave them the opportunity to drive prices down, becoming a threat to the individual retail chemist. In an attempt to control price-cutting the Proprietary Articles Trade Association (PATA)

was formed in 1896. Price-cutting would in-turn become a long-running and divisive issue in the competitive environment of the medical marketplace. The existence of associations like the PATA suggest an alternative to Digby’s model, with collective action being used to maintain a competitive advantage - this ‘competitive collectivism’ moves away from the free market definition that usually defines the market. Further exploration of the existence of associations like PATA will be integral to understand how the competitive marketplace played out. Whilst PATA has been discussed as part of histories of firms, like Boots and B.W. & Co, who were both against the association in varying degrees in its formative years\(^9^9\) there has been no acknowledgment of its impact on the branding of pharmaceutical products.

A national drugs market can be seen as emerging in this period, particularly with the proliferation of proprietary drugs being sold on a national basis, yet with definitions of illness changing over time and even location, the local market remained significant. As Steve King notes, treatment could be specific to a certain region.\(^1^0^0\) Whilst J.B. Jeffreys argued in *Retail Trading in Britain* that the system as a whole ‘still bore the marks of a pre-industrial society’\(^1^0^1\), studies, such as Alun Withey’s article on apothecaries in the medical marketplace in seventeenth and eighteenth centuries in Wales, have located rural medicine vendors as operating within a global marketplace. The close links of these remote places with larger urban centres of trade, as well as the fact apothecaries from the countryside were likely to undertake their apprenticeship in a nearby city, gave the provincial apothecary exposure to the wider marketplace. This is also evidenced in Loudon’s case study of a Yorkshire medical man, Henry Peart.\(^1^0^2\) Shop inventories show that customers travelled from afar and that it was common for rural Gentry families to place orders with drug houses from larger towns, often at the advice of their doctor.\(^1^0^3\) This meant that localised rural retailers or wholesalers were in direct competition with larger firms in supplying drugs. In 1870, an apothecary, John

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\(^1^0^3\) Withey, ‘Persons That Live Remote from London,’ p. 231.
Wade, lamented in a letter to the C & D that the redirection of patients to ‘favoured houses’ was causing mistrust towards the smaller dispensing chemists without cause. He stated,

I could enumerate half a dozen cases that have come under my immediate notice of late, which has occasioned loss to me, both in pocket and reputation, from no fault of my own, but from the instructions of the prescriber having induced my customers to obtain medicines from certain favoured houses; and, as a matter of course, the same injury is inflicted upon all suburban chemists, whose customers visit the stronghold of the fashionable prescriber. The grievance does not apply to prescriptions only; for, when a patient has had a doubt put into his mind as to the ability of his family chemist, or the purity of the drugs kept by the latter, the same suspicion naturally extends to everything else in the pharmacy, and the patient imagines that castor oil, ext. carnis, isinglass, cod-liver oil, and other common articles, can only be had genuine in the locality indicated by the physician.\(^{104}\)

This competition meant that smaller chemists were aware of a marketplace outside of their vicinity. Railways and transport links also meant that distribution was becoming increasingly viable. Advertisements from the period show that vendors were aware of a wide demand for their goods, highlighting that their products could be found via regional agents.\(^{105}\) These networks have not been explored with regards to how far the interplay between rural and urban health care impacted advertising and packaging, a gap that this thesis aims to help fill. Figure 1.4 shows an advertisement for Camwal, an chemists’ association, using the image of train to indicate their widespread distribution and influence.

\(^{105}\) A. Hobbs, ‘When the Provincial Press was the National Press (c.1836-c.1900)’ International Journal of Regional and Local History, 5, No.1 (2009), pp.16-43.
As with the development of a national market, some firms also established themselves on a global scale around the turn of the century. Merck and Schering in Germany, Eli Lilly in the United States, Allen & Hanburys in Britain, and Poulenc Freres in France were amongst those manufacturing and trading on an international scale.\textsuperscript{106} Common tactics for establishing markets abroad included the setting up of subsidiary

branches or employing an international agent to promote and distribute products. By the end of the nineteenth century a feature of the market was the Americanisation of marketing, consisting of product innovation, sales travellers, and high expenditure on promotional activities. The impact of the overseas marketplace has received considerable attention from historians, who have discussed it in relation to marketing; nonetheless, some aspects have not been touched on, notably that international trade mark law had an impact on how pharmaceutical products were marketed.

The global competitive marketplace was linked to the development of a consumer society. The rise of consumer capitalism has been addressed by Porter and Brewer with the identification, from the 1850s onwards, of the growth of advertising, department stores, international exhibitions, consumer psychology and industrial design. Theories of consumption are significant to this thesis. Thorstein Veblen’s *Theory of a Leisure Class* (1899) sets out the theory of ‘conspicuous consumption’; that the consumption and display of goods and services brought power and prestige to the consumer by conveying socio-economic power. McKendrick developed Veblen’s model of social emulation and identified this as the driving force of the consumer revolution in the eighteenth-century. McKendrick’s framework highlighted the emergence of visible consumption, with a marked transformation in shopping and an identification of recognisable modern advertising techniques. This development in the market had repercussions for the health market. Social expectations of health have been linked to the visibility of commodity culture; for example, Beetham in her study of women’s magazines stated that the female body was materially shaped by commodities like corsets, medicines, and hairstyles that the magazine recommended. These social expectations can be directly linked to the increased circulation of images and familiarity with packaging; after newspaper stamp duty was abolished in 1855, competition from an increased number of provincial papers provided an outlet for medicine vendors to

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108 A more in-depth historiography will be discussed relating to trade marks in chapter three of this thesis due to the constraints of space.


display their wares to a substantially increased audience. Beetham commented upon the new patterns of consumption and desire, noting that the ‘value of commodities was increasingly linked to their visibility,’ and relates this to wider Victorian society; with the rise of ‘exhibition culture’ extending out of the 1851 Great Exhibition. For Richards, the Exhibition marked a turning point in the history of advertising, declaring that, ‘freed from the exigencies of the mid-Victorian marketplace, the commodity had become a cynosure, a monument, a palace, and a shrine, and soon it would set about remaking the world in its own spectacular image.’

This exhibition culture runs through medicinal product advertisements of the late nineteenth century with references to medals won at international expositions. The display of commodities at trade fairs, in department stores and shop windows, as well as in print, gave products’ cultural currency, which could be transferred into symbols of credibility. As an aside, the categories used to classify goods in the trade mark system was based on the classification system of exhibits in the Great Exhibition of 1851.

The model of social emulation to explain consumption and material culture has since been built on and refuted in many guises as part of innumerable studies of retailing. However, consumption of medicines was a private act, thereby Mckendrick’s and Veblen’s theories of emulation cannot fully explain the selling of pharmaceutical products. Indeed, whilst the context of the retail history of drugs can be seen against the backdrop of a wider commercial revolution, as overviews of the evolution of the drug trade have shown, the retailing of drugs cannot be given the same treatment as other commodities. A provincial chemist expressed disbelief over selling pushes in an article for the C & D noting that,

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116 Studies that build on models of emulation include: H. Perkin, *The origins of modern society* (1969); J. Benson, *The Rise of Consumer Society in Britain, 1880-1980* (London, 1994); The ‘emulation’ model has been discussed by Church who showed it was just one technique that advertisers used, see Church, ‘Advertising Consumer Goods in Nineteenth-Century Britain’, p. 642.
no one ever sees man or woman gazing admiringly at the window-display of a chemist, and I never yet heard of a man who found he could do with a Mather’s plaster, just because, seeing it exposed he thought it had tempting appearance and was a great bargain, the chemist supplies the absolute wants of humanity and those wants are not increased by an extension of the hours of business.\textsuperscript{118}

Furthermore, with medicine presented as an essential commodity it was seen as immoral to profit from the suffering.\textsuperscript{119} B.W. & Co articulated the ethical issues in one of their many pamphlets against product substitution, arguing that,

The chemist is unlike other traders, in that substitution may be in his case not only a commercial fraud, but may be also an act endangering health and even life. His responsibility extends far beyond the limits of commercial ethics as such, though they alone are sufficient to bind the honest man.\textsuperscript{120}

A publication entitled ‘Chemists’ Windows’ published by the \textit{C & D}, also stated, ‘Chemists goods are in a different category from those of the ordinary shopkeeper. When a man is ill it is not the cheapest article that he wants, but the best, no matter what the price may be within reasonable limits.’\textsuperscript{121} Despite this complexity, emulation can certainly be found within the medical marketplace. For instance, there is some evidence that wholesale houses based their whole business on the Apothecaries’ Hall. An advert from the \textit{Exeter Flying Post} announced that ‘The Exeter Apothecaries’ Hall’ was opened in 1822 to carry out the business in a similar manner to London and sold the ‘best possible drugs and medication having made an arrangement with Members of the Apothecaries’ Hall in London, not to sell, or dispense any Drugs, but what are obtained immediately from thence.’\textsuperscript{122}

\begin{footnotesize}
\begin{enumerate}
    \item[(118)] B. Robinson, ‘Late hours of business and their effects on the progress of pharmacy, C & D, 15\textsuperscript{th} March 1870, pp. 76-78.
    \item[(119)] Arnold and Tansey, \textit{Pills and Profits}, p.4.
    \item[(120)] Wellcome Library, WF/L/06/055, ‘Correspondence with the Federation of Local Pharmaceutical Associations, letter from B.W. & Co to R.H. Jones, The Chemists’ Association, 5\textsuperscript{th} November 1902, found printed in ‘The Substitution Question’ Leaflet, November 1902, p. 7.’
    \item[(122)] Anon. ‘The Apothecaries' Hall: No. 246, High Street’, \textit{Demolition Exeter} (January 2012), \textit{http://demolition-exeter.blogspot.co.uk/2012/01/apothecaries-hall-no-246-high-street.html} [accessed 10 August 2015].
\end{enumerate}
\end{footnotesize}
as the regulatory body of apothecaries and with a reputation for high-class drugs meant that chemist retail establishments sought to model themselves on them. *The Spectator* reported in 1833 that,

If, at this moment, a scientific capitalist wished to quadruple his fortune, he would open an establishment at the 'West End of the town, similar to Apothecaries Hall, and regulate it by published forms such as these— That no person should stand behind his counter who had not passed and was entitled to practice: That all medicines vended in the shop should be compounded or prepared from the first quality of drugs imported: That he invited all professional men to inspect his laboratory at any hour they choose: That on payment of a shilling, any of the public should, within certain hours of the day, be admitted to witness the very curious and interesting preparation of the drugs in his manufactory. There is no sight more worthy of attention than the laboratory of Apothecaries Hall.\(^{123}\)

This emulation will be of significance when assessing the marketing practices of wholesalers and retailers, whether that be a simple statement highlighting that the vendor was a Licentiate of the Society or emphasising that their goods were from the Hall, as can be seen in the trade card of Isaiah Deck in Figure 1.5. The card read,

> Mr Deck begs to notice, that all Chemical and Medicinal preparations may be relied upon as being faithfully compounded according to the formula of the London College of Physicians, those not prepared in his own Laboratory, are procured direct from the Apothecaries’ Hall, and from which, Prescriptions and Family Recipes are carefully dispensed, the greatest attention being paid by personal superintendence to this important branch of business.\(^{124}\)

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\(^{123}\) "Medical Murder" *The Spectator*, 6\(^{th}\) April 1833, p. 16.

The practice of emulation can also be seen in the imitation of pharmaceutical products. Imitation has been discussed extensively as part of narratives of quackery and fraud in the medical marketplace. What has not been explored, however, is how firms used the threat of imitation as a marketing strategy. Firms could claim that their products were being imitated in order to express that their product was the superior one, and the threat of court orders were used to communicate credibility within a competitive marketplace.
1.3.4 Historiography: Material Culture

Within a competitive manufacturing environment, packaging and advertising for profit and upping your market share would become an important business strategy. The competitive market led to the creation of distinctive packages; Griffenhagen and Bogard stressed that the promotion of packed remedies ‘led to an amazing variety of drug containers.’\(^{125}\) The production of uniformly manufactured goods en-masse was a new form of retail practice, which scholars have identified as a key factor in the development of mass marketing. Successful product lines, however, were at risk of imitation, thus manufacturers sought to create more sophisticated means of branding their products.\(^{126}\) The package could be augmented by labels and stamps; an important part for the overall materiality of the product. The means by which pharmaceutical products were represented altered throughout the period, in large part due to market mechanisms. Fiscal legislation, in the form of the Medicine Stamp Act, for instance, had a significant impact on not only the aesthetics of the package, but also its social meaning, an aspect that will explored in this thesis.\(^{127}\)

The proliferation of commodities led to an increased need for containers and packages, as such the provision of packing was the sole business for some firms, with their advertisements frequenting the pages of the *C & D*. Packaging as a product in itself has been commented on by J.L. Basford, who emphasised that it could represent the producer of the internal product, as well as the producer of the material itself. She suggests that the physical object should be seen in terms of layers that represent messages of authenticity throughout the distribution chain.\(^{128}\) For instance, the embossed bottle indicated the bottle’s own provenance, the label gave details about the manufacturer, the medicine tax stamp represented the official sanction of the product within the market, and the brand delivered credibility in the abstract sphere. This representation of layers shows the complexity of packaging within the marketplace, with its multiplicity of market participants. These layers of representation

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127 Under the Medicine Stamp Act duty had to be paid on proprietary medicines, which was proportional to the retail price. The profession’s own nostrums did not have to adhere to the Stamp Act.
will be revisited throughout this thesis, exploring how participants understood packages and their paratext.

Drug jars and pharmaceutical packaging have become highly collectable and as such the history of their development and manufacturing techniques have been extensively dealt with as part of catalogues and surveys or undertaken by keepers of historical collections in institutions. However, these specialist publications do not explore the wider context of pharmaceutical products’ place in society or as part of an intricate medical marketplace. Recently the Wellcome Collection in London put on an exhibition ‘Can Graphic Design Save Your Life?’ (2017), highlighting the significance of design for the health care sector. Their online series ‘Pharmagraphics’ stressed that apothecaries and pharmacists have implemented graphic design throughout history; for example, the rich imagery found on trade cards was used to convey meanings of credibility. Heraldic and emblematic signs were used in the world of retail, as Blanche Elliott has shown, to identify the purpose of the shop to illiterate members of the population. Among these symbols were carboys, that were often decorated and filled with coloured liquid to attract custom and play on the ‘mystic’ nature of the art of healing. With the development of large sheets of glass in the mid-eighteenth century these carboys would become a prominent feature of shop window design. Whilst the presence of design throughout the history of medicine is apparent from these endeavours, the intricacies of the branding of pharmaceutical products as a result of changes on a macro-level have not been explored. In other areas the material culture of drugs has been discussed from a corporate standpoint as a result of firm commissioned narratives. Alexander Bieri, as part of his history of Roche, placed the marketing of drugs firmly within the discipline of ‘marketing’, stating that with the ‘aesthetic self-realisation of society’ design was of increasing importance. He treated


130 Symbols were used to convey the toxicity of plants within herbals; such as the common practice of using an illustration of a snake to indicate a poisonous plant, see: J. Nurse, ‘Plant portraits’, *Pharmagraphics* (October 2017), <https://wellcomecollection.org/articles/WaAJycAAF2MvN0M> [accessed 12 October 2017].

the manufacturing sector as distinct from the culture of medicine, and thus did not consider design within any medical, legal, economic or cultural contexts. An interdisciplinary approach of the sort adopted here would contribute to the current literature. An extended literature review will take place on packaging and material culture in chapter two.

1.4 Contribution and Key Gaps
The literature review has pointed to a number of gaps and under-developed themes that will drive this thesis, namely that: regulation has been narrowly defined as institutional or state-led; studies of the medical marketplace have tended to focus on patent or quack medicines and not the array of products sold for health care related needs by the retail chemist; the market has been defined in competitive terms and has not considered movements like the PATA that were against price-cutting; and product packaging in the medical marketplace has only received limited discussion within the context of corporate histories or antique and collector catalogues. It has been established that understanding professional developments in the pharmaceutical industry is key for assessing the impact of regulation on marketing and how the market was regulated. However, building on Hess and Gaudillière’s framework of regulation as well as Holloway’s assessment, this thesis takes a broad view of regulation, and considers branding as a mechanism that controlled the market. Moving away from traditional narratives concerning professional and institutional regulation this thesis will focus on commercial regulation, in particular the Trade Mark Acts of 1875, 1883, 1888, and 1905, and highlight its significance for the packaging, advertising, and branding of pharmaceutical products between 1870 and 1920.

Although the history of branding is usually associated with the factory age and mass-mechanised packaged goods, branding can be traced back to early sealing practices and production marks. Patent medicine products had a long history of being pre-fixed with the name of an eminent deceased or fictitious doctor or branded with a

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132 A.L. Bieri, Depicting Health: The origins of pharmaceutical design (Basel, 2009).
133 David Wengrow identifies the use of commodity branding from the fourth millennium BC, see: D. Wengrow, ‘Prehistories of Branding’, Current Anthropology, 49, No.1 (February 2008), pp. 7-34.
name or a coat of arms as a way to provide a legitimate air to the commodity.\textsuperscript{134} Names carried the weight of authority, respectability and reputation. They acted as a form of branding and an assurance of personal guarantee.\textsuperscript{135} For example, the seventeenth century drugs vendor Theophilus Buckworth imprinted his coat of arms on his products’ papers, as a form of primitive branding.\textsuperscript{136} Embossing a name on the package itself or labelling the product possessively also made products more difficult to emulate, which gave vendors a means to regulate imitations. The drugs market has been a significant part of the history of branding, in part because patent medicines were one of the first commodities to be distributed on a national scale, and thus one of the first markets to warrant a mechanism for the transfer of reliability through impersonal contacts. The importance of branding in the early medical marketplace has in turn been discussed as part of studies, most significantly by Doherty, Bently, and Styles.\textsuperscript{137} Branding found on packaging provided the consumer with information about the origin of the package as well as reassurance that the product was of reliable quality. Branding thus acted as a communication device between the manufacturer and other consumers in the chain. Makers’ marks in particular have significance throughout the history of retail as a tool to identify the producer.\textsuperscript{138} Products sold through personal one-to-one transactions negated the need to transfer the intangible qualities of reputation and identity across via the package and label. The shift away from skilled labour towards mechanised production altered economic structures, most notably with the separation of producer and consumer in the distribution chain. This depersonalisation and increasing number of market participants within the selling process is illustrated in Figure 1.6.

\textsuperscript{135} In early-modern England hand-written signatures were used to convey authenticity, they were later imitated in print, see: N. Glaisyer,’Calculating credibility: print, culture, trust and economic figures in early eighteenth-century England’, \textit{Economic History Review}, 60, No.4 (2007), pp. 685-711.
With the depersonalisation of the marketplace, maker’s marks developed greater commercial importance as a means to communicate information about the product’s efficacy and credibility. Indeed, Bentley suggests that trade marks in general ‘did not develop as valuable symbols of good-will so long as producer and consumer were in close contact.’  

The way signatures were used within the process of consumption reflected attitudes to how authenticity and trust could be conveyed. Hand-written signatures were a dominant feature of many patent medicine products in earlier centuries, however, from the early nineteenth century many proprietors would print their signature upon the product. This reflects the changing nature of how products were sold in the marketplace, from the direct contact with the vendor and a familiarity with their signature, towards a standardised printed device that conveyed trust through a pre-established mechanism of trust. As such, after registered trade marks were introduced in 1876 many firms opted for a signature style logo. This thesis will show

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140 For the significance of signatures in establishing trust in the eighteenth century, see: Glaisyer, ‘Calculating credibility’.
that the signature eventually fell out of use due to changes in trade mark legislation, which ultimately influenced the materiality of pharmaceutical products.

The importance of medical branding has in turn been alluded to in wider discourses of commodity branding. Some scholars have positioned the nineteenth-century drugs market as a significant melting point for the development of brands. Holt claimed that, it wasn’t until the late nineteenth century – when American hawkers of patent medicines began using their brands to promote not only physical remedies but also therapeutic salves for social ailments - that brands became important agents in what we now understand as consumer society.141

However, Holt did not connect the significance of branding with any changes in legislation. Certainly, these marks became established as business assets and imbued with greater value with the passing of the trade mark legislation in the latter half of the nineteenth century, yet the impact of commercial legislation on the regulation and materiality of pharmaceutical products has not been explored by historians of medicine.

Given today’s controversy over the cost of prescribing branded medicines instead of generics for the NHS142 and the fact that the pharmacy industry spends over two times more on marketing than on research and development143, a more nuanced study of how and why medicines were trademarked in the late nineteenth century will allow us to gain clearer insight into how brands helped to construct a popular understanding of health care options. Ben Goldacre stressed that,

when you pull away from the industry’s carefully fostered belief that this marketing activity is all completely normal, and stop thinking of drugs as being a consumer product like clothes or cosmetics, you suddenly realise that medicines marketing only exists for one reason. In medicine, brand identities are irrelevant, and there’s a factual, objective answer to whether one drug is the most likely to improve a patient’s

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142 A. Orlowski, ‘Who’s to blame for the NHS drug prices ripoff?’ The Register (June 2016), <http://www.theregister.co.uk/2016/06/03/nhs_generics_notaloophole/> [accessed 4 April 2018].
143 B. Goldacre, Bad Pharma: How medicine is broken and how we can fix it (London, 2013), p. 247.
pain, suffering and longevity. Marketing, therefore, one might argue, exists for no reason other than to pervert evidence-based decision-making in medicine.\textsuperscript{144} 

The evolution of the modern drugs trade has not been adequately addressed with regards to branding and trade marks, and veering away from print advertising, the general marketing of health care products has received even less scholarly treatment. Despite the large body of literature which discusses the medical marketplace, there is limited discussion on the branding of pharmaceutical products away from the context of quackery or as a mechanism to deceive a credulous consumer. This thesis, to fill the gap in the literature, thus locates the marketing of pharmaceutical products within four main frameworks; that of its \textit{medical, economic, regulatory, and material culture} contexts.

1.5 Methodology, Direction, and Sources

This thesis examines how pharmaceutical products were branded between 1870 and 1920 within changing regulatory, medical, economic and material culture contexts by looking at advertising and packaging from the period. This thesis aims to further understand the marketing practices and the impact of commodity culture on the selling of pharmaceutical products in the medical marketplace between c.1870 and c.1920, from around the 1875 Trade Marks Registration Act to the establishment of the Proprietary Association of Great Britain (PAGB) in 1919, a UK trade association that represented manufacturers of branded medicines and promoted self-regulation of professional etiquette for advertisements.\textsuperscript{145} An inter-disciplinary approach will explore the complex interactions between the market participants and commercial pharmaceutical products. This thesis has the potential to have a very wide-reaching scope, sitting on an intersection of cross-disciplinary conversations between business history, the history of marketing and media, retail history, material culture, consumption studies, as well as cultural anthropology, and the sociology of scientific knowledge. For manageability this thesis cannot include all disciplines associated with

\begin{itemize}
\item \textsuperscript{144} Ibid, p. 248.
\item \textsuperscript{145} This period begins at a time when the nature of branding entered a new paradigm and ends, for reasons of space constraints, when new market processes were being introduced.
\end{itemize}
trade and commercial undertaking, so it will use themes from the most relevant areas to the subject; mainly, business history and the history of retail, marketing, advertising, and consumption. Managerial structures and technological innovation will feature, but the focus will rest on firm-specific assets such as products and brands, reputation and customer loyalty; concentrating predominantly on the role of marketing with regards to branding, advertisement, salesmanship, market research, and product development.

In order to understand how pharmaceutical products were sold in the medical marketplace six driving questions will run through the thesis: Who were the market participants? How did they understand the market? How were people engaging with the market? How did this market operate? How was this market regulated? And how significant were brands for British firms seeking to expand their trade in pharmaceutical products? These questions will enable an analytical study of the branding of pharmaceutical products. As a complex market with an even more complex set of actors, it will be key to establish who the market participants were. The retail chemist acted as an intermediary ‘consumer’ between the manufacturer and the end-consumer, and their importance should not be overlooked. Their significance is evident from surveying the retail space - even though stock was on display this did not mean that the public were allowed to self-select goods or products. A retired chemist, Alan Garrett, an apprentice in the 1920s, commented that early on in his career:

Everything was behind glass doors, not help yourself, you had to open the cupboards to get out what you wanted, and customers didn’t help themselves. Even the counter was closed, no things to pick up off the counter, there was a shelf along the top which some things were displayed on, but there was no self-selection of any kind at all.146

The retail chemist thus had an element of control over the consumer’s purchase, which suggests that advertisements aimed at the trade should have greater significance within the history of medicine. Hilary Marland has argued that for most chemists and druggists, direct trade with the public was more significant than the network of trade with the

medical profession.\textsuperscript{147} Indeed, a wholesaler or manufacturer might persuade the retailer to display and stock a certain product via the draws of a particular brand or aesthetic package, which was then sold onto the lay consumer via the retailer.\textsuperscript{148} Surveying advertisements aimed at the trade would thus enhance our understanding of the supply and demand consumption process. Elliott stated that the trade press is a useful source as it builds up a picture of its own particular trade yet finds that it was ‘scarcely appreciated by the public, who are for the most part ignorant of their existence, since they only circulate amongst the members of each trade.’\textsuperscript{149} In consequence, the trade press has received limited discussion from historians. The C & D was a trade journal made up of pharmaceutical information, trade concerns, business developments and advertisements. It was an independent publication started by the Morgan Brothers, who were druggists and hardware merchants. It was published monthly between 1859 and 1885, and thereafter it was put on the market weekly,\textsuperscript{150} and is thus a significant source to access the themes this thesis explores.

Similarly, the medical profession is conceptualised as a ‘consumer’ within the supply chain of medicine,\textsuperscript{151} as doctors could not ignore the trends of the marketplace and would not be adverse to prescribing branded medicines.\textsuperscript{152} Publications like The Medical Press and Circular, The Lancet, The British Medical Journal, and the Pharmaceutical Journal will also play a significant role in this study, with a focus on print advertisements and opinion articles. This study, by concentrating on the interim consumers of the trade and profession, will provide a new line of research. Medical journals today are part of a peer-review process formed from evidence-based studies; it is easy to transport these features onto their nineteenth-century counterparts. However, nineteenth-century medical and trade journals are part of the story of the wider commercialisation in society. They can be seen as commodities in their own right.

\begin{itemize}
\item \textsuperscript{147} Marland, ‘The Doctor’s Shop’, p. 87.
\item \textsuperscript{148} Historians of Marketing have identified a shift in the latter half of the nineteenth century towards a sales-orientated market, where competition gave rise to product-differentiation and the need to advertise, see: Church, ‘Advertising Consumer Goods in Nineteenth-Century Britain’, p. 627.
\item \textsuperscript{149} Elliott, History of English Advertising, p. 179.
\item \textsuperscript{151} Typically studies have been demarcated along the lines of ‘ethical advertising’, that is, advertisements to the medical profession, and ‘direct to consumer’ advertising, concerning products sold directly to the public, see: R.L.B. Pinkus, ‘From Lydia Pinkham to Bob Dole: What the Changing Face of Direct-to Consumer Drug Advertising Reveals about the Professionalism of Medicine’ Kennedy Institute of Ethics Journal, 12, No.2 (June 2002), pp. 141-158.
\item \textsuperscript{152} Loeb, ‘Doctors and Patent Medicines in Modern Britain’, pp. 404-425.
\end{itemize}
and thus it is important to consider the motives behind their production. *The Medical Press and Circular* originated from the *Dublin Medical Press* and the *Medical Circular*, merging in 1868 when it moved to London. It was an independent publication publishing on matters of interest to the medical profession. After its move to London it continued to publish an official supplement for the Irish Medical Association.\textsuperscript{153} *The Lancet*, as stated earlier, was established in 1823 by Thomas Wakley, in an attempt to reform medical practice. It was an independent publication that commented on contemporary medical topics and reported medical trials.\textsuperscript{154} *The British Medical Journal*, in contrast, formed in 1840, was the official mouth-piece of the British Medical Association, and published the transactions of British medical societies, as well as hospital reports and lectures.\textsuperscript{155} Similarly, *The Pharmaceutical Journal*, was formed in 1841, as the professional monthly publication of the Pharmaceutical Society. In 1870 it became a weekly journal and it published extensively on trade matters.\textsuperscript{156}

Looking at issues arising from the source material, records tend to survive from the large successful companies, thus skewing our views of the historical marketplace. Some of the smaller firms have been accessed via the records of these larger, more enduring companies, whose business archives they absorbed during mergers. Other sources for localised firms have come from advertisements and packaging, as well as from the *Trade Marks Journal* (hereafter *TMJ*). Personal testimony is also a valued source for the localised social and economic conditions of the medical marketplace;\textsuperscript{157} thus, this thesis includes some oral histories of chemists that are held at the British Library. Using these complementary sources ensures that a broad picture of the medical marketplace is developed, rather than focusing down on just a handful of successful businesses. Sponsored histories are particularly problematical, commonly to link the firm’s success to the gusto of an individual or set of directors.\textsuperscript{158} Sponsored histories have also tended

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\textsuperscript{155} C. Mitchell and Co, *The Newspaper Directory*, p. 82.
\textsuperscript{156} Ibid, p. 91.
\end{flushleft}
to reference the cultural authority of science. However, Jordanova made an important point, that:

Some scholars have come to feel that 'medicine' is a problematic term precisely because it has been unthinkingly treated as another form of science. They are concerned that 'medicine' suggests orthodox knowledge systems thereby implicitly marginalizing not only healing practices but the whole range of behaviour and representations associated with health.  

Porter and Bynum realised the necessity of including all aspects of medicine, with the likes of quackery and alternative medicine, into studies in order to understand the healing practices of past societies. Chemists and druggists were part of the ‘Orthodox Fringe’, a group who were difficult to define being connected to trade and medicine. Many would sell galenicals to the purity standards of the British Pharmacopeia alongside homeopathic or ‘quack’ articles, meaning they are unable to be categorised neatly into an orthodox/unorthodox dichotomy. As stated earlier in this chapter, chemists would sell a wide range of medicinal items, which could be sold for animals as well as humans. Other items, like household disinfectants, were marketed and sold through chemists and druggists due to their medical use for cleaning cuts and surgical instruments, as well as for keeping medical establishments and the sick room clean. Moreover, food products often acted as medicine; Cadbury’s Cocoa for example was sold for its nutritional value, and sundries, like hairbrushes and fly papers, were a staple of the chemist retail shop. All products sold in a retail chemist’s shop will thus be considered in this study to avoid placing idealised notions of science, medicine and professional culture onto the past. This will be also give a fuller picture of the mechanisms of buying and selling in the medical marketplace.

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160 Bynum and Porter, Medical Fringe and Medical Orthodoxy.
This thesis also uses a source that, as identified in the review of historiography, has received very limited discussion – that of packaging. The package and its paratext will form a substantial aspect of this study. Paratext, in this thesis, defined as a form of graphic communication and/or supplementary text, includes the container itself, labels, surface markings, stamps, seals, wrappers, pamphlets, colours, and marks of the state like stamp duty. These components were part of the commodity’s identity and therefore acted as forms of branding. The paratext found on packaging in the period constructed the identity of the product; symbols could transmit information about its origins and contents as well as understanding of the content: its dosage and risk. Previous studies of packaging and labels have focused on their importance as an aesthetic form in marketing rather than as a medium for communication. However, packaging as a source is difficult to come by. Once the product was consumed the package was discarded. Even where products survive the boxes and paper labels may be degraded. The accompanying wrapper, handbill or medicine tax stamp as a supplementary aspect of the package were discarded after use and have an even less chance of surviving. Print history is thus the most effective way to access the material culture of pharmaceutical products and to understand how these products were sold and marketed to consumers. Indeed, Berg and Clifford stated that ‘Advertisements become part of the representation of the physical properties of goods; they contribute to their characteristics, qualities and fashion appeal, and all of these affect consumer behaviour and ultimately demand.’ However, to corroborate my findings, some surviving packages from the privately-owned collection of Professor Victor Hoffman, the collections of the Royal Pharmaceutical Society Museum in London, and packaging and labels held at The Boots Archive, as well as the GlaxoSmithKline heritage archives, were included in the study. This thesis uses emblematic examples of packaging and its visual representation from handbills and advertisements, as well as company correspondence and memorandum to survey what informed design practice within a

163 Branding is defined as material marks as well as imaginary constructs. Basford holds a broad view of branding, which extends beyond proprietary branding; this includes marks of production, marks of the state, and marks of institutions. This chapter will similarly hold that all marks found on the material package or within advertisements can be considered as forms of branding. See: ‘Introduction’ in Basford, ‘A commodity of good names’.
164 Opie, Art of the Label, p. 39.
wider commercial context. Alongside illustrations of packaging within print copy, this study will be the most extensive analysis of packaging as marketing in the nineteenth century to early twentieth-century medical market to date.

Packaging and advertising is of sociological and historical significance, illustrating the material culture of the age and reflecting the values and expectations of the market participants. Marketing relies on a shared culture in order for the meaning of images and texts to be transmitted to the consumer; the doctor, patient and medicine vendor must therefore all share a similar conceptual framework of health. It has been argued by business and medical historians that advertisements and the reporting of news impacted attitudes towards health care.\textsuperscript{166} Bert Hansen has shown the impact of therapeutic discoveries on the public conscious by charting their appearance in non-medical contexts, such as in political caricature, thereby showing the familiarity of this imagery beyond those in the profession.\textsuperscript{167} The intended message would not be conveyed if the medical iconography and language was not easily recognisable. Likewise, Wigelsworth used advertisements from the London popular press to argue that the acceptance of new discoveries in natural knowledge was achieved, in part, through marketing efforts of proprietors’ exploiting knowledge claims for commercial means.\textsuperscript{168} Building on these studies, this thesis will assess the textual and para-textual content of advertisements and packaging in the trade and medical press to gauge the marketing as well as health care practices of market participants.

1.6 Thesis Structure
The thesis is structured around chapters relating to the themes of packaging, branding, and advertising of pharmaceutical products on a local, national and international basis. As a wide-reaching multi-disciplinary study into the advertising, selling and branding of pharmaceutical products this chapter has been unable to deal with all the relevant


\textsuperscript{168} J.R. Wigelsworth, \textit{Selling Science in the Age of Newton: Advertising and the commoditization of knowledge} (Farnham, 2010).
literature integral to this study, thus the following individual chapters will also deal with their relevant literature and sources in their introductory sections.

**Chapter two** gives a brief overview of pharmaceutical packaging within its broader historical context of retail and technological developments. The role of packaging as an advertisement for the product within its confines will be considered. The function of packaging will also form part of the analysis: its ability to get the internal contents to the consumer safely, to be stored in the shop successfully, and to be user-efficient in the home. Concentrating on pharmaceutical packaging between c.1870 and c.1920, this chapter broadens the understanding of paratext to materials and marks found on packages. Paratext, framed in this broad manner, formed a large part of the design of the package, with the likes of logos, trade marks, addresses, names of sole-wholesalers or retailers, testimonials, stamps, seals, coats of arms, and dosage advice. These paratexts allowed for information, usually messages of credibility, to be transmitted between the various participants in the chain: from the manufacturer of the container, producer of the product, wholesale agent, retail vendor, the selling agent, lithographer, and the end-consumer, and are thus identified as a form of branding. A quantitative analysis of advertisements found in *The Chemist and Druggist* and *The Medical Press and Circular*, highlighting the use of packaging as a visual device within advertisements, will complement this study in order to reflect on the rise of commodity culture in the period.

**Chapter three** focuses down the study to one paratext found in advertisements and on packaging of pharmaceutical products: that of trade marks. This will include a look at the significance of trade marks for the health market by looking giving an overview of why new legislation was formed and what impact it had. This looks to emblematic examples to show the interaction of firms with the development, design, and management of brands. This chapter tackles one of the main research questions, ‘who was registering trade marks?’ by looking to one type of product in the market (nerve tonics) to ascertain the complexity of the marketplace. A case study of the Apothecaries’ Hall will also be undertaken to bring to light the extent of commodity culture in the medical marketplace, by analysing how a firm acting within a captive market engaged with new modes of retail.
Chapter four will specifically tackle the subject of print advertising beginning with an analysis of the characteristics of product branding in print between c.1870 and c.1920. This will feature a quantitative ‘micro’ analysis of the C & D and The Medical Press and Circular. A ‘meso’ analysis will follow, looking at how advertisements were formed and how they were engaged with by market participants; this focuses predominantly on the research question ‘how were people engaging with the market?’.

This involves a look at the advertising agent and in-house advertising efforts. A qualitative analysis of common features – specifically references to ‘PATA’ and ‘purity’ - within health care advertisements will round off the chapter, looking towards ‘macro’ features of the marketplace, to discern how external factors impacted marketing tactics.

Chapter five focuses on branding, packaging and advertising, as mechanisms for selling pharmaceutical products on a global scale. The focus will be on domestic firms and how trade marks helped them to navigate a global market. This involves a discussion of how trade mark legislation impacted the global pharmaceutical market and how it was employed as a marketing tactic. As a globally successful firm from the period, Burroughs Wellcome & Co’s marketing activities will form a case-study. The final section focuses on a unique time period, the First World War, to show how entrenched trade marks were by the early twentieth century. The suspension of legislation for German products during the War is a useful lens to analyse the impact of product branding on the marketplace.

Chapter six will draw out the conclusions shaped by the research. This thesis will offer a new perspective on the consumption of drugs by exploring the importance of advertising, branding and packaging for the buying and selling of pharmaceutical products.
Chapter 2 - “If the Package is Right, the Pills are Right”: Pharmaceutical Products in the Visual Age

2.1 Introduction
Packaging design in today’s pharmaceutical market employs the ‘use of colour, typography, graphic style, imagery, illustration and photography, and an understanding of how people choose and use products,’¹ lending itself to art and design, technology, and marketing science. Packaging and labels are a dominant aspect of marketing and sales, driving the consumption of products in the market.² To have a design is to have a purpose: an intentional action. The market for which it has been designed has been assessed in some way, the materials used have been considered, and its primary appeal has been analysed. Although design management and marketing science are firmly situated in modernity, the influential designer Milner Gray, who established the study of design management in the twentieth century, highlighted the development of branded goods and their containers throughout the ages in his paper ‘The History and Development of Packaging’.³ It is clear that containers and packaging in the past were intended to be decorative and artistic, as well as functional. This chapter identifies packaging’s three main roles as, firstly, a functional use for storing and exchanging the contents, secondly, as a means to legislate the vending of drugs in a medical and economic context, and thirdly, to advertise drugs for successful commercial transactions. This chapter concentrates predominantly upon its latter role as a promotional tool, and in particular, how certain pharmaceutical products became synonymous with their branding and containers.

In a historical sense the packaging of pharmaceutical products was very much part of the British manufacturing industry and situated within the wider economic landscape. By the nineteenth century packaged goods, predominately groceries, were available throughout the retail economy, as well as ready-made products with the likes of clothes and furniture. The rise in these types of goods coincided with an increase in real wages and falling of prices, leading to an increase in disposable income for a higher

percentage of the population. These new consumers aided the creation of the mass market. Nineteenth-century studies of commodity culture cite competition and new industrial economies as reasons for the changing nature of the market. For Gray, the commercial value of packaging lay ‘in the good living which they were created to serve.’ The history of packaging is also connected to wider print history, which will be touched on in section 2.2, and explored more in-depth in chapter four. Throughout the eighteenth century tradecards and blotters had been employed to advertise commodities. Illustrations were usually from a repository of stock images from printing firms, so products and services entirely unrelated might be promoted using the same illustration – the same advertising text could likewise do the rounds for similar products. The onset of new illustration techniques and printing options in advertising had a profound impact on the history of packaging, giving the product the ability to be instantly recognisable in abstract spaces. From the 1870s lithography became a commercially viable process for printing illustration. The technique was a catalyst for a boom in poster advertising, which created a more intense visual world for the consumer. Further to this, products visually represented by illustrations were important for a society where a large percentage of the population were not fully-literate. Packaging within marketing history, however, has only received limited attention. Gray remarked that packaging as advertising has been overlooked in favour of print advertising, stating that prior to the twentieth century, packaging was ‘an almost anonymous art,’ especially as print advertising had a more apparent value to the advertising agent. More recent scholars have identified that packaging has been passed over in historical studies. Gossel’s study of the contraceptive pill’s box in the twentieth

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4 It is important to note that the rise of real incomes was not consistent: R.C. Allen, ‘Real Wage Rates (Historical Trends)’ in S.N. Durlauf and L.E. Blume (eds), *The New Palgrave Dictionary of Economics* (London, 2008), p. 3.
7 Ibid, p. 647.
century noted that packaging, as an ‘auxiliary technology’, has been often ignored. Her study bought to light the far-reaching medical and social ramifications of packaging technology by looking at the pill pack as a dosage memory aid, likening it to the nineteenth-century medicine spoon.\textsuperscript{12} Whilst these studies have sought to combat the large gap in literature, the role of packaging with regards to branding needs to be explored further in order to understand the role that it played in the medical marketplace, as the following section will show.

2.1.2 Gaps and Methodology
Chapter one noted the importance of locating pharmaceutical products within four main frameworks; that of its medical, economic, regulatory, and material cultural contexts, and these equally apply to the current chapter. \textit{Medically}, how were packages understood? Today, expectations regarding drug efficacy are predominately equated with trust in techno-scientific knowledge, and these expectations are imposed from the presence of labels and wrappings. Packaging of pharmaceuticals on the general sales list in today’s medical market provides the consumer with safety information about the preparation, with lists of active ingredients, known efficacy, dosage instructions, and a list of side-effects\textsuperscript{13}; in fact ‘the packaging, the trademark, and the instructions allow the drug to speak for itself.’\textsuperscript{14} Wrappers that relate to government legislation and safety analysis give a product a certain authoritative quality and the consumer peace of mind.Whilst the purity, chemical analysis, and dosage of medical products in the nineteenth century have been surveyed with regards to poison and drug adulteration scandals as part of the narrative of an unregulated market,\textsuperscript{15} the use of purity claims have not been assessed in depth with regards to how they were employed as a layer of branding on the label and package; section 2.5 will look to how poison legislation affected design

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practice, and purity claims will be explored further as part of chapter four’s study of print advertising, in order to assess how market participants understood the market.

Discussions of packaging within an economic context have explored the reduction of costs alongside technological developments and the resulting increase of competition. Emphasis on the importance of differentiation in an overcrowded market in order to protect firms from imitation has been surveyed by historians of medicine focusing on earlier periods: Styles highlighted the distinctive packaging of Widow Clark’s Balsamic Viper Drops and Richard Rock’s version of Daffy’s Elixir from the mid-eighteenth century, with their bulbous and square bottles respectively. Packaging that was difficult to emulate ‘suggested that the purveyors of medical products had something unique and precious to protect from unscrupulous competitors.’ Appeals to trust could be found on labels and packages, with the use of trade names, seals, stamps, and bottles increasingly used as a means to market medicine. Hannah Barker’s study dealt with the formation of trust in an expanding urban environment by looking at medical advertisements in the eighteenth century. The hope that a particular product was efficacious could rest on the commodity as a brand. Although her study suggests that branding and trade marks were important to the formation of authority in the market, her study focused on the eighteenth century, and therefore does not cover the intricate nuances of the economic and legal landscape surrounding nineteenth-century packaging. Indeed, there has been no study concerning how new codified trade mark and patent laws impacted the materiality of pharmaceutical packaging and advertisements in Britain. This chapter therefore fills that gap in the literature by situating packaging developments within this wider regulatory context.

Packaging within an economic context has also been examined with regards to the costs involved in circulating a product successfully in the market. The costs of stamp acts and advertising have been at the centre of these analyses, particularly those involving patent medicines. The Medicine Stamp Acts of 1802 and 1804 called on the manufacturer to label the medicine appropriately. Davis suggested that before medicine duties were repealed in 1941 ‘they brought their headaches to generations of

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package designers. J.L. Basford’s study of branding reframed stamp duty as an important paratext that formed part of the commercial identity of a product. She asserted that that the materiality of a product had been ignored in preference for modern day definitions of branding, which has been framed solely as a retail or proprietary mark. This source, therefore, has usually been left out of discussions of medicine branding, particularly with standard textual analysis. The integration of non-textual and supplementary source material into an analysis of branding allows for a broader understanding of pharmaceutical products in relation to state and commercial legislation. The importance of integrating the material product into analysis is likewise reflected in studies of commodity culture in the seventeenth and eighteenth centuries by the likes of Patrick Wallis and Lorna Weatherill, who have focused on material culture to discuss consumer desire and availability of goods. Weatherill’s study of household durables has shown that a wider interpretative scope is achieved by integrating material sources into the research of commodities; and, Wallis revealed that apothecaries’ shops conveyed messages of reliability through shop design, using drug jars as a device to imply skill and trustworthiness. Section 2.4 will detail the use of shop display for the selling of pharmaceutical products.

Whilst containers of medical products have been part of historical discussions surrounding material culture and ‘object history’, many focus on function and technological development, which were abundant in the nineteenth century: from rotary bottle-making machines to the development of cardboard as a packing

material. Many of these functional developments were noted in the ‘Patents Applied For’ section in *The Chemist & Druggist.* Greg Higby’s invaluable ‘Lost in the Patent Office’ series in the *Pharmacy in History* journal explored technological developments in pharmaceutical instruments and packaging, but this is limited to the North American marketplace and does not include a wider assessment of social and economic mechanisms. Similarly this is the case with Leslie Matthews’ *Antiques of the Pharmacy,* and W.A. Jackson’s *Chemist and Druggist* for the British pharmacy. Their studies focus on the ornamentation trends of bottles, pill tiles, drug jars and printed labels and the appeal of these substances within the shop mainly as ‘objects of beauty’.

Although scholars have identified the increased visibility of commodities as a way to vend products, this thesis is the first systematic study of the medical marketplace in this period to consider the marketing of pharmaceutical commodities within a multi-disciplinary approach, which includes the materiality of the product. This chapter will complement Basford’s framework by considering all marks on the product as branding, not just the proprietor’s mark. Demarcating the marks associated with the manufacturer, owner, and retailer will also highlight the multiplicity of participants in the marketplace. Basford’s approach, however, ignores the intricacies of legislation in relation to registration and protection; this chapter thereby fills a gap in the literature by marrying the approach with an analysis of intricacies of commercial legislation to achieve a more nuanced understanding of the materiality of pharmaceutical goods.

Section 2.2 will give a brief overview of packaging within the history of medicine, exploring all layers of the product to highlight their use as branding. This includes the first quantitative survey of the visual depiction of packaging within advertisements in the influential nineteenth-century trade periodical the *C & D* and the medical periodical *The Medical Press and Circular.* Both publications are important sources for

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25 For example, aether rounds with stoppers were used to contain volatile liquids, see: W.A. Jackson, *The Victorian Chemist and Druggist* (Aylesbury, 2005); Davies stated that ‘to list all the innovations which accelerated the progress of packaging during the nineteenth century would be an impossible task,’ see, A. Davies, *Package and Print* (London, 1967), p. 27.
26 For example, W.R. Lake patented improved apparatus for stoppering bottles, Patent No. 2930, see: ‘Patents’ *C & D,* 15th February 1878, p. 78.
29 It has been dealt with briefly in L. Mainwaring, ‘Profit and Paratexts; the Economics of Pharmaceutical Packaging in the Long Nineteenth Century’ in H.C. Tweed & D.G. Scott (eds), *Medical Paratexts from Medieval to Modern: Dissecting the Page* (Basingstoke, 2018).
understanding how manufacturing and wholesale firms communicated to their consumers - the retail chemist and the medical professional - but they have not yet been part of any major study. Commentary and correspondence found within their pages also gives an insight to how market participants viewed marketing efforts. The sample consists of twenty issues from both publications between 1880 and 1920, looking at two issues a year (April and October) at a gap of five years. This amounted to 3,993 advertisements from the C & D, and 1,547 from The Medical Press & Circular. Using two issues from a given year aims to offset anomalous results. The months chosen also allowed for an analysis of seasonal trends, with spring and winter lines tending to be advertised during this time. However, advertisements from the annual summer publication of the C & D were not chosen, as this was a ‘bumper issue’ and not representative of a standard journal. Where advertisements have not been included in the digitised version the closest dated issue available with advertisements was found. However, there were no digitally available issues with advertisements between 1901 and 1910. The C & D data for 1905 and 1910 was thus taken from physical issues found in the Radcliffe Library in Oxford. To corroborate my analysis, examples from other magazines and periodicals were also used from the same period. Section 2.3 looks at the layers of branding found on the product through the lens of paratext by using advertisements and newspaper articles from the C & D. Whilst these sources are useful for packages that are no longer surviving, not all material components can be gauged from print. Surviving material packages found in the Royal Pharmaceutical Society Museum’s (hereafter RPS) collections will also supplement the print advertising. This allows for an analysis of the range of market participants involved in the production and design of a product’s packaging and an assessment of the research question ‘who were the market participants?’ This question will also be explored with a case study using court records from the Old Bailey to stress the complexity of the market and to situate the paratext of trade marks within its intended regulatory framework. In Section 2.4 the address as an important paratext is discussed. This explores why the address was

30 For example, the summer issue of C & D July 1905 held three hundred and thirty-one advertisements, with seventy-one of these depicting packaging or labels at 21.5 per cent of the total advertisements. Comparison with a standard issue, that of 15th April 1905, which held a total number of one hundred and forty advertisements, of which twenty-one featured packaging or labels, a total of fifteen per cent of the advertisements. Summer and winter issues almost contained double the amount of advertisements than a standard issue.
found on packages and in advertisements and points to its use as a marketing tactic. The existence of ‘own name’ packages in the early twentieth century, at a time where standardised national brands formed a prominent part of the marketplace, serves to bring to light a new narrative of the medical marketplace. Section 2.5 explores what impacted the design of packages, looking towards the three roles of packaging identified in the introduction: functional, legislative, and promotional. It will also consider how large wholesale and pharmaceutical firms influenced the material culture of regional pharmacies, and vice versa. This will involve a case study of Boots the Chemist and the impact of local commodity culture on the stocking of their products. Section 2.6 considers the impact of packaged goods on window and shop display of the retail pharmacy. Shop window and counter-displays are transient by nature and are thus an understudied source in historical studies on both marketing and medicine. This section looks to literature and commentary about the displaying of goods as well as advertisements, photographs and drawings to bring to light the extent of the impact of packaged pharmaceutical products on the pharmacy. It will also reflect on packaging and display as ornamentation in the retail space of the pharmacy and explore how traditional containers acted as a form of branding for the vendor. The final section, 2.7, will summarise the findings of the chapter, drawing conclusions on the ways in which market processes impacted design practice for the selling of pharmaceutical products in order to fill the identified gap in the literature, which heretofore has not accounted for the impact of design and branding on the material culture of the pharmacy or conceptualised the retail trade as significant consumers.

2.2 The Rise of the Packaged Commodity

The nineteenth century was a period of immense change in terms of how drugs were packaged and consumed. Traditionally, customers took in their home recipes, usually passed down through generations, and asked for specific ingredients, or they would ask the chemist to make up the recipe.\footnote{Medicines could also be made up in the home: see, E. Leong, ‘Making Medicines in the Early Modern Household’, Bulletin of the History of Medicine, 82 (Spring, 2008), pp. 145-68; Commonplace books and family recipes evidence the self-help culture of medicine that continued into the nineteenth century: L. Dacome, ‘Noting the Mind: Commonplace Books and the Pursuit of the Self in Eighteenth-Century Britain’, Journal of the History of Ideas, 65, No.4 (October 2004), pp. 603-625; D. Lewis, Curious Cures of Old Yorkshire (Berkshire, 2001).} Chemists tended to dabble in small scale
manufacturing and made their own preparations that could be specially tailored for the customer.\textsuperscript{32} Other nostrums prepared by the chemist were sold in the manner of proprietaries that were manufactured, packaged and marketed as stock mixtures on the shelf. Branded medicines, on the other hand, were entirely removed from the lay consumer; proprietors having to communicate the value of the product via print advertising or by the package surrounding the product.\textsuperscript{33} One of the earliest and most popular containers for medicine was the medicine phial, used from the seventeenth century. Handwritten varnished paper labels were attached to the phial to provide the consumer with information about the products’ contents, with printed labels becoming more readily available from the eighteenth century.\textsuperscript{34} In this later period transfer printing became possible with the use of a heated furnace, enabling manufacturers to print directly onto stoneware and ceramics. From this time, pot lids, which were more easily altered than the body of the receptacle, replaced labels as the dominant way to indicate the vessel’s contents and offered a novel way of promoting the proprietor’s product. Decorative floral patterns and pastoral scenes became a common decorative feature on these. Other advances, such as the four-colour process developed at Pratt’s Pottery Works in Staffordshire, enabled the proliferation of brightly coloured vessels.\textsuperscript{35} In the eighteenth and nineteenth centuries squat pots were inscribed by proprietary medicine vendors, usually for ointments. Popular medicines like the ‘Poor Man’s Friend’ and ‘Holloway’s Ointment’ (see Figure 2.1) were sold in ceramic squat pots. This type of container could be reused by the consumer for home-made remedies or other ointments. Collectors’ pots show a wide variation of print quality with the transfer applications\textsuperscript{36}; meaning that the pot, although a significant aspect of the product, was unable to provide complete assurance to the consumer due to its inconsistency. Section 2.4 expands on what other elements of the package were used to establish credibility.

\textsuperscript{33} S. Anderson, ‘From ”Bespoke” to ”Off-the-Peg”: Community Pharmacists and the Retailing of Medicines in Great Britain 1900 to 1970,’ \textit{Pharmacy in History}, 50, No.2 (2008), p. 50.
\textsuperscript{35} Matthews, \textit{Antiques of the Pharmacy}, p.6.
\textsuperscript{36} R.J. Houghton and M.R. Priestley, \textit{Historical Guide to Delftware and Victorian Ointment Pots} (Framlingham, 2005).
Hand-blown bottles also tended to be marked with irregularities. The colour and shape of the glass, however, could be used as a more consistent form of branding. Gell’s Dalby’s Carminative, for example, was sold in tall pillar-like bottles under the tagline ‘Pillar of Life’ – the package physically representing an aspect of the product’s branding. Proprietors made use of colour to indicate the genuineness of the product, and some medicines became inextricably linked with the colour of their bottle. Charles Henry Phillip’s Milk of Magnesia, for example, was recognisable by its distinctive blue bottle. As moulding techniques developed over the course of the nineteenth century the design of the bottle became more consistent and thus could be implemented to assure the consumer of the content’s genuineness. Developments in moulding

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37 Coloured glass was also cheaper than clear glass, see: G. Griffenhagen and M. Bogard, *History of Drug Containers and Their Labels* (Madison, WI, 1999), p. 73.
processes also made production cheaper. The design of these bottles, however, were not protected by law until the mid-nineteenth century. Turlington had patented his balsam in 1744 but was not able to receive similar protection on his packaging. He had to alter the bottle shape four times before the 1750s were out in order to be one step ahead of imitators. In the early nineteenth century cardboard also began to be used as packaging. The pill industry was one of the first industries to use this material in packaging, with the development of the pill box. Cardboard packages, in the form of cartons, were also utilised for the display of commodities. The proprietors of St. Jacob’s Oil, for example, announced in the C & D the use of a new style of package to accommodate window-display:

in order that the one-dozen package may be more suited for display in Chemists’ shop windows, we have adopted Corrugated Paper Boxes in place of wooden ones heretofore used. These we have had labelled with a finely executed and original design, with the hope and expectation that our efforts to please the Trade will be appreciated, and that Chemists will, as far as possible, place these boxes, whether full or empty, in conspicuous places.

Shop display as an important form of marketing will be explored in the penultimate section of this chapter. The physical dosage form of the medicine was also, in a sense, part of the packaging. Coated pills, for example, masked the taste of the medicine, improved the look, and enriched its value. With the development of the gelatine capsule in the early nineteenth century the pill became increasingly employed as the preferred dosage form. Firms like Savory & Moore pioneered developments in marketing new dosage forms with their patented substance called gelatin lamel, which could be divided into standardised single doses. As these new dosage forms entered the market existing products were altered. John Morgan Richards sold his Lactopeptine

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43 Griffenhagen and Bogard, History of Drug Containers, p. 11.  
44 C & D, 22nd December 1888, p. 23.  
45 The gilding and silvering of pills actually hindered the break-down of the pill in the stomach.  
product as a powder and then as a tablet, noting in an advertisement its new palatable and convenient form (Figure 2.2). The tablets were marked with his initials ‘JMC’ and depicted as their actual size.\(^47\)

*Figure 2.2 – Advertisement for Lactopeptine in tablet-form found in The Medical Press & Circular.*


\(^{47}\) The Medical Press & Circular, 15\(^{th}\) October 1895, p. xii.
These new dosage forms also meant it was easier to create a palatable or even ‘tasteless’ medicine. Formarose Tablets, sold by Arthur H. Cox & Co, marketed their pills as rose flavoured (Figure 2.3). Erica Storm emphasised the unique position of medicines in history, in that they are ‘twice consumed’ by purchasing and then ingesting. She argued that proprietors used the sensory qualities of a product as part of its branding, promoting these aspects through the product’s formula, print media, and packaging. Storm suggested that,

The senses were an essential element of a proprietor’s rhetoric of persuasion. Patent medicine packaging fulfilled a metonymic relationship with its contents. Its standard and reliable colour, texture and design lent credibility to the cure inside. Meanwhile, proprietors formulated the colour, texture and taste of the medicine itself to make their product appeal to the gustatory faculties of their consumer.

48 Many alkaloids from the period, however, remained unpleasant to the taste, E. Storm, ‘Gilding the Pill: The Sensuous Consumption of Patent Medicines, 1815-1841’ Social History of Medicine, 31, No.1 (February 2018), pp. 41-60.
49 C & D, 8th October 1910, p. 2.
50 Storm, ‘Gilding the Pill’, p.60.
The colour of the medicine itself could provide an extra layer of branding. ‘Dr. Williams’ Pink Pills for Pale People’ were marketed to restore ‘pinkness’ to the face and were coloured pink with carmine. Colour could also hold wider cultural symbolism. The pills were marketed in China from the late nineteenth century, but tellingly under the Chinese trade name ‘weilianshi dayisheng hongse buwan’, or ‘Doctor Weilianshi Red Supplement Pills.’ The colour red was associated with traditional Chinese medicine and thus held more cultural value for the selling of the product than the catchy alliterative

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51 See also the government medicine tax stamp prominently featured in the advertisement.
Western name. The look and taste of the actual medicine itself was thus able to be employed as an aspect of the product’s branding. Proprietors who needed to assert their product’s genuineness against imitations or substitutions in the marketplace were able to use the package and its components as a way to assure market participants that the product they were buying was the authentic article.

As a result of the need for firms to have unique packages companies who sold containers and boxes to the retail and wholesale trades became a common occurrence by the latter half of the nineteenth century in advertisements in the C & D. The lithographic and print company Spottiswoode & Co, with their ‘Printing in Modern Style’ advertisement, evidences this shift, showing an example of their work for Evans, Lescher, Webb & Co’s catalogue, which heavily featured packaging (Figure 2.4).

53 A. Tsay, ‘Pills for Our Ills: Dr. Williams’ Pink Pills for Pale People’, Diseases of Modern Life Blog Post (November 2016), <www.diseasesofmodernlife.org> [accessed 8 March 2018]; The adaption of brands to overseas markets will be further discussed in chapter five of this thesis.
Figure 2.4 - An advertisement for Spottiswoode & Co’s print services.

Source: C & D, 29th July 1905. Wellcome Library.
Whilst studies have shown that the earlier medical marketplace was also product-oriented,\textsuperscript{54} products became more central within promotional copy towards the end of the nineteenth century. Palander-Collin surveyed ‘person-mention’ within advertisement discourse between 1785 and 1880, finding that the consumer was linguistically prominent at the start of the period, but by the end of the period products became the salient feature of advertising.\textsuperscript{55} The shift to more emphasis on products over the course of the century is made more apparent by including the paratext of illustration within analysis of advertisements. Depictions of a product’s packaging or label (see Figure 2.5) within advertisements rose steadily from 1880 to 1920.

\textit{Figure 2.5 - A selection of advertisements from The Chemist and Druggist showing the packages of pharmaceutical products between 1880 and 1920.}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure2_5.png}
\caption{A selection of advertisements from The Chemist and Druggist showing the packages of pharmaceutical products between 1880 and 1920.}
\end{figure}

\textsuperscript{54} For example, the firm associated with the Anodyne Necklace, a product sold from the eighteenth century, was ‘constantly active, always changing and always absorbing new or already existing products under its promotional umbrella.’ See, Doherty, \textit{A Study in Eighteenth-Century Advertising Methods}, p. 419.

A quantitative analysis (see Graph 2.1) of the advertisements found in the C & D, taken from a sample of 3,993 advertisements from eighteen issues between 1880 and 1920, demonstrates an increase of the graphic display of packaging and labels for the promotion of pharmaceutical products.56 Advertisements comprising images of packages rose steadily from just four per cent of advertisements, with two peaks in the wake of the 1887 Merchandise Marks Act, and rose up to fifteen per cent by 1905. This last peak coincides with the passing of the 1905 Patent Designs Act, indicating that the selling of pharmaceutical products cannot be removed from its wider industrial and judicial contexts.57 The employment of packaging and labels in advertisements assisted the act of consumption by making the product more visible to the chain of consumers. Graph 2.1 shows that packaging increased in significance as a medium for transmitting branding during the last quarter of the nineteenth century, during which period trade mark law was formed.58 The relative decrease of packaging in advertisements in the C & D at the end of the period can be linked to the rise of more complex notions of advertising in the first decades of the twentieth century with a shift to more abstract notions of marketing, an aspect that will be discussed in chapter four. Further to this, a quantitative analysis of 1,547 advertisements found in The Medical Press & Circular in the same period documents the rise of packaging in a publication directed at the profession, from just 1.5 per cent in 1880 up to eighteen per cent by the end of the period.

57 The Trade Marks Act, 1905: (7 Edw. VII. Ch. 15): A statutory definition of the trade mark was given for the first time. As ‘a mark used on or in connection with goods ‘for the purpose of indicating that they are the goods of the proprietor of such mark by virtue of manufacture, selection, certification, dealing with, or offering for sale.’
Graph 2.1 - Graph showing the rising number of graphic illustrations of packaging and labels in advertisements in The Chemist and Druggist and The Medical Press and Circular from selected issues between 1880 and 1920.


Analysing advertisements aimed at two middle-of-the-chain ‘consumers’ - the medical professional and the retail chemist - prompts us to recognise the significance of packaging for the marketing of pharmaceutical products in this period. Advertisements also point to the package’s impact on the material culture of the medical profession within this period. In 1900 B.W. & Co advertised their Bismuth Gauze ‘Tabloid’ branded product depicted within a doctor’s bag, marrying the product directly with the profession (Figure 2.6).\(^\text{59}\)

\(^\text{59}\) The Medical Press & Circular, 5\(^{\text{th}}\) October 1900, p. xxiv.
With the increased visibility of the product in shop windows and in advertisements, as enabled by developments in printing, the value of the package for proprietors increased. Johnson & Jorgensen, vendors of containers, stated that ‘the keener the competition the greater the necessity of employing stylish and attractive packages.’

Beetham has noted that the display of commodities in department stores and shop windows, as well as via advertising mediums, gave products a cultural and symbolic value. This is evidenced by the multitude of cases involving the design of packages in

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60 C & D, 20th April 1895, p. 35.
61 The increasing visibility of commodities has also been linked to wider Victorian industry, the Great Exhibition of 1851 and ‘exhibition culture’, see: M. Beetham, A Magazine of Her Own?: Domesticity and Desire in the Woman’s Magazine, 1800-1914 (London, 1996), p. 146.
the courts.\textsuperscript{62} Throughout the nineteenth century legislation for design protection expanded with the Oriental Designs Act (1842) and the Utility Designs Act (1843). In 1852 the Patent Office was formed after extensive institutional reform that recognised the need to provide property rights for innovation, including improvements for packaging utility.\textsuperscript{63} The increased visibility of commodities also gave proprietors a means to create product recognition. New labels, for example, could be introduced via pictorial promotion. Frame Food Co advised their retailers to ‘KEEP THIS Advt. to show to those of your customers who raise objections to the New Label’ (Figure 2.7), signifying that advertisements were used to impress genuineness at the point of exchange.

\textit{Figure 2.7 - Advertisement from Frame Food Co informing consumers of their change of label.}

\textit{Source: C & D, 15th April 1905, p.23. Radcliffe Science Library.}

\textsuperscript{62} For example, Henry Holloway, the brother of the successful patent medicine vendor Thomas Holloway, sold articles in boxes and wrappers very similar to that of his brother. Henry was bought to court in 1850 by his brother and informed he could not deliberately copy his brother’s packaging, see, Nevett, Advertising in Britain, p. 133.

Using representations of the carton or container became a common marketing tactic for firms to undertake. Thompson & Capper Ltd of Liverpool put up an advertisement for their ‘Quinphos’ tonic stating that ‘This cut-out is an exact reproduction of the ‘QUINPHOS’ package. It stands 11 inches high.’ Likewise, an advertisement for Dr Bow’s Liniment in the C & D asserted that,

Of late a spurious article has been offered for sale, put up in imitation of the genuine one even to copying the Pamphlet, Wrapper, and Labels. To protect the public from, and facilitate proceedings against, such frauds, the Proprietor has registered the Trade Mark here shown, a reduced copy of which will be found on the outside label on every bottle put up after this date. As a further security, the name ‘DR. BOWS LINIMENT’ (also a trade mark) appears in the Government Stamp.

The threat of a court case became a useful tool in the fight against imitation, an aspect that will be further explored in chapter four. Day & Sons cautioned that ‘it is our intention to take instant proceedings against persons pirating our Titles and Labels.’ Threats sometimes extended into action. Thus, an injunction was taking out against Riley and Whittaker for passing off their Colic Draught as Day & Sons’ Black Drink (Figure 2.8).

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64 C & D, 14th August 1920, p.ii.
65 C & D, 29th July 1893, p. 152.
66 C & D, 8th September 1900, p. 77.
Figure 2.8 - Advertisement for Day & Son’s Medicines threatening to take action against persons imitating their products.

Source: C & D, 8th September 1900, p.77. Wellcome Library.
The use of packaging to assert genuineness was not confined to the trade press, it was also featured in lay publications. An advertisement for Carter’s Little Liver Pills (Figure 2.9) stated that ‘if the package is right, the pills are right’, using the package as the most significant element of the product to convey genuineness and dissuade imitators.67

Figure 2.9 – ‘If the package is right, the pills are right’: Advertisement in the lay press for Carter’s Little Liver Pills.

Packaging was also used in a subtler manner, with depictions of people holding or interacting with the container. Figure 2.10 for example, is from the proprietors of Beecham’s Pills.

Advertisements including the package in these prominent and subtle ways suggest that the package was valued as a means to create product recognition, dissuade imitators, and ultimately as a form of branding. By the early twentieth it was recognised in the editorial content of the C & D that ‘the success of a speciality depends to a large extent upon the style and wording of its label, carton, etc.’ Packaging was given significant attention:

The apparel oft proclaims the man, and the public are prone to form an opinion at first sight, they being greatly influenced by the external appearance of a package. First sales are largely dependent upon a neat dress; further sales upon merit. Pains
should therefore be taken to see that the package has a neat and stylish appearance. Where cartons are used, they offer a valuable advertising-medium, as purchasers are bound to read the matter on them before using the contents. They also admit the enclosing of advertising-matter. Corks and bottles of the finest quality only should be used, and, where the sales permit, the name of the speciality should be blown upon the side of the bottle. This gives the package a more dignified appearance. As to labels, there is plenty of choice. Lithographed labels certainly have a neat and stylish appearance, but do not use them if they are common to everybody. By following these few hints there is no reason why any chemist should not run successfully a number of well-paying lines of his own, to replace — to the mutual advantage of himself and the public — some of the puffed-up and badly paying proprietary articles so largely advertised.68

Advertisements and editorial content from the period both highlight the importance of the package for marketing medicines, bringing to our attention an overlooked mechanism of advertising and branding in the medical marketplace, particularly in the later nineteenth century. The next section looks more closely at the textual and material components of the container, understudied resources in the current literature, in order to establish what messages were being communicated between the market participants.

2.3 Paratext and Communication between Market Participants

This section uses packaging as a means to analyse the role of paratext in shaping the economic environment of the medical marketplace in the long nineteenth century, and similarly how developments in commercial legislation within a wider economic context shaped the paratext found on these packages. As noted in chapter one of this thesis, the depersonalisation of society, with the loss of strong community ties in an ever-increasing urban world, meant that the nature of establishing trust was changing: from strong personal relationships to more numerous, looser ties.69 The use of the materiality of packaging as a means to establish credibility within this changing marketplace is made evident by the increased use of pictorial devices in advertisements

68 C & D, 29th July 1905, p. 176.
and on packaging itself. Marks found on the package were used as communication
devices throughout multiple exchanges in the distribution chain, between
manufacturers, retailers, and consumers. As this section will evidence, the focus on the
retail chemist as an intermediary between the original manufacturer and the end-
consumer, whilst significant, over-simplifies the medical marketplace.

A typical package for a pharmaceutical product from the long nineteenth century
would commonly be made up of separate components with marks from various market
participants: a glass bottle embossed with the manufacturer’s name; a paper label with
the logo, trade mark, or coat of arms of the proprietor; the name and address of the
dispensing chemist; a poison label from the retailer to indicate any dangerous contents
in line with state legislation\textsuperscript{70}; or a medicine tax stamp from the Stamp Office.\textsuperscript{71} The
exact wording of text featured on pharmaceutical labels was of importance when taking
in to account the fiscal regulation of the preparation. If ailments were mentioned on
the packaging or label then the medicine tax stamp duty was payable, however if the
organ of the body was referred to the preparation was not liable. For example,
‘headache powders’ were liable, but ‘head powders’ were not.\textsuperscript{72} The \textit{C & D} remarked to
their readers that,

\begin{quote}
We have received a large number of letters during the past month from all parts of
the country testifying to some extra activity on the part of the Inland Revenue
officers, and to a consequent widespread panic on the part of chemists in regard to
the labelling of some of their specialties. We have been invited to give our opinion as
to the liability or otherwise of scores of preparations the labels for which have been
sent to us.\textsuperscript{73}
\end{quote}

This correspondence informs us about the relationship between commercial health
products and paratext and implies that financial concerns started a conversation about

\textsuperscript{70} The 1868 Pharmacy Act established a poisons’ register for 15 scheduled poisons, which was controlled by the
Pharmaceutical Society. Packages for these preparations had to be labelled as poison and include the name and
address of the retailer.

\textsuperscript{71} The medicine stamp tax lasted from 1783 until 1941. In 1864 the text was changed on the label when the Inland
Revenue Office replaced the Stamp Office.

2-5.

\textsuperscript{73} ‘Patent Medicine Stamps’ \textit{C & D}, 15\textsuperscript{th} December 1885, p. 724.
the ways these labels could be altered to avoid fiscal regulation. Other than the required text, the medicine tax stamp could be blank, but it commonly featured the name and address of the proprietor. In fact, as Basford has shown, the stamp can be conceived as part of the branding of the commodity.\textsuperscript{74} Medicine tax stamps were not regulatory marks but were adopted by some vendors as having been sanctioned by the government. \textit{The Medical Times and Gazette} shared concerns over the stamp to readers, stating that, ‘The regulation of the sale of quack medicines is very necessary. At present it is possible to sell most any poisonous concoction as a patent medicine, apparently under the direct sanction of the Legislature, evidenced by the Government stamp.’\textsuperscript{75} \textit{The Times} reported that ‘there can be no doubt that many patent medicines are purchased under the assumption that the Government label is a sort of hall-mark guaranteeing the purity of the compounds sold under it... But the label really guarantees nothing.’\textsuperscript{76} In 1885 the words ‘No Government Guarantee’ were added to the stamp to protect against these claims of credibility.\textsuperscript{77} The required alteration of text stresses the power of paratexts in communicating extra information not explicitly stated in the text of the product. Indeed, Stebbings, a historian of taxation, claimed that the medicine tax had wider social repercussions that were unforeseen by the legislators who first introduced it.\textsuperscript{78} Despite this legislative change regarding the label some firms continued to exploit the association. The Trilene Company advertised to the public under the pretence that their product was ‘registered by Government’ (Figure 2.11).\textsuperscript{79}

\textsuperscript{74} The Stamp Office could issue medicine stamps for individual proprietors with their mark shown on the label, which acted as a form of branding for the proprietor. See: Basford, ‘A commodity of good names’, pp. 143-144.

\textsuperscript{75} \textit{The Medical Times and Gazette}, 11\textsuperscript{th} December 1875, p. 656.

\textsuperscript{76} \textit{The Times}, 13\textsuperscript{th} August 1884, p. 9 [\textit{The Times Digital Archive: accessed 12 March 2015}].


\textsuperscript{78} C. Stebbings, \textit{Tax, Medicines and the Law: From Quackery to Pharmacy} (Cambridge, 2018).

\textsuperscript{79} \textit{The Strand Magazine}, 25, No.150 (June 1903), p. lxix.
Other firms made use of the medicine tax stamp in its new guise as part of a product’s branding, using it as a further means of product recognition. An advertisement for Henry’s Calcined Magnesia from the C & D in 1910 (Figure 2.12) shows the package and its components and reflects the complexity of branding and packaging in the long nineteenth-century medical marketplace. It reveals that the wrapping as well as the physical vessel were important ways to brand medicines, particularly with the ability to use them as pictorial devices within advertising copy. The advertisement aimed to depict exactly how the product should be seen via its layers of packaging and branding, with the government stamp taking centre stage:

The Purchasers of this article are requested to observe that the words, ‘Thos. And Wm. Henry, Manchester, are engraved on the Government Stamp, pasted over the
cork of each bottle. This is the only effectual security against the counterfeited imitations, which are similarly moulded, under their names – the Trade Mark – ‘Henry’s Calcined Magnesia’.  

Figure 2.12 - Advertisement for Henry’s Calcined Magnesia, featuring the medicine tax stamp.

Proprietors also adopted the government stamp as a security seal. Rook’s Windsor Ointment, indicated for ‘for erysipelas, inflammation, and all skin eruptions ... For boils, cuts, and wounds’ was sold in a white glazed ceramic pot sealed with a medicine tax

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80 C & D, 12th March 1910, p. xxiii.
The ointment was advertised in the *Lincolnshire Chronicle* between 1885 and 1887, stating that the preparation was prepared solely by ‘M. Rook, 47 Canwick Road, Lincoln.’ The 1881 census reveals that George, a foundry labourer, and his wife Mary lived at this address. It was likely that Mary prepared the ointment at home to supplement the family income. This cottage industry approach was not uncommon, with a number of well-known ointment manufacturers operating out of their homes. This example serves to show that national manufacturers and smaller local manufacturers adopted the medicine tax stamp for comparable uses.

*Figure 2.13 - Rook’s Windsor Ointment with a medicine tax stamp acting as a security seal around the circumference of the pot.*

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81 Royal Pharmaceutical Society Museum, F128. ‘Rook’s Windsor Ointment’.
83 RPS Museum, catalogue entry, F128.
The medicine tax stamp also acted as the proprietors’ own guarantee. William Martin’s Cullwick’s Skin Ointment was advertised for the cure ‘of all skin diseases’ (Figure 2.14). It was sold in a circular white glazed ceramic pot, featuring a label and a tax stamp, which acted as a security seal. As identified in section 2.1, the ointment pot did not always have consistency with regards to the print found on its surface; the use of supplementary labels were thus able to add further means to establish credibility.

![Figure 2.14 - Cullwick’s Skin Ointment with a medicine tax stamp used as a security seal.](image)

Source: Royal Pharmaceutical Society Museum, F127.

Looking to the package itself to analyse how products were branded in the nineteenth-century medical marketplace informs us that all its components were used to transmit authenticity. Dredge’s Heal-All (Figure 2.15), prepared solely by Barclay and Sons, was

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85 William Martin was listed as a Pharmaceutical Chemist from 27th October 1886 at 112 High Street, Southampton, see: The Register of Pharmaceutical Chemists and Chemist and Druggists (London, 1919), p. 15.

86 RPS Museum, F127. ‘Cullwick’s Skin Ointment’.
wrapped in an information leaflet and sold in a glass bottle, with cork stopper and paper label, and sealed with a medicine tax stamp that read ‘No Government Guarantee’. Despite this wording on the stamp, its main label could still be used to persuade the consumer of its trustworthiness, reading that ‘This label is a guarantee that the component parts of this preparation are certified by us to be of the purest quality.’

Figure 2.15 - The separate packaging components for Dredge’s Heal-All.

Likewise, Little’s Oriental Balm (Figure 2.16) was sold in a red, cream, and blue cardboard box wrapped with a medicine tax stamp, containing a glass jar, with metal screw top lid and paper label. The preparation was indicated for rheumatism, lumbago, gout, sciatica, neuritis, neuralgia, headaches, sore throat, nervous headaches, chest colds, sprains, bruises and cramps. The box also contained an information leaflet. Looking at components of the package tells us that the marketplace involved numerous

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87 RPS Museum, F131. ‘Dredge’s Heal-All’. 
participants. For example, the stamp provided information that Butler & Crispe were the distributor, a fact that did not feature anywhere else on the package. As the stamp would be the first layer to be removed from a product, important aspects of the product’s branding could thus be lost to history. Little’s Oriental Balm and Pharmaceuticals also noted on the label that they were successors to A.C. Berryman, Chemist. This information was a form of branding. It served two purposes: showing existing customers that the product was the same and attracting new customers to a product that had achieved some longevity.

Figure 2.16 - Little Oriental Balm product packaging, including the carton, glass jar, lid, medicine tax stamp, information leaflet, and label.

Looking at all paratext on the package illuminates the multifaceted nature of the bringing a pharmaceutical product to the market. Morris Evans’ Household Ointment

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88 RPS Museum, F122. ‘Little’s Oriental Balm’.
89 A.C. Berryman registered Little’s Oriental Balm as a trade mark (no. 60,201) in May 1887, see: C & D, 11 May 1887, p. 585.
was ‘An admirable specific for piles, cannot be equalled for chilblains’ and was sold for 1s 3d in a tin enclosed in a cardboard box (Figure 2.17). Paratext on the box informed the market participants that the box was made by ‘Stephenson’s Ltd, Manchester, Boxmakers,’ a curious fact, considering that Morris Evans’ & Co were based in Ffestiniog in North Wales, almost one hundred miles away. A local historian, Huw Jenkins remarked, ‘It’s difficult to imagine the small village of Llan Ffestiniog having a “manufactory” for the production of medicines but it was there, conveniently for mail order, next to the railway line between Bala and Blaenau, until not so long ago.’ The railway provided small locales with the ability to connect with a national market, an aspect that will be expanded on in chapter five.

*Figure 2.17 - Morris Evans’ Household Ointment with the product tin, carton, and information leaflet.*

Source: Royal Pharmaceutical Society Museum, F202

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Including the materiality of the product in the analysis, a source left out of studies of the medical marketplace, informs us that the package was a prominent way to brand pharmaceutical products and that multiple participants were involved in its production. This observation is further highlighted by court cases that involved fraud via the means of packaging. A court case that took place in April 1886 at the Old Bailey concerning the fraud of a trade mark implies that the multitude of marks found on a product’s package were formed at different stages of the product’s life-cycle, and that these marks were used to communicate meaning throughout the consumer chain. Four men were accused of unlawfully conspiring to use a trade mark of two firms, Bailey & Co and Atkinson, with the view to use the marks to defraud the wholesaler chemist Francis Newbery. The witnesses included: Edward Roberts, a glass-bottle maker; William-Henry Greggs, a lithographer printer; Charles Harrison, a bottle-mould maker; and Edward Clark, another bottle-mould maker, emphasising the number of market participants involved in the making and dissemination of packaging. A statement from one of the accused men was recounted in court, showing that the process of making the package and associated branding occurred at varying locations:

...his moulds for making A. Atkinson's and Bailey's bottles would be found at Roberts's, 86, Nicholas Street, New North Road, and that Glindon, of 86, Westmoreland Place, City Road, made the stoppers for him; that Bailey's larger bottles he could get anywhere, and had no mould.

The practical arrangements for the creation of a container could thus be extensive. The case also indicates that trade marks were considered a powerful mediator of trust. Edward Pickering, chief clerk of Francis Newbury & Sons, stated that, ‘I believed the White Rose was Atkinson's preparation and that the Ess Bouquet was Bailey's, or we should not have bought them—I thought their trade mark was on every bottle,’ and remarked that ‘they were sold to our customers as genuine articles, we ourselves

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91 Duguid has observed, with regards to the alcohol market, that trade mark cases were taken out against people in the supply chain, not just the main manufacturer. This could include engravers, distributors, printers, importers, wholesalers, merchants, warehouseman, grocers, and agents. Court cases are thus a valuable source for enhancing understanding of market processes, see: P. Duguid, ‘Developing the Brand: The Case of Alcohol, 1800-1880’ Enterprise & Society: The International Journal of Business History, 4, No.3 (September 2003), p. 418.
believing them to be genuine. Pickering’s belief that the products were genuine rested on the fact that the articles carried the expected trade marks of the two firms, a key part of the materiality of the package. Trade marks and their significance will be assessed as a key aspect of branding in the medical marketplace in the next chapter. Looking towards material culture prompts us to reshape our views of the medical marketplace, which have previously not accounted for the extensive chain of market participants involved in the marketing of pharmaceutical products. Lay consumers have been identified as being duped by proprietors, but this analysis shows that fraud could occur at any point in the chain of exchange and creation. Taking a closer look at the materiality and labels of mass-produced pharmaceutical products opens up a new narrative of discussion concerning the chain of distribution. This is further illuminated upon in the next section, which focuses down on the label.

2.4 ‘Own Name’ Drugs: Packaging for the Local Market

‘The Art of Dispensing’ (Figure 2.18) was first published by the C & D in 1888, going through nine editions and ten reprints before 1920. It was formed from the literary sections of The Chemists’ and Druggists’ Diaries; its stated purpose was to ‘fill a gap in English pharmaceutical literature,’ signifying that the design of labels and containers were becoming more considered within the medical marketplace.

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Traditionally, labels for medicines featured the name and address of the retailer and were an integral part of the materiality of pharmaceutical products.\textsuperscript{93} The importance of the address is reflected in the paraphernalia used to design labels. Maw, Son & Thompson’s price-list for 1891 showcased examples of dies, stamps and presses they could produce for the use of chemists (Figure 2.19). The vast majority of the designs included the name of the locality in the design, showing that the place name was inextricably linked to the branding of pharmaceutical products.\textsuperscript{94}

\textsuperscript{93} The importance of the address is reflected in scholarship on consumption, see: M. Berg and H. Clifford, 'Selling Consumption in the Eighteenth Century' Cultural and Social History, 4, No.2 (2007), pp. 145-170.

\textsuperscript{94} Thackray Medical Museum Library, S. Maw, Son & Thompson, Book of Illustrations to S. Maw, Son & Thompson’s Quarterly Price Current (London, 1891), p. 231.
Before the industrial age the address on a label or package was a central paratext for the product, giving supplementary information about its origins in a market that had powerful local ties. On a basic level the address told the consumer where the product could be bought and acted as a reminder to the consumer where to re-purchase the commodity if the desire arose. Referring to local agents in advertising copy was also a common practice. Victoria Morgan framed eighteenth-century advertisements as an extension of the shop space itself, with trade cards and billheads contributing to the consumer space of the town. The emphasis of the name and address of the vendor on
these materials linked the retail space to its locality.⁹⁵ Studies of consumption and society have found that the place of sale determined how a commodity was interpreted by a consumer.⁹⁶ Certainly local retailers held a reputation in a given locality and manufacturers could therefore benefit from this sense of trust that retailers received from their regular customers. Names carried the weight of authority, respectability and reputation and acted as a form of branding. Certainly, there are countless examples of businesses carrying on names long after the original proprietor was gone. When a chemist died or moved on they could sell the premises along with everything else associated with the business. For example, J.J. Shawyer took over the business of E.R. Ing on Wood Street in Swindon in 1882. In subsequent advertisements it was declared that Shawyer ‘has bought, with Mr E.R. Ing’s Business, all his Valuable Receipts,’ and that Shawyer was now ‘the sole proprietor of Ing’s celebrated camphor drinks.’⁹⁷

From the mid-nineteenth century the proliferation of railway lines meant that local wholesalers could lose out to the larger wholesalers. The phrase ‘sold by all Grocers and Chemists everywhere’, common from the 1880s within advertising copy, reflected the emerging national market. In turn, developments in packaging have been linked to increasing standardisation of product manufacture and the displacement of local commodities.⁹⁸ However, looking to advertisements in the retail press does not reflect this generalisation. In 1875 Wright & Co of Hull assured retailers that, ‘Pilosagine will be advertised in your local newspapers, free of charge, with your name attached as agent, on receipt of trade card or label.’⁹⁹ The prominence of ‘Own Name’ drugs from the turn of the century seems to have been a reaction against increasing standardisation. Allen and Hanburys offered individual packages and labels to pharmacists (Figure 2.20), and noted that ‘a distinct style of label can be reserved for every pharmacist in each locality, thus removing the only possible rejection which can

⁹⁹ C & D, 15th September 1875, p. 42.
be urged from factory-packed drugs and toiletry preparations. Other large manufacturers followed suit: James Woolley, Sons & Co’s Trade Price List of Proprietary Articles listed their products under three categories: Woolley, Boval, and the N/N series. This latter series stood for No Name, and it was noted that ‘All Goods in this Series are labelled without Maker’s Name.’ Likewise, Francis Newbery & Sons, agents for William R. Warner’s specialties offered ‘Own Name’ preparations to the trade (Figure 2.21). By the same token, the Standard Tablet Company used the ‘Own Name’ tactic for their business model; advertising that,

We intend introducing many lines of Proprietary Tablets, packed in small bottles for retail sale, bearing Chemists’ own name and address. With each Proprietary Tablet we purpose supplying printed handbills, free of charge, in order to promote the sale. These handbills will also bear the Chemist’s name and address.

103 C & D, 23rd May 1903, p. IV.
Figure 2.20 - The ‘Own Name’ series marketed by Allen & Hanburys.

The ‘Own Name’ trend continued right into the twentieth century. A retrospective article on the market appeared in the *Beecham Group Journal* in the early 1960s, reflecting that,
With the ‘own name’ business flourishing as it did in the twenties and thirties (whereby pharmaceuticals were made up to a customer’s requirements, carrying his label) there would be 50 or 60 different formulae being provided simultaneously—inimical to mass production and standardisation.104

The local shop was thus always represented heavily in its own retail space, regardless of where its stock may have come from. Matthews remembered that in the 1920s,

Some chemists had their own infant medicines, and infant foods. Yes, yes, most chemists had their own infant foods, probably bought in bulk and put into tins, or made by a wholesaler and supplied in bulk and you put them in your own tins, had the tins personally printed for you.105

Surveying the packaging found in retail chemist shops of the period further reveals the local nature of the market, an aspect which is passed over with overviews of the emergence of a national medical marketplace. The importance of locally shaped paratext is reflected in the undertakings of Boots’ Specialities Department in the early twentieth century. Boots’ strategy in the market was to take over pre-existing chemists shop. Multi-nationals have been viewed as antithetical to local smaller businesses, with commentary focusing on their price-cutting business model.106 Looking at the packaging of their products, however, reveals a new narrative. Boots were aware of the ready market for local nostrums when they took over retail shops. When a proprietor died at one of their branches, or when they took over another chemists’ business, a list of in-house nostrums were given to the office to assess whether they should continue to be sold. As such, branch no.248 in Aylesbury, which was previously an independent chemist’s shop ran by a Mr E.T. Palmer, continued to sell the in-house nostrum Palmer’s Cough Elixir. The central management wrote to the new branch manager asking him to ‘please send any samples of literature for Palmer’s Cough Elixir, showcards, windowbills, etc., also state what stock of these you have in hand, as we think we might

104 St Helen’s Archive Service. ‘Were those the days?’ Beecham Group Journal, 1, No.4 (Winter 1961), pp. 18-19.
106 Boots undertook a price-cutting strategy in the late nineteenth and early twentieth centuries, which upset many local retail chemists who were unable to compete with their low-prices, see: Chapman, Jesse Boots, pp. 38-39.
advertise and continue the sale in your general area.' The packaging was employed to indicate the previous proprietor of the article, with the inclusion of the text, ‘successors to Mr E.T. Palmer.’ The wording from Mr Palmer’s original label was also kept mostly intact, see Figure 2.2.108

Figure 2.22 - Left: E.T. Palmer’s original label. Right: The amended new label for Boots with reference to Palmer.

Whilst decisions involving the selling of products at Boots were made at their headquarters and not at the locality, the significance of the local market cannot be passed over. Business archives and the paratext of advertisements both show that the local market retained importance, right into the twentieth century, bringing an entirely new narrative of the medical marketplace to the current literature. Archival sources also give historians insight into the decision-making processes surrounding paratext, package and label design, which will be expanded upon in the following section.

107 The Boots Archive, A99/3. ‘Letter from the Specialities Department to C. Grier, the manager of branch No.248 (Aylesbury), Boots Pure Drug Co, Ltd, 10th February 1920.’

108 BA, A99/3. ‘Letter from C. Grier to the Specialities Department, 28th January 1920.’
2.5 What Informed Design Practice?

The introduction identified that the three key reasons to package a product was to protect, legislate, and advertise. Although this chapter has focused on the role of advertising all three roles informed design practice and were highlighted to market medicines. An analysis of these factors for the marketing of medicine will fill a gap in the current literature and inform us how market participants understood the market. The transport and storing of drugs was a foremost consideration when considering how to pack and display drugs. Indeed, some of the earliest specialised drug containers were packing bottles. A retired pharmacist, Alan Garrett, who was an apprentice in the 1920s in Cardiff, remarked on the work involved in physically packing the drugs:

A lot of the work was unpacking and packing drugs, the drugs, didn’t have any local wholesalers, all the drugs came from London by rail, and they were all packed in these wicker baskets in straw, beautifully packed, the Winchester bottles would come quite safe.

There was a high level of exchange between small chemists and wholesalers as empty bottles were sent back. Garrett continues,

All that would be done once a month, everything came and went back again, the empty bottles had to go back, they were all charged, the Winchesters were charged, and when you had to refund one, you sent the empty bottles back.

London wholesalers distributed on a national scale using the Royal Mail, so packaging had to survive potentially long distances. Ad hoc paper wrappings were commonly used as packaging material to protect the contents. Packaging is usually associated with conscious design practice, but when defining the packaging as all of its constituent

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111 Ibid.
113 Marbled paper was also commonly used as packaging material in the nineteenth century, see: Davies, *Package and Print*, p. 53.
parts, including paper wrappings, the entire ‘look’ of the product may not have been planned. In a letter to The Lancet, Edwards Pratt the secretary of The General Apothecaries’ Company defended their use of inappropriate wrappings (which was an advertisement addressing the Clergy):

Allow us to assure you that this publication of the paper in question was purely accidental. It was printed when the Society was first started under the auspices of a former Board of Directors, and with the Company changing hands must have come into the possession of the present proprietors with the stock generally. Being useless, and lying about as waste paper, the sheets containing this and other advertisements were accidentally used to wrap round some bottles for an order.

Pratt assured the editor of The Lancet that the remaining papers were destroyed. It was certainly the case that whilst some aesthetic aspects of the package were well-thought out the functional side was not always considered. William Cooper, the proprietor of Cooper’s Dip, the first widely commercially available Sheep Dip, had printing and lithographic facilities on site in Berkhamsted in the late nineteenth century. His notebooks reveals different approaches to the packaging of his products. He noted that the product ‘should have a light blue paper wrapper with white label’ and then it should be wrapped ‘in old newspaper, then paste on a whole white and blue wrapper, not pasted all over.’ The instructions indicate that whilst consistent design was important for commercial sales, the protection of the goods with ‘old newspaper’ shows not all aspects of the package were consciously designed.

Nonetheless, the functional role of packaging could be emphasised in marketing efforts, particularly in advertisements targeting the retailer and exporter. As such, Ambrect’s Tonic Coca Wine was advertised as ‘suitable for export to any climate’, with

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115 As mentioned in the introduction, the imitation of labels was a constant issue for proprietors. Many chemists would have in-house printing presses in order to create unique labels. For more on Cooper’s Dip see: Unknown author, ‘The famous dip the helped cure the scourge of Sheep’, Dacorum Heritage Trust (February 2011), <http://www.dacorumheritage.org.uk/article/the-famous-dip-the-helped-cure-the-scourge-of-sheep/> [accessed 26 October 2016].
116 Cooper’s notebook for ‘Powdered Vitriol’ the entries included details of manufacture, formulae, price calculations, sales, and how to package the goods, see: WL, WF/C/P/01/04. ‘William Cooper Notebook - Powdered Vitriol.’
117 Ibid, f. 2.
a depiction of the box. The copy read that ‘Each bottle is enclosed in strong Cardboard Case, with Corrugated Paper for protection – Handsome and Strong.’ Likewise, Cuxson, Gerrard & Co showcased the bottle and carton for their product Sanoid Wound Lotion, stating that the product was put up in bottles that ‘alone are a pleasure to handle’. There is evidence from the C & D that readers were developing their own packages for use in the marketplace, thus showing that market participants were engaged with finding solutions to retail needs (Figure 2.23):

Mr Vint of Sunderland has designed and registered a form of paper for wrapping up powders, which, though at first sight a small matter, will be found a very useful aid to the chemist in putting up large quantities of little powders neatly and quickly. By using these, as will be seen from the sketch, the processes of folding, labelling, and sealing are all accomplished at once, and a more convenient little package is the result.

*Figure 2.23 - A proposed package for powders by a reader of The Chemist and Druggist.*

Sophistication of packaging technologies was also celebrated by some brands within their advertising copy. Seabury & Johnson’s antiseptic gauzes were put up in a new form

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118 C & D, 26th January 1889, p. 130.
119 C & D, 16th October 1920, p. 19.
120 C & D, 15th January 1870, p. 16.
of packaging, ‘hermetically sealed, and therefore secure from atmospheric pollution. An advantage of this style of packing is that the gauzes are folded in such a way that the folds can be withdrawn from the package and cut off by the operator at pleasure.’

Advertising copy also referred to the benefits of an innovative container within a medical context. Duncan, Flockhart & Co, a firm that advertised solely to the medical profession stated that,

We would respectfully desire to inform you that, recently, we have devised and introduced a new form of tube for Ethyl Chloride, by means of which accuracy of dosage and ease of administration are secured, whilst at the same time, all unnecessary waste of the drug, through volatilisation or otherwise, is prevented.

The benefits of utility for the lay consumer were also deemed important when designing packages. From the early 1920s, the Packed Goods Department at Boots communicated to branches via a Branch Bulletin called The Bee. Developments in packaging were frequently communicated to their branches, with some of these clearly taking into account the needs of the lay-consumer - ‘The carton now offered is sealed at the base, but arranged to open easily at the top, it is thus a handy container for use in the home.’

Looking to the business archives of B.W. & Co informs us about the decision-making processes behind the development of packaging for the health care product market. A memorandum circling within the Works department at B.W. & Co for their new disinfectant marketed under the ‘Soloid’ brand (which was put on the market to replace ‘Lysol’, a popular German product whose exports had stopped during the First World War), showed that storage concerns for their customers were mulled over,

I return herewith the specimen submitted by the Works for the style of bottle and carton, but I do not favour a triangular packing. It is an awkward shape for storage

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121 C & D, 30th July 1892, p. 140; Previous studies of this technology have not situated it within a marketing framework, for example: J. Davis, Smart Bandage Technologies: Design and Application (London, 2016), p. 82.
122 GlaxoSmithKline Archives, Uncatalogued Miscellaneous Box, Edinburgh Pharmaceuticals. ‘Duncan, Flockhart & Co, 30th August 1904’.
123 BA, The Bee, 9th January 1925.
124 The embargo of German products during the First World War and the impact of this on the selling and marketing of pharmaceutical products will be explored in chapter five.
purposes, both as far as our customers and ourselves are concerned. I do not think there is any need to follow our triangular bottle in this preparation, as it is a new kind of product to us. I suggest a square bottle tapering towards the shoulder on all four sides.  

Mr Linstead, who submitted the original suggestion, responded that,

When I devised the triangular bottle which is at present used for ‘Soloid’ products I based its section on half a square so that when two bottles are packed face to face they together make a square and thus fit conveniently into outers.

Included in the company correspondence are comments that package should not look too pleasing as the substance was not be taken internally:

An advantage of the present ‘Soloid’ bottle is that it has one long side suitable for a main label, and, perhaps, being a little less attractive in shape than the new model has less the suggestion of being connected with a toilet preparation and therefore, perhaps, the contents are less likely to be used internally in error.

It was further suggested that the bottle should be distinguishable by touch: ‘I think these ridges are not sufficiently evident and should be accentuated either by semi-globular projections at intervals or by dice-shaped projections,’ and that ‘The paper for the bottle label should be standard red imprinted in black. Red is much more a danger signal than russet.’ It was further suggested that the bottle should be of amber glass, and after studying rival products on the market, a Toxol bottle (Boots the Chemist’s version of Lysol), it was noted that, ‘the neck of the bottle only engaged with the cork for a short distance which wasn’t ideal for a strong smelling preparation’; and lastly, that the lip should have a definite rim to avoid spillages. The archives of GlaxoSmithKline, the company which B.W. & Co eventually merged into, holds packaging examples from this period. Figure 2.24 shows the result of the Work’s

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125 WL, WF/L/06/D98. ‘re: ‘Lysol’ Memorandum from Mr Edwinson to Mr Linstead, 22nd June 1915.’
126 Ibid. ‘Memorandum from Mr Linstead to Mr Edwinson, 25th June 1915.’
127 Ibid.
Department’s discussions – with the cork and carton both branded with their Unicorn logo. B.W. & Co decided to advertise the product through the medical profession and the retail chemist:

After the preparation has had a preliminary introduction through the medical profession it will have to be boldly pushed through the retailer, and there is no present proposal to spend money on advertising it extensively, a great deal will depend on the attention value of the carton, which ought to be specially printed on white carton stock with an eye-catching decorative scheme, say in orange, ruddy-brown and purple.

This tactic meant that the advertising of the product was done via the medium of the package rather than print advertising, thus suggesting that previous literature on advertising in the medical marketplace has left out an essential source. The fact that B.W. & Co specifically targeted the medical profession and the retail chemist also backs up what this thesis has asserted, that intermediary consumers need to be explored in order to understand how pharmaceutical products were sold in the late nineteenth and early twentieth-century marketplace.

128 GSK Archives, Burroughs Wellcome and Co, 1/5/5. ‘Packaging Example, Soloid Bottle.’
129 Ibid, pp. 2-3.
Comments on packaging design show that the protective as well as the aesthetic qualities were considered. Distinctive graphic design on packaging was also considered a valuable marketing approach, with many designs being copyrighted. Protected images can be conceptualised as another form of branding, with manufacturers referencing its copyrighted status on the container. The copyrighted carton design for Boots’ Nurse Ellen’s Head Cleanser featured a nurse applying the product to a small girl, with the words ‘Copyrighted’ inserted above it. The figure of the nurse was a useful aid for
assuring consumers of the product’s efficacy and safety (Figure 2.25).\textsuperscript{130} Davies claimed that ‘pictures on packages were seldom of great artistic merit, and their artists’ names have mostly gone unrecorded,’\textsuperscript{131}; yet certainly, whilst the latter was true, there were legitimate artists supplying artwork for packaging design in the period.

\textit{Figure 2.25 - Package design for Nurse Ellen's Head Cleanser; marked 'Copyright.'}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{nurse-ellen-head-cleanser-package.jpg}
\caption{Nurse Ellen's Head Cleanser package design.}
\end{figure}

Source: The Boots Archive, 375/25 (WBA/BT/2/18/1/141). ‘Registration of the package for Nurse Ellen’s Head Cleanser at Stationer’s Hall’, 20\textsuperscript{th} April 1893.

B.W. & Co were careful to copyright the artistic designs used in their advertisements. In 1898 they copyrighted an illustration of a bull charging by the renowned animal

\textsuperscript{130} BA, 375/25. ‘Registration of the package for Nurse Ellen’s Head Cleanser at Stationer’s Hall, 20\textsuperscript{th} April 1893.’

\textsuperscript{131} Davies, Package and Print, p. 95.
illustrator Cecil Aldin. Later, in 1918 they purchased the copyright for £150 from Bruton Galleries in Surrey for the use of two drawings by the Art Nouveau artist Raphael Kirchner, for ‘The Call’ and ‘Little Sister.’ The GSK archives indicate that an in-house artist stationed at the Snow Hill Buildings by the surname Cox illustrated a number of designs for B.W. & Co’s packages. Art movements were also a great influence on label and packaging design. Art Nouveau was at its peak between 1895 and 1915 and would have contributed to the look of the pharmacy space. It was particularly applied to designs relating to toiletries and perfumes (See Figure 2.26 for examples of Boots’ toiletries.)

132 GSK Archives, Burroughs Wellcome and Co, 1/4/2 Box 1, pp. 1-21. ‘Copyright Register’.
133 Ibid.
134 Opie, Art of the Label, p.30.
These examples show that aesthetic movements impacted the material culture of health care in the period and contributed to the advertising and selling of pharmaceutical products, despite Davies’s claim that ‘the idea that someone with aesthetic sense and technical knowledge should be professionally responsible for all the factors affecting the appearance of a package had not gained currency in the period.’\textsuperscript{136} The existence of departments at B.W. & Co and Boots counteracts this assertion.\textsuperscript{137} At

\textsuperscript{136} Davies, Package and Print, p. 96.
\textsuperscript{137} In fact, as Doherty and Steel found ‘an entire marketing strategy can be seen from inception through to delivery, by looking through the relevant parts of the Wellcome Foundation Archive’, see: T. Doherty and A. Steel, ‘Wellcome Home to the Wellcome Foundation Archive’, Medical History, 48, No.1 (January 2004), pp. 95-111.
Boots preliminary designs for packages were extensively commented on. It was noted for a design of Palm and Olive Oil Soap (Figure 2.27) from the 1910s that,

1. Letters are too close together when they are reduced on mould soap will not stamp clearly. 2. Raise the word ‘and’ so as not to come below bottom line. 3.’O’s are not quite symmetrical. 4. ‘S’ is not quite balanced. 5. Round off all the corners of the serifs slightly.138

Figure 2.27 - Comments on a design for Palm and Olive Oil Soap.

By the early twentieth century Boots had a specific department dealing in packed goods.139 Boots Formula Committee was responsible for the packaging of products bearing the company’s brand, and all printed matter had to have their approval.

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139 From 1912 it was established at B.W. & Co that a purchase was to be made once a month at Boots, so that they could keep up to date on the marketing methods adopted. WL, WF/L/06/051. ‘Letter from H. Wellcome to Mr Warden, 2nd November 1912’.
Decisions within the committee were formed through a voting system of nine people on average. Their meetings consisted of discussions around all aspects of marketing, such as colour, dosage advice, and pack size. For example, the committee decided to discontinue the sale of large bottles of the product Bay Rhum, citing that ‘the high price of production] has killed the sale of this one.’ The cost of producing packaging was a common concern, a typical observation in the minutes included that ‘a saving of £2360 could be made by proposing a 13 per cent reduction in carton board used.’

Design management was certainly not a primitive affair here; there was extensive commentary about small details of the package, such as the font. For one package it was concluded that ‘that the light strokes of the type in “The Chemists’ should be thickened.’ The discussions suggest a trial and error approach to package design, particularly as external ideas were taken into account. Mr Simpson, the manager of the Colchester branch, received a guinea for his suggestion that, due to its low sales, Regesan Eczema Lotion should be rebranded as Regesan Skin Cure. He argued that, ‘it would be more acceptable to customers who suffer from skin rashes, and who do not care to buy an Eczema Cure or to be told that they are suffering from Eczema.’ Correspondence with customers, usually in the form of complaints, also impacted decision-making. A committee member read a letter of complaint from Mr J.T. Wilde of Droylsden stating that his baby had been severely burned by spilling some inhalant on its head and face. The complainant pointed out that the ‘caution’ issued with the article was not adequate, drawing attention to Boots’ slogan ‘you are safe in dealing with Boots’. Later, a revised copy of the ‘caution’ was approved by the committee. However, protection for consumers were not always considered; regarding a discussion about the packaging of Boots’ Quinine Wine it was declared that ‘on a vote being taken it was decided with no one dissenting that the alcoholic strength of the wine should not be put on the label.’ Likewise, during a discussion concerning the packaging for an eye ointment at Boots a sample pack was approved, but it was ‘decided that as this ointment contains

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140 BA, Formula Committee Minutes, Vol.2, p. 192. ‘Cartons, 7th April 1922’.
141 Ibid, p. 147, ‘Boots Blocks, 17th February 1922’; The emphasis of the word ‘chemist’ can be seen as an attempt to highlight this remit. In 1906 there was a campaign by chemists outing Mr Boot as an unqualified chemist. Free Window Posters were printed in the C & D stating that ‘Mr Boot is NOT a Chemist! Neither can he legally call himself a Chemist,’ see, C & D, 26th April 1906, p. 674.
142 BA, Formula Committee Minutes, Vol.1, p. 78. ‘Letter from Mr Lawson to Mr Church, 7th November 1921’.
143 BA, Formula Committee Minutes, Vol.2, p. 119. ‘Coal Tar Inhalant Caution Label, 20th January 1922’.
144 Ibid, p. 161. ‘Quinine Wine Label, 10th March 1922’.

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only one per cent of Oxide of Mercury it need not be labelled poison.’\textsuperscript{145} On the other hand, Toxol was Boots’ version of Lysol and it was noted during a meeting that ‘the Toxol bottle is distinguishable by touch, is correctly labelled poison, and fully complies with all the requirements of the Poison and Pharmacy Acts.’\textsuperscript{146} Thus, whilst the regulation was not always adhered to, in many cases legislation did impact the design and display of pharmaceutical products. The visual perception of poisonous medicines were controlled by legislation in Section 17 of the Medicine and Pharmacy Act of 1868, which specified that,

\begin{quote}
It shall be unlawful to sell any poison... by retail unless the box, bottle, vessel, wrapper, or cover in which such poison is contained be distinctly labelled with the name of the article, and the word poison, and with the name and address of the seller of the poison.
\end{quote}

The Act was subsequently revised in 1908. Anderson and Berridge have evidenced that state legislation had little impact on the availability of poisons in the medical marketplace. Through oral history they highlighted that opium continued to be sold in retail druggists at the discretion of the individual pharmacist, well into the twentieth century.\textsuperscript{147} Anderson and Berridge only refer to the effects of legislation on the marketing of products briefly in their paper, with proprietors using copy to explicitly state that their product did not contain poison. This observation is developed here. For example, J.T. Davenport Ltd assured consumers that their product did not come within the Poison Schedule (see Figure 2.28).\textsuperscript{148} Likewise, Dr Smith’s Solution, sold by Willows, Francis, Butler & Thompson, was advertised with the copy ‘Perfect safety. No Cocaine. No Poison. No Deaths.’ Indeed, it was noted that ‘Dr. Smith’s Solution has all the virtues of Cocaine and none of the vices.’\textsuperscript{149} Further to the influence on advertising copy the receptacles of products were also impacted. A practical poison bottle (Figure 2.29) sold

\begin{itemize}
\item \textsuperscript{145 }Ibid, p. 241. ‘Eye Ointment, 19\textsuperscript{th} May 1922’.
\item \textsuperscript{146 }BA, Formula Committee Minutes, Vol. 2, p. 123. ‘Toxol, 13\textsuperscript{th} January 1922’.
\item \textsuperscript{147 }S. Anderson and V. Berridge, ‘Opium in 20th-century Britain: pharmacists, regulation and the people’, Addiction History, 95, No.1 (2000), p.27.
\item \textsuperscript{148 }C & D, 25\textsuperscript{th} June 1910, p. xiv.
\item \textsuperscript{149 }C & D, 11\textsuperscript{th} June 1910, p. xii.
\end{itemize}
through a selection of large wholesale houses was advertised with reference to poison legislation:

One side of the bottle is made as rough as possible with diamond projections, and this, with the prominent ribs at the corners, makes the bottle at once distinguishable by touch and conform perfectly to the Poison Regulations. The other side is smooth, but the bottle cannot be handled in any way without its peculiar shape being noticed.\textsuperscript{150}

\textit{Figure 2.28 - Advertisement for Dr. J Collis Browne's Chlorodyne emphasising that their product was not impacted by the Poisons Bill.}

\textsuperscript{150} \textit{C & D, 8\textsuperscript{th} September 1900, p. 75.}
The use of the trade press in an analysis of the medical marketplace for this chapter, shows that poison legislation significantly impacted how medicines were advertised and displayed, regardless of how successful it was in regulating the selling of poisons. The three mechanisms for informing design practice, that of protection, aesthetics, and legislation identified in this section, also had a considerable impact on the material culture of the pharmacy retail space, as will be evidenced in the next section.
The Impact of Packaged Goods for Window and Shop Display in the Retail Pharmacy

The display of packaging was a highly visual form of advertising, which, as section 2.2 showed, was increasingly used in advertisements for the trade. The enhanced visibility of the package is also reflected in another important practice within the consumption process, that of shop display. Chapman has discussed the shop window’s importance for the success of Boots the Chemist; when a new shop was opened Boot decorated its façade with huge signs, announcing that his business was ‘the largest chemists in the world.’ Boot’s strategy was to utilise full window displays as cheap means of advertising. Yet, the presentation of goods in the retail space as significant means of advertisement has only received very limited discussion within the history of medicine due to its ephemeral nature.

Sources used in this study - the trade press, company magazines, and pharmacy industry archives - give access to understanding how pharmaceutical products were marketed in the retail shop, thus filling a major gap in the current literature.

Hann and Stobart, economic historians, frame the shop as a site of consumption in which the display of goods and the shop layout served not just a practical role but also a symbolic one. Commenting on shops in the eighteenth-century marketplace they remarked that ‘the very visibility of the stock was seen as a safeguard against malpractice.’ With the introduction of plate glass in the early eighteenth century the shop was ‘opened up to the gaze of the passer-by: illumination and visibility transcended the divide between interior and exterior space, and emphasised the very visual nature of the displays within.’ Other methods for attracting custom to the shop included hanging trade cards in front windows, giving details about the goods for sale. As previously established in the last section (2.5), packaged goods and storage

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151 Chapman, Jesse Boots, pp. 76-77.
153 A. Hann and J. Stobart, ‘Sites of Consumption: The Display of Goods in Provincial Shops in Eighteenth-Century England’ Cultural and Social History, 2, No.2 (2005), p. 170; In the mid-sixteenth century, the apothecaries were told they must display their drugs in the windows for six to eight days so physicians could inspect their quality, see: J. Burnby, A Study of the English Apothecary from 1660-1760, Ph.D. Thesis (UCL, 1979), p. 47; Commodities displayed in the window had begun to replace antique signs hung outside the premises like the image of the mortar and pestle, B. Elliott, A History of English Advertising, (London, 1962), p. 7; see also, G. Griffenhagen, ‘Signs and Signboards of the Pharmacy’ Pharmacy in History, 32, No.1 (1990), pp. 12-21.
154 Hann and Stobart, ‘Sites of Consumption’, p. 171.
containers rested on a relationship working in tandem with practical storage methods and attractive display. The retail chemist had certain dichotomous roles, for example they could be both a health professional/tradesman; a producer/distributor; and a manufacturer/retailer, with the shop out-front and laboratory out-back. The general presentation of the shop served to represent the reputation and respectability of the retailer. Stock was carefully separated within a well-organised retail shop. Working stock was on hand in large storage containers and dry drugs were kept in drawers and refilled from bulk stock hidden out back or in the cellar.\textsuperscript{156} An important daily task for the apprentice was to keep the store clean. During his apprentice in the 1910s Leslie Matthews had to ‘keep the shop clean, dust the bottles every day, that was the chief thing, to see that the bottles were all clean, and the stock was clean and so forth, especially the syrups, which I had to look out for.’\textsuperscript{157} It could be a sackable offence to not keep the store in order. At Boots a number of shop assistants were given the sack for not keeping the store in impeccable condition. A. Moyse was dismissed from the Lincoln branch in 1904, for leaving the shop and stock in ‘a disgraceful state,’ and J.B. Archer was told to resign from the Leeds branch in 1906 for falling short on stock.\textsuperscript{158}

The making and packaging of drugs in these myriad spaces meant that packaging had to be functional and aesthetic.

Historically the drug industry has been linked to particular containers, as was suggested earlier in the chapter. Traditional chemists’ shops were instantly distinguishable by the display rows and rows of species jars, bottles, and earthenware jars usually found on the shelving behind the counter. Glazed earthenware leech jars, commonplace from the late Georgian period, could be found in a range of fancy colours with gilded scripts and were available in matching sets of three alongside traditional medicines like Honey and Tamarind. The manufacturing development of jars from tin-glazed pottery and cream-coloured earthenware to glassware and coloured glazed earthenware impacted the display of drugs in the retail space. Cartouches (ornate frames around text, usually with scrolls above and below) were common features on these jars, as well as the depiction of angels’ heads and wings, or Apollo, the God of

\textsuperscript{156} Jackson, \textit{Chemist and Druggist}, p. 6.
\textsuperscript{158} BA, Box 309/1. ‘The Boots Company, Assistant’s Book (in alphabetical order)’. 
Healing. Drug jars lined up on the shelves, with their authoritative Latin inscriptions, gave credibility to the vendor. The labelling on these vessels commonly reflected the names of preparations in the London Pharmacopeia,\(^{159}\) revealing that standardisation impacted the display of drugs within the retail shop. Blue and white delftware jars also became synonymous with the drugs trade. Lambeth, a hub for pottery manufacture, produced delftware predominantly for chemists and druggists. Some vessels were specially commissioned with a design incorporating the retailer’s name.\(^{160}\)

Other traditional forms of display found in the chemist shop were guild and corporation pictorial devices. Guild marks were a form of branding, symbolising quality standards and authenticity within the retail shop. For example, pill tiles decorated with the Society of Apothecaries’ coats of arms were traditionally used as a means to suggest authority, indicating that the vendor was a liveryman of the Society.\(^{161}\) By the late nineteenth century the display of a Pharmaceutical Society certificate would similarly convey credibility. Hannah Barker has surmised that even in the mid-eighteenth century modern commercial methods, such as branding, were becoming more significant than traditional tactics like claims to learned connections.\(^{162}\) Studies of the history of retail have indeed shown that traditional means of retail authority like guild marks were in decline during this period.\(^{163}\) However, looking to the containers used by vendors of drugs show that guild marks and traditional jars retained importance into the twentieth century as a way to present quality. The importance of drug jars to the retail pharmacy space can be gauged from their longevity and role as a symbol of the apothecary. S. Maw, Son & Thompson’s specie jars, for example, were sought after. A Norwich based chemist trading as Cubitt & Son requested in the ‘wanted’ column of the C & D a ‘specie jar for window, Maw’s or equal to Maw’s,’ adding that the ‘Royal Arms were preferred.’\(^{164}\) Even towards the end of the period in question Allen & Hanbury’s

\(^{159}\) Matthews, Antiques of the Pharmacy, pp. 3-4.
\(^{164}\) C & D, 15th September 1875, p. 363.
presented traditional drug jars on the front cover of the C & D’s Summer Issue for 1915 (Figure 2.30).

Traditional window decoration included the infamous carboy, which was a distinctive symbol of the apothecary or chemist and druggist.\(^{165}\) Instructions for their preparation appeared in trade periodicals as well as within personal receipt books. For example, Henry Wilcox, a chemist in the mid-nineteenth century included receipts in his receipt book on how to make the colours green, white, yellow, blue, red and ruby for his show bottles.\(^{166}\) Likewise, a chemist from Scarborough listed recipes for royal blue and green colouring in his receipt book (Figure 2.31).\(^{167}\) Carboys were still displayed in shop windows well into the twentieth century. Garrett remembered his shop window at Cardiff in the early twentieth century; at the top were the ‘usual carboys and porcelain jars’ and ‘the windows divided up into four things, and you’d have medicinal things in one, house and cosmetics in another and household goods in the other,’\(^{168}\) indicating that traditional methods of displaying drugs remained alongside newer practices.

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\(^{165}\) Early carboys were often engraved with exotic designs, such as the signs of the zodiac in order to impress upon the consumer the mystic side of the apothecaries’ business, Elliott, *History of English Advertising*, p. 8.


Figure 2.28 – Illustration for traditional drug jars in an advertisement for Allen & Hanbury’s.

Shop windows were a significant space in the shop where stock could be displayed in increasingly novel and flamboyant ways. The C & D published a short illustrated treatise detailing the ‘art of displaying pharmaceutical and allied goods in chemists’ shop windows, with chapters on ticket-writing, the mechanics of moving devices, and business-promoting accessories,’ selling it for 3s. 6d, and available by post for an extra 4d (Figure 2.32). It was stated that ‘In no retail business does personality count for more than in pharmacy, and this personality is frequently reflected in the manner that the retailer makes use of his shop window as a medium for exhibiting his goods or
Not only does this suggest that the history of medicine cannot be separated from the history of retail, but that retail chemists were leading the way in conscious marketing practice within the shop.

Figure 2.30 - Examples of novel displays from the publication ‘Chemists’ Windows’.


William Cunningham, a retail commentator, considered it wasteful when goods, after being exposed in shop windows, could then not be sold. In *Chemists’ Windows* it was stated that the display should be changed fortnightly or weekly to ensure that the goods would not fade from sunlight exposure and to induce customers to get into the habit of

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looking. Chemists’ Windows printed a window-dressing calendar to aid retail chemists with planning and executing successful displays. Advice included the display of ‘Winter Wants’ in January, with the likes of chest protectors, cough-mixtures, and linseed; ‘Spring Medicines’ in April, with blood-purifiers, disinfectants, and insect powders; ‘Everything for the Holidays’ in August, with combs, bathing-caps, and sponges; with an ‘after-holiday tonic’ in September, and a recommencement of winter articles from October, with hot-water bottles and Christmas gifts. It was also advised that the ‘display should be in harmony with the requirements of the neighbourhood.’

Regional differences would have impacted the material culture of the pharmacy. Norwich chemists, for example, had to meet the needs of farmers, with the area being a prominent centre for the farming industry.

Window displays could significantly impact a retailer’s revenue; Maw’s window-displays were ‘designed to educate the public to buy the goods when they see them, which is the best way of increasing the chemists’ returns.’ General sundries were a common type of product to advertise in the window. Maw’s comments on a recent merchandising success in which they arranged a display of hairbrushes for a suburban chemist,

It was bold in quantity, the prices ranging up to 15s a brush. The display was kept up for a month, and in that time the chemist sold as many hairbrushes as he had previously done in a year, while he discovered, what he did not know before, that 7s. 6d is not the maximum price that people in his neighbourhood are willing to pay for a brush.

Window displays were instantly seen and were able to target people who may not have read advertisements. The C & D claimed that window-displays yielded ‘an excellent and lasting advertisement, with results far beyond those obtained by the same outlay in

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171 Chemists’ Windows, p. 3.  
172 Ibid, p. 129.  
175 C & D, 13th January 1912, p. 53.  
176 Ibid.
newspaper-advertising.’ An editorial in the Boots’ branch magazine *The Bee* asserted that,

Window dressing is therefore an investment which should receive the same consideration and should be expected to show as good a return as any other investment. It is a form of advertising and has to fulfil the same conditions. First to ATTRACT attention and COMPEL people to stop and look at the merchandise; second to gain INTEREST and create a DESIRE for possession; finally to draw the prospective customer into the shop to be converted into a purchaser.

Indeed, *The Bee* was littered with aphoristic declarations and illustrations about the importance of display in the retail space, with the likes of the cartoon- ‘Never let it be said – I passed by your window’ (Figure 2.33).

Boots’ branch magazine was paramount to their control of stock, giving particular advice on showcasing new merchandise, and keeping branches informed of the contractual agreements for advertising products. Multiple retailers like Boots or Timothy Whites could gain the upper hand when it came to display ‘wars’. Branches of Boots were encouraged to stock new lines before certain advertising pushes, which meant that they were more likely to be able to meet a new surge of demand for a certain product, when the ‘Bleachodont’ line was launched, Boots forewarned in their merchandise supplement that,

This new American Tooth Paste will be introduced by advertisements in the Local and National Press on March 7th. A very large campaign is planned, and we ask branches to meet all demands. The line retails at 3/6, and stock is available at the district warehouse.

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177 C & D, 29th July 1905, p.175.
180 BA, *The Bee, Merchandise Supplement*, 10th March 1925, p. 44.
Window dressing then was seen as essential for creating demand. It was declared in *Chemists’ Windows* that ‘things shown in the window are asked for at the counter.’

In turn, the counter usually formed a dominant part of the retail shop as the space within the shop where the commercial transaction and social exchange took place. This separation of retailer and consumer signified that the retail chemist had an element of control over the consumer’s purchase; indeed, as Hann and Stobart remarked of the general retailer, they acted as ‘gatekeepers’ to the world of goods. Manufacturers

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181 *Chemists’ Windows*, p. 3.
182 For the importance of the general retailer see: Hann and Stobart, p. 179.
certainly realised the retail chemists’ importance. The option to display products on the counter was a selling point for manufacturers who recognised that retail chemists had to create a demand for articles they stocked. It was common for manufacturers to announce that orders of their product would come with all the necessary ad-hoc literature. Singleton’s Golden Eye Ointment was initially sold in a pot and wrapped in leaflets. In 1892 it was announced in the *C & D* that,

> The proprietor of Singleton’s Eye Ointment, Mr Stephen Green, of 210 Lambeth Road, is putting up his very well-tried remedy in a somewhat new form. The quaint pots are not now wrapped up in the old hand-bill with which they heretofore enveloped in and they are now supplied half-dozen boxes, for counter sale, as shown in the engraving.183

Counter Bills were used as advertising leaflets to be placed on the counter as well as to wrap and protect bottles. The Kay Brothers of Stockport and well-known proprietors of ‘Kay’s Compound Essence of Linseed’ announced in the *C & D* that they would shortly be going to press with their Counter Bills in two sizes ‘the larger size is specially adapted for Counter use and Wrapping of 6 to 8oz bottles, and Messrs. Kay Brothers will send 1,000 of these, with the name and address printed on them, to any subscriber carriage paid.’184 In 1901 Edwards’ Harlene Co offered enlarged reproductions of their wrapped bottles for counter and window displays along with one thousand counter bills with the name and address of the retail chemist on.185 Photographs of pharmacy interiors and exteriors from the period show the increasing prominence of products displayed in retail space, with packages featuring heavily in window-displays, in show-cases, and in counter-displays (Figure 2.34).186 By the early twentieth century these displays tended to be driven by one type of product, or a particular brand (Figure 2.35).

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184 *C & D*, 12th October 1901, p. 608.
185 *The Chemists’ and Druggists’ Diary*, 1901, p. 554.
186 BA, Box 3714, SI 263. ‘Photographs of Pharmacy Interiors and Exteriors’.
Figure 2.32 - Boots Branch no.40, Snig Hill, Sheffield.

Source: The Boots Archive. Pharmacy Interiors. Box 3714, SI 263 (1890s).

Figure 2.33 - One brand dominating the window display at a Chemist’s shop in Edinburgh.

Source: C & D, 5th February 1910, p. 5. Wellcome Library.
In turn, manufacturers were keen to induce the retail trade to create displays pushing their brand. The ‘Sanitas’ Company Limited announced in an advertisement that they ‘would be glad to hear from Chemists throughout the country who are willing to arrange window-displays for their articles.’ Pressures from proprietors to stock particular product lines had a significant impact on the material culture of pharmacies. For example, marketing played a part in the tactics against any antagonistic chemists unwilling to stock B.W. & Co products. Wellcome wrote to one of his travellers,

We think a very excellent plan for you to follow will be to get all chemists’ neighbours to display our show cards and signs and, as far as possible, to induce them to make a display of our products. In this way you will probably make an unfriendly chemist feel his position, and the neighbouring chemists will as a matter of course profit by the transaction because of the unfriendly chemist declining business by not stocking our goods.

Multiple-retailers like Boots centrally controlled the display of counter lines, show cards and window posters, clamping down on their branches displaying products which had not been authorised by headquarters:

Will branches take particular notice of the following regulations. No showcard which is received in the shop is to be displayed unless it is stamped with the window display authorisation stamp, or display instructions have been issued in the Bulletin. Various firms are sending in parcels of cards which are being shown and for which no acknowledgement on the part of the firm is obtained. We value our space very highly for merchandise which we sell in a big way, and display contracts for showcards other than our own lines must first of all be authorised from headquarters.

The retail chemist entered into contracts with large wholesalers and manufacturers, displaying their showcards and showcases in exchange for discounted bulk buying.

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James Woolley & Co regularly sent out contracts to retailers buying in bulk, imploring retailers to host a window or counter display lasting for at least seven days (Figure 2.36).190

Figure 2.34 - Contract for a window or counter display from the firm James Woolley & Co.

Source: John Rylands Library, WOHL 1/6/27. ‘Packed Specialities for Window and Counter Display, 1922.’

An anonymous ‘Welshman’ complained of this method of marketing, writing to the C & D,

Is it not time chemists woke up to their interests in the matter of window-shows? The terms generally offered are to my mind entirely to the advantage of the

190 John Rylands Library: James Woolley Sons & Co Archive, WOHL 1/6/27. ‘Packed Specialities for Window and Counter Display, 1922’.
manufacturer, and consequently to the disadvantage of the chemist. I have before me an offer from a well-known soap firm of an allowance of 11/ upon condition that I allow them the use of my window for at least fourteen days and take 10/ worth of their soap. I consider the use of my window, together with the time I should give for dressing the same, to be quite worth the 11/ allowance, and at the same time I am stocking 10/ worth of soap which would take the average chemist some months to dispose of. The manufacturer thus runs no risk whatever. He gets a quid pro quo for his 1/, besides an absolute sale of 10/ worth of his goods, while the chemist has the pleasure of parting with his money and taking all the chance of getting rid of the stock. Truly a very one-sided arrangement. Another most generous offer comes from a well-known pill firm. They offer the magnificent sum of 10s. 6d. for a fortnight’s window-display upon condition that I take two gross of their pills and send cash with order amounting to 11s. 14d. I part with this sum in hard cash and am saddled with a stock of their pills which will last me at least two years. What a grand opportunity for making money! I would advise my brother-chemists to adopt my rule, never to accept a window-display except for a fixed amount in cash, and all goods for the display to be sent on sale or return. In a word, take no risk whatever.\textsuperscript{191}

It was noted in \textit{Chemists’ Windows} that ‘Another stimulus to interest in the art of window-dressing has during the past decade been afforded by “proprietors of proprietaries” who have devised competitive prize schemes for window-displays for their goods.’\textsuperscript{192} Shop window competitions were a phenomenon beginning in the late nineteenth century and were not just confined to the pharmacy. Many localities ran competitions for all retail shops, which chemists took part in. The \textit{C & D} regularly updated readers on the window competitions of retail Britain, informing their readers even when a chemist came third place in a window-dressing competition.\textsuperscript{193} The advertisements in the \textit{C & D}, however, point to the significance of the phenomenon for the drug trade, with numerous proprietors announcing competitions. Stephen Smith & Co advertised their upcoming competition in the \textit{C & D}, offering the high sum of £20 to whoever submitted the most effective window display for Hall’s Coca Wine.\textsuperscript{194} Virol Ltd

\textsuperscript{191} \textit{C & D}, 29\textsuperscript{th} July 1905, p. 238.
\textsuperscript{192} \textit{Chemists’ Windows}, ’Introduction’.
\textsuperscript{193} \textit{C & D}, 26\textsuperscript{th} March 1910, p. 45.
\textsuperscript{194} \textit{C & D}, 29\textsuperscript{th} June 1895, p. xxi.
published the results of their window-dressing competition in the *C & D*, illuminating the popularity of competitions with an extensive list of applicants. In this case J Cross & Co, Chemists in Reading, won £50 for their display (Figure 2.37). Multi-nationals like Boots also organised competitions for their branches. Displays incorporated all items sold by retail chemists; the runners’ up to the window-display shown in Figure 2.38 were a playing cards display and a hot water bottle display.

The marketing of commodities to the retail trade has not previously been remarked upon by historians of the medical marketplace, yet this section has evidenced that large manufacturers, wholesalers, and multiples greatly impacted the stock and display of commodities in the retail chemist shop. Packaging played a key part in the success of the product lines from manufacturers and wholesalers, with the layers of branding inspiring consumer loyalty and creating demand.

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195 *C & D*, 9th April 1910, p. 3.
196 The announcement was signed ‘S.H. Benson (Judge)’. Samuel Herbert Benson had founded an advertising company in 1893. His clients included Bovril, Colmans, and Guinness, see: BA, *The Bee*, December 1922, p. 24.
Figure 2.35 - Virol Ltd’s advertisement announcing the winners of their window dressing competition.

Source: C & D, 9th April 1910, p.3. Wellcome Library.
2.7 Conclusion

The introduction identified the lack of commentary on the history of medical packaging aside from functional developments. This chapter has bought to light the significance of packaging as a source material for understanding the marketing of pharmaceutical products, an aspect that has not previously been explored. Broadening our understanding of branding to include the materiality of the product’s packaging allows us to address significant mechanisms that go beyond the text, and to start thinking about the product’s processes of production: from the layout, illustrations, design, and manufacture of the container. Packaging was a medium which could transfer
information from the different market participants throughout the distribution process: from the state, to the manufacturers of the product or package, and the local retail vendor. The Old Bailey case in section 2.3 emphasises that packaging was made up of separate parts by separate participants, which suggests that readings of paratext on chemists’ products are more complex than at face-value. Closer reading of paratext that appears on pharmaceutical packaging reveals the extent of the interactions between the market participants and the use of material to convey intangible notions of authority, credibility, and knowledge within a consumer exchange.

The increased use of packaging as a medium to market medicine has been shown via the proliferation of advertisements depicting packaging in the C & D, a chief organ for the trade, as well as in The Medical Press & Circular, a publication targeting the medical profession. The data analysis, shown in graph 2.1, has established that packaging became a prominent marketing tool for the selling of pharmaceutical products in publications aimed at the trade and the medical profession. As a result of printing developments firms were able to use illustration of packaging as a means to assure consumers of their credibility, allowing for easier brand recognition and enabling the vendor to reinforce their business image. The combination of image and text was able to provide a visual example of the layers of packaging before the consumer spotted it in the shop. Looking to print copy also provides clues to how proprietors wanted the product to be perceived, highlighting that certain layers, like the government medicine tax stamp, could be reinterpreted by the proprietor for promotional purposes. Certainly, many proprietors who counterfeited medicine went to great lengths to ensure all parts of the material package were also imitated, even down to the medicine stamp. The significance of the medicine stamp for the package is made evident in its function as a security seal as well as an extra layer of branding. Earlier in the century an American pharmacist remarked that ‘many days were spent in compounding these imitations, fitting, corksing, labelling with facsimiles of the English tax stamp, and wrapping them with little regard to the originator’s right.’ In particular the appropriation of the government medicine stamp for something other than its original intention shows that the paratext of a package could hold multiple meanings. In fact

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197 Griffenhagen and Bogard, History of Drug Containers, p. 75.
many chemists wanted to retain the tax as it was a useful means to advertise the product and to suggest credibility. At a meeting for the Chemists and Druggists Trade Association of Great Britain in 1896 its presence in the medical market was discussed, with one member stating ‘It would be a serious thing [for marketing] if the patent-medicine stamp were abolished.’

Functional aspects of packaging were also used as a promotional tool. For example, the cardboard carton provided a medium for information and made storage easier. It became an essential aspect of many pharmaceutical products. In the 1920s Jesse Boot of Boots the Chemist asserted ‘that when the bottles are exhibited without cartons on the new showcard, the effect is unsatisfactory.’ The use of new materials for the creation of containers led to innovative ways to sell, store, and advertise a product, and the pharmaceutical industry made use of novel technological processes in the promotion of items. This had a knock-on effect on the therapeutic culture of medicine within the pharmacy, enabling the storage and display of new forms of a drug, whether as a powder, liquid, oil, syrup, tablet, or capsule.

Previous interpretations of packaging within the medical market lean towards a teleological approach towards sophisticated modern marketing, however, by including the paratext and materiality of packaging into the analysis a segmented and local medical market is made evident. As Secord suggested, to understand local and specific knowledge the reader must be ‘thinking always about every text, image, action, and object as the trace of an act of communication, with receivers, producers, and modes and conventions of transmission.’ When chemists took over a previous chemist’s shop many of them used the former owner’s name within promotional copy, either within advertisements or on the package itself. Although Boots was a multinational they continued to sell local products that had achieved popularity. It is evident then that despite a shift to a more national marketplace some paratexts that were generated in the local area and held value in a certain locality retained significance.

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200 Jackson, Victorian Chemist and Druggist, p.7.
201 For example, Davies, Package and Print.
Similarly, the trend of ‘own name’ packages reflected the regional nature of the medical marketplace.

Despite the usefulness of packaging that appears in advertisements as a source, it is still important to include an analysis of the physical material, particularly as not all branded medicines appeared in print. The complete, or almost-complete, packages that survive at the RPS Museum illuminate the wide-reaching impact of commodity culture on the local medical market. Chapman observed that during the late nineteenth century the pharmaceutical sector saw the rise of respectable industry alongside ‘great strides in quality and presentation of drugs’. Whilst Chapman’s study focuses on Boots the Chemist, an expanding multi-national, this chapter highlights that smaller firms, from those involved in the cottage industry to local retail chemists, were also able to make use of developments in printing and packaging technology to market their products. This analysis, by highlighting the use of packaging as a marketing tool by an assortment of market participants, provides an entirely new view of the marketplace, in which not just successful larger firms or those considered ‘quacks’ were partaking in the rise of commodity culture. The following chapter focuses down on one paratext found on packaging and in advertisements from the period (see Figure 2.39), that of the trade mark, allowing for a consideration of the impact of these graphic devices on the selling of pharmaceutical products.

*Figure 2.37 - A selection of packages with registered trade marks featuring on the label.*

*Source: Taken from advertisements found in The Medical Press & Circular and the C & D between 1880–1920. Wellcome Library.*

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203 Chapman, Jesse Boots, p. 25.
Chapter 3 - ‘The Plague of Fancy Names’: Pharmaceutical Products and Trade Marks

3.1 Introduction
In chapter two we saw that packaging, as a medium for the promotion and the transmission of branding, became more important with the development of printing and the rise of the mass market. It was established that graphic devices found on packaging, as well as package design and function, were commonly employed to add credibility and dissuade imitations. The ultimate graphic device was the package in its entirety. This chapter will further explore the regulatory and bureaucratic roles of packaging within the context of the medical marketplace, by focusing down on just one paratext, that of the trade mark. It is the first study to integrate a systematic discussion of trade marks into the history of the medical marketplace. Building on work from historians like Fissell and Digby, who highlighted the commodified relations between medical practitioners and patients, the chapter uses trade marks as a lens to further understand the economic relationship between consumers and manufacturers of pharmaceutical products.¹

The nature of branding was changed significantly in the nineteenth century, particularly with the passing of trade marks legislation giving the commodity legal backing. National trade mark laws would have great significance for branded medicines, as this chapter will illustrate. In 1862 the Merchandise Marks Act was passed, making it illegal to counterfeit any trade mark or use a trade mark with intent to defraud. The next Act altered the very nature of the trade mark; with the passing of the Trade Marks Registration Act of 1875 a register for proprietary marks was created for the first time, set up under the Commissioners of Patents. Arguably it does not make sense to talk of trade marks in the medical marketplace before this nuanced change in legislation. The creation of a register of marks and its effect on advertisements in the medical marketplace has not been previously explored and it is argued here that this Act was a significant point of intersection for how brands in the medical marketplace were conceptualised legally and culturally. The theme of branding is developed by

considering the inception of the official trade mark as, firstly, an important graphic
device on visual advertising mediums like leaflets, trade cards, bills, packaging and
within copy for magazines, periodicals and journals; and secondly, as a significant
business asset within a society increasingly organised around industrial capitalism. The
trade mark is therefore framed in this chapter as an important mark on the surface of
the package and a device in which to identify a product in the medical marketplace.

Table 3.1 - UK Trade Mark Legislation Summary.

<table>
<thead>
<tr>
<th>Act</th>
<th>Notable Requirements of the Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Merchandise Marks Act, 1862: (25 &amp; 26 Vict. C. 88)</td>
<td>The Act made it a misdemeanour to forge or counterfeit any trade mark, or to falsely apply any such trade mark, with intent to defraud.</td>
</tr>
<tr>
<td>Trade Marks Registration Act, 1875: (38 &amp; 39 Vict c 91)</td>
<td>The 1875 Act defined a trade mark that may be registered as 'a device, or mark, or name of an individual or firm printed in some particular and distinctive manner; or a written signature or copy of a written signature of an individual or firm, or a distinctive label or ticket'.</td>
</tr>
<tr>
<td>The Patents, Designs, and Trade Marks Act, 1883: (46 &amp; 47 Vict. C. 57)</td>
<td>The definition was extended to include, fancy words, brands, and single letters in the case of old marks. A penalty was introduced for trade marks resembling Royal Arms. There was also a reduction in costs of registration.</td>
</tr>
<tr>
<td>Merchandise Marks Act, 1887: (50 &amp; 51 Vict. c. 28)</td>
<td>The Act made it a criminal act for foreign manufacturers to claim that their goods were British-made. It made it illegal for companies to falsely claim that they had a Royal Warrant.</td>
</tr>
</tbody>
</table>
The Trade Marks Act, 1905: (7 Edw. VII. Ch. 15)

A statutory definition of the trade mark was given for the first time. As ‘as a mark used on or in connection with goods ‘for the purpose of indicating that they are the goods of the proprietor of such mark by virtue of manufacture, selection, certification, dealing with, or offering for sale.’ The principle provisions of the previous acts were re-enacted.

The Patents and Designs Act, 1919: (9 and 10 Geo. 5, Ch.80)

The Act amended parts of the 1905 Act and divided the register into Parts A and B. Part A had more criteria required, but was also afforded more protection.


As stated in chapter one, the drugs market has been a significant part of the history of branding, in part because patent medicines were one of the first commodities to be distributed on a national scale, and thus one of the first markets to warrant a mechanism for the transfer of reliability through impersonal contacts: this was the patent system. According to Roy Porter, around one hundred medical patents were taken out in the Georgian period. In return for a licensing fee the proprietor obtained protection from the Courts in the event of imitation and received a monopoly for making and selling the product from the English Crown. Alan Mackintosh has shown that patents were used to create credibility in the eighteenth century, but strongly argues that the medicine stamp, first introduced in 1783, was taken up as an alternative

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form of authority, in part due to the confusing and expensive patent system.\(^4\) In 1852 the Patent Amendment Act was enacted due to rising demand for a more streamlined and cheaper process.\(^5\) Trade mark legislation followed a similar trajectory to that of patent law, following on from a need for protection within a capitalist economy. Table 3.1 provides a chronological rendering of UK trade mark legislation, which also highlights the interlinked narratives of patents and trade marks. Before the onset of trade mark legislation in the late nineteenth century judicial proceedings involving trade marks were carried out under common law.\(^6\) The first reported trade mark case at common law was *Singleton v. Bolton* (1783) for imitation of a medicinal product.\(^7\) Common law, however, was inadequate for the changing nature of the commercial and industrial market, evidenced by increasingly problematic court cases. Legislative measures developed as precedents were set.\(^8\) With the Industrial Revolution trade marks became ever more significant in all areas of industry. Room has given an account of the origin of individual trade marks, showing that family surnames formed the backbone of product branding across the commercial sector. As a reference book, Room does not bring in any wider evaluation of the market.\(^9\) Studies like Higgins’s and Tweedale’s account of trade marks in the Sheffield cutlery and tool trades as well as Duguid’s narrative of the alcoholic beverage trade, together show how the maturing legislation was adapted to the needs of particular trades.\(^10\) Other scholars writing about judicial developments have summarised the chronological development of trade mark

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\(^4\) The previous chapter of this thesis illustrated that the government medicine tax stamp was indeed part of the products branding. See: A. Mackintosh, *The Patent Medicines Industry in Georgian England: Constructing the Market by the Potency of Print* (Basingstoke, 2016), pp. 48-54.

\(^5\) As production methods became standardised as a result of industrial developments there was a need to protect processes and commodities, for more on the development of the 1852 law, see: H.I. Dutton, *The Patent System and Inventive Activity During the Industrial Revolution, 1750-1852* (Manchester, 1984); F. Machlup and E. Penrose, ‘The Patent Controversy in the Nineteenth Century’, *The Journal of Economic History*, 10, No.1 (May 1950), pp. 2-3.


\(^10\) The Sheffield Cutlery and Tools trade was important for developments in trade mark legislation, for example, two Sheffield MPs introduced an early bill in 1862, and various members of the Cutler’s Company were witnesses in Select Committees. Herbert Hughes, the law clerk to the Sheffield Cutler’s Company was a top expert on trade marks, see: D. Higgins and G. Tweedale, ‘Asset or Liability? Trade Marks in the Sheffield Cutlery and Tool Trades’ *Business History*, 37, No.3 (1995), pp. 1-27; P. Duguid, ‘Developing the Brand: The Case of Alcohol, 1800-1880’ *Enterprise & Society: The International Journal of Business History*, 4, No.3 (September 2003), pp. 405-441.
law, and although many of these have included drug vendors within their narrative, there is limited discussion of the medical market itself.\textsuperscript{11} One marketing scholar, Lionel Bently, has commented extensively on how the medical market was affected by case law concerning trade marks using Dr Johnson’s Golden Eye Ointment as a case-study, but his work has focused on the eighteenth century.\textsuperscript{12} The significance of branding has also appeared within overviews of firms. These commentaries tend to follow a biographical and teleological narrative.\textsuperscript{13} For example, Nancy Cox’s study of the Huxley Brand, introduced in 1898 by the Anglo-American Pharmaceutical Company, was narrated as an inevitable success due to its clever branding strategies.\textsuperscript{14}

Scholarship on patents and intellectual property is important to the theme of branding, but many of these studies are by historians of science dealing solely with patent litigation usually in the context of technical inventions.\textsuperscript{15} Recently, patents have been given more attention within the history of medicine.\textsuperscript{16} Frampton and Jones have shown that obtaining intellectual property for medical apparatus and procedures was particularly fraught in a professional medical culture characterised by altruism, with the idea of patenting or protection of rights as below orthodox medicine. Frampton highlighted other options available for the medical profession to establish ownership and credit, including publishing or writing opinion articles in the medical press.\textsuperscript{17} Jones also explored the multi-faceted nature of establishing credit, showing that eponymy


\textsuperscript{12} Bently, ‘The First Trademark Case at Common Law?’.


\textsuperscript{16} Patent and trade mark law in the medical market has been covered in the USA by Joseph Gabriel. He has shown that protective legislation was a key mechanism through which ‘the investment of resources in the scientific process is transformed into economic value.’ Again, however, this analysis focuses on patents over trade marks. Comparisons with the American marketplace will be revisited in chapter five. See: J.M. Gabriel, \textit{Medical Monopoly: Intellectual Property Rights and the Origins of the Modern Pharmaceutical Industry} (Chicago, 2014).

was a method used by surgeons to validate claims of ownership and enhance reputation. Trade marks, however, may have been used instead of, or in conjunction with registered patents by the medical profession. For example, the surgeons John Andrew Ferris and William Cadwaladr Jones independently registered trade marks under the 1875 Act.\textsuperscript{18} Likewise, Ibbotson Bros & Co Ltd, manufacturers of surgical instruments, registered two trade marks in the health care category alongside frequent patenting.\textsuperscript{19}

In the early twentieth century The Lancet drew attention to the ‘permanent quasi-monopoly’ of the medical marketplace due to trade marks.\textsuperscript{20} Maintenance of a mark depended on paying regular fees, but essentially the trade mark could be held indefinitely, unlike a patent, which had an expiry date. Proprietors attempted to obtain a prominent market-share through the use of their trade mark. Movements against the monopoly of trade marks were similar to the anti-patenting stance that extended from mouthpieces of the profession like The Lancet and The British Medical Journal. Gabriel has shown that attitudes towards the patent system were part of wider economic movements against privilege, monopoly and unfair advantage.\textsuperscript{21} Exploitations of industrial inventions were seen as antithetical to social progress according to patent opponents.\textsuperscript{22} Professionals, however, were not a homogenous group, and Jones has highlighted that many qualified medical practitioners embraced opportunities to patent their inventions.\textsuperscript{23} Indeed as a medical licensing body the Society of Apothecaries was positioned in the marketplace to be against patenting. An individual licentiate of the Apothecaries’ Hall was concerned that patenting may conflict with their position as a medical practitioner, however they were assured upon writing to the Society that whilst there was no objection to patenting an article or appliance the act of advertising was still considered an undesirable venture:

\textsuperscript{18} John Andrew Ferris obtained the MRCS in 1861, see: The Medical Directory \textit{36th Issue} (London, 1880); William Cadwaladr Jones obtained the L.D.S from the Royal College of Surgeons, Ireland in 1881, see: ‘Deaths’ C & D, 21\textsuperscript{st} July 1917, p. 40; See also: R. Price and F. Swift, \textit{Catalogue of Nineteenth-Century Medical Trade Marks 1800-1880} (London, 1988).
\textsuperscript{19} Price and Swift, \textit{Catalogue}, entries for Ibbotson Bros & Co.
\textsuperscript{20} The Lancet, 17\textsuperscript{th} November 1906, p. 1391
\textsuperscript{23} C.L. Jones, ‘A barrier to medical treatment?’, pp. 601-625.
I do not think that the Society of Apothecaries would object with a Licentiate for taking out a patent for the articles of appliances you refer to; nor do I think the General Medical Council would concern itself in such a matter. Of course advertisements in connection with any such patented articles, as a medical practitioner would be a different matter.24

The complex relationship between the profession and Intellectual Property can be expanded on further with a look at trade marks, which will serve to build on recent literature.

3.1.2 Gaps and Methodology
This chapter deals with two key gaps that are made apparent from looking at the current literature. Firstly, whilst trade marks have been mentioned within studies of the medical marketplace, with a number of scholars noting their significance, trade mark legislation is only mentioned in passing or not at all.25 Secondly, the trade and professional press, as a source, has not been utilised to analyse branding in the medical marketplace. The use of this source material helps to fill the first gap in the literature, which illuminates how the trade and profession viewed and used trade marks. There was regular commentary on commercial legislation in publications like The Chemist and Druggist (C & D) and The Pharmaceutical Journal (PJ), and readers frequented the correspondence columns asking for advice relating to new laws and regulations.26 The PJ’s ‘Legal Intelligence’ column, for example, would report on the success of prosecuting under the Merchandise Marks Act (1862 and 1887) as opposed to the Sale of Food & Drugs Acts (1875 and 1899), which one might more readily associate with the history of the

25 Scholars such as Jones and Church have expressed that trade marks were of significance to the marketplace, see: C.L. Jones, The Medical Trade Catalogue in Britain, 1870–1914 (London, 2013), p. 39; R. Church, ‘Salesmen and the Transformation of Selling in Britain and the US in the Nineteenth and Early Twentieth Centuries’, The Economic History Review, 61, No.3 (August, 2008), p. 717.
26 As trade mark legislation matured it was adapted to the needs of individual trades, see: Bently, ‘The Making of Modern Trade Marks Law’, p. 27.
pharmaceutical market.\textsuperscript{27} Indeed, the Sale of Food and Drugs Acts were limited somewhat as they did not apply to proprietary medicines, due to the lack of fixed chemical standards.\textsuperscript{28}

There are a number of research questions running through this chapter that have never been addressed by historians of medicine: who was registering medical trade marks? Were trade marks economically valued in the medical marketplace? Were they culturally valued in wider society, or perhaps just as means to transfer credibility between certain market participants? Were trade marks successful in protecting products from imitation? Were registered trade marks concentrated in the capital or was this a national phenomena?

**Section 3.2** sets out the characteristics of pharmaceutical branding between 1875 and 1920 by surveying advertisements and packaging from the period in the context of commercial legislation. Advertisements developed new common features in the wake of trade mark legislation, particularly with the announcement or display of a product’s registered status. The impact of branded products on the nomenclature of medicines will also be discussed. **Section 3.3** will explore the decision-making involved in the creation of trade names, showing that exclusivity of use was a major consideration. Advertisements and archival correspondence indicate that the threat of court proceedings was a mechanism by which firms could control their Intellectual Property. This section focuses predominately on Burroughs, Wellcome & Co. Surviving records behind the decision-making process for trade mark applications is scarce, but many of B.W. & Co’s records have been preserved by the Wellcome Library, as well as by GlaxoSmithKline, the large pharmaceutical company that B.W. & Co eventually merged into.\textsuperscript{29} Other business archives will supplement this analysis, with that of James Woolley Sons & Co, Stephen Green, and J.C. Eno. **Section 3.4** will concentrate on a selection of nerve products, most of them registered shortly after the passing of the Trade Marks Registration Act and found in the pages of the medical and trade press.


\textsuperscript{28} In 1906 The British Medical Association called for proprietary medicines to be included in the Acts’ provisions. *The Lancet*, 1\textsuperscript{st} December 1906, p. 1533.

\textsuperscript{29} Glaxo Wellcome merged with SmithKline Beecham in 2000.
between 1876 and 1920. Using examples of trade marks held by various market participants - a medical practitioner, a ‘quack’ doctor, an independent chemist, a multinational, and large wholesalers and manufacturers - will allow this chapter to explore the research question ‘who was registering trade marks?’ This section will also involve a wider study of the nerve product market, suggesting that trade names were drawn from discourses of medical science and modernity which both formed a significant part of product marketing. Moving on from the previous sections which highlight the range of the market participants registering trade marks Section 3.5 looks at how the Apothecaries’ Hall, who positioned their trade against the selling of patent medicines, reacted to the rise of commodity culture within the medical market. This study of trade marks within a more captive market will highlight the extent of the influence of trade mark legislation. The final section, 3.6, will conclude the findings of the chapter.

3.2 The Inception of Trade Mark Legislation

With canned or packaged products the contents could not be viewed or interacted with by the consumer until they had made the purchase. This affected the relationship that the consumer had with the producer, as well as the product itself. Registered trade marks gave vendors a means to transfer across the intangible qualities of reputation and identity, increasingly important with the depersonalisation of the market, as was discussed in the introduction of this thesis. To highlight the significance of commodity branding in the period, five commonly occurring words found within newspapers and periodicals between 1875 and 1920 - trade mark, registered, label, imitation, and genuine - from metadata across sixteen newspaper and periodical databases from 1701 to the present day were searched for using the Artemis Primary Source programme (see Graph 3.1). All five words saw a high-level of frequency within newspapers and periodicals in the period, with 1879 seeing the peak of this trend, when 11,736 documents referred to trade marks. This was up from 3,042 documents at the start of the period in question, and more frequent than 769 documents in 1920. Searching before and after this period serves to illustrate the unique features of the marketplace between 1870 and 1920. At a time when trade marks had become property and imitation was a concern within a competitive capitalist market these five words became significant marketing tools to convey ideas of ownership, credibility, and trust.
In this period, it is evident that the trade mark became a salient feature of the commercial landscape from also looking at advertisements and trade literature from the period. For example, *Kelly’s Directory*, a commercial directory, began printing trade mark logos next to entries for services from the late 1880s.\(^\text{30}\) It was established in the last chapter that the trade mark, with its presence on labels and bottles, impacted the materiality of the package, with the rise of packaged goods changing how products were displayed in the chemist’s shop. The introduction of the registered trade mark also impacted advertisements for pharmaceutical products. Figure 3.1 shows a selection of common advertisement types found in the C & D between 1880 and 1920, a feature of the advertising landscape that will be further explored in chapter four.

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Figure 3.1 - A selection of five advertisements that employed the use of the registered trade mark as a key promotional strategy.

Trade marks and branding embodied the reputation of a business, displayed information about its contents to the consumer and attracted the consumer to the product within a competitive commercial environment. The range of items available in
the period can be gauged from price lists and catalogues produced by pharmaceutical firms. Large firms like Maw Son & Co and Savory & Moore were selling over one thousand different ‘lines’. Distinguishing between these products was difficult as many firms offered similar products, so distinctive trade names became increasingly important. Indeed, Mira Wilkins stated that ‘before the rise of the multiplicity of modern product choices, there was no compelling reason for a business to defend this intangible asset in the courts.’ Traditional business assets rested on tangible qualities like capital, manufacturing machinery, and physical premises. Conversely, the trade mark’s ability to evoke intangible qualities like a brand ‘personality’, as well as ultimately define the product, became a significant asset from the late nineteenth century.

Shifting definitions of a registrable trade mark impacted its meaning throughout the period (see Table 3.1). The Trade Mark Registration Act (1875), which created a register for trade marks for the first time gave a pretty broad definition of what marks could be registered: ‘a device, or mark, or name of an individual or firm printed in some particular and distinctive manner; or a written signature or copy of a written signature of an individual or firm, or a distinctive label or ticket’. Roger Price and Frazer Swift have collated medically related trade marks from the TMI from its inception in 1876 up until 1880, listing a total of 1,160 products registered in this period and sold for health care related needs, into a catalogue. The marks registered encompassed a range of styles: from an array of typographical fonts, elaborate illustrations, labels, and signatures. Many of these reflected the simpler form of branding found in the wider marketplace; for example, in 1877 Joseph Southern, a chemist living in Manchester, registered ‘Opposite the Assize Courts’ as a trade mark. Similarly, William Booth Wood, a pharmaceutical chemist based in Melbourne registered ‘Opposite General Post Office’, indicating the localised nature of the marketplace. In this early period, the

32 Wilkins, ‘Intangible Asset’, p.70.
33 Ibid, p.20; John Mercer differentiates between trade marks and branding: trade marks are a form of Intellectual Property with physical attributes: a name, logo, or illustration. Branding, on the other hand, can be associated with abstract meanings and reflect the ‘personality’ of a business, see: Mercer, ‘A mark of distinction’.
34 Bigland, The Law of Trade Marks.
35 This includes proprietary medicines, surgical instruments, dental preparations, electromagnetic devices, curative foods, tonics, vermin killer, and medical toiletries, see: Price and Swift, Catalogue.
36 Ibid, entries for ‘Opposite the Assize Courts’ and ‘Opposite General Post Office’.
proprietor’s name was also a common registration, as it was strongly linked to ownership and trust. J.S. Salaman, a trade commentator, remarked shortly after the passing of the Act that ‘a man’s name is still stronger trade mark than any that can be devised.’

Price and Swift’s catalogue is a useful resource for identifying the various market participants who were registering their products. Taking the names of the proprietors from their catalogue, who had between them registered 1,160 trade marks, and cross-referencing with the Register of Pharmaceutical Chemists and Chemists and Druggists, The Medical Directory, and The Dentist Register reveals that a varied range of proprietors were registering trade names, from local chemists to large wholesalers, and unlicensed practitioners to qualified doctors. Interestingly over a third of all those who registered a medical trade mark in the first four years of the Act could be found in a practitioner directory (see Graph 3.2). This finding has profound implications for current interpretations of the medical marketplace, which has suggested that branded medicines were connected to quackery and fringe groups. The reality is that a diverse array of medical practitioners, registered and unregistered, were using trade marks as a marketing tactic. The register also reveals other types of proprietors were registering marks in the medicinal class: George Henry Hansford, a solicitor’s clerk registered the trade mark ‘Ben Trovato’ for some pimple coverings; a hairdresser, John Lineham, registered ‘After Use, Before Use’; George Borwick & Sons, drysalters, registered ‘Ozonized Cod Liver Oil’; and a Liverpudlian Mine Owner, William Charles Bew, registered ‘Bew’s Remedy.’

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38 Pharmaceutical Society of Great Britain, Annual Register of Pharmaceutical Chemists and Chemists and Druggists (London, 1873); Pharmaceutical Society of Great Britain, Annual Register of Pharmaceutical Chemists and Chemists and Druggists (London, 1890); General Medical Council, The Dentists Register (London, 1887); General Medical Council, The Dentists Register (London, 1893); J. Churchill and Sons (eds), The Medical Directory (London, 1878); J. Churchill and Sons (eds), The Medical Directory (London, 1880).
39 Price and Swift, Catalogue, see entries.
These medically related trade marks were just some of the marks registered in the first years of the Act; household, textile and chemical goods were also common. On the first day of registration, 1st January 1876, there were people waiting outside the Patent Office on Southampton Street, London, to register their marks. By the end of the first day seventy-nine marks had been registered, with ten thousand applications for trade marks submitted by the end of the year. It is important to note, however, that a significant number of the marks registered under the Act were for health products, with the likes of Woodward’s Gripe Water (no. 100), Beechams (no. 1416) and Allen & Hanbury’s Plough Trade Mark (no. 3628) - (see also Figure 3.2). Furthermore, Cox’s *Manual of Trade Mark Cases* (1881) shows that 464 cases concerning trade marks came to court between 1862 and 1880. Of these, forty-six concerned medical products; the largest category. Including other products found within a chemists’ shop would make

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42 Ibid.
43 Cox’s findings were discussed in Duguid, ‘Developing the brand’, p. 416.
this category even larger, which points to the importance of trade mark legislation for the medical marketplace.

The first issue of the *Trade Marks Journal (TMJ)* was published on Wednesday 3rd March 1876 and due to the high level of applications it was initially published two or three times a week. This initial rush to get marks registered implies the market was ripe for this kind of commercial protection. After three months the mark was considered registered if there were no objections to its use after first being published in the *TMJ.*

This process was deemed to hold significant authority for vendors of medicines. For example, Arthur Cox H and Co, Tasteless Pill Manufacturers, remarked in an advertisement that:

> The registrar of Trade Marks has just granted us, after three months’ publicity, the Trade Mark of which the above is a facsimile, thus officially recognising our claim the ‘ORIGINAL MAKERS OF TASTELESS PILLS.’ All packages sent out from this date will bear this mark.

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44 The wood-blocks and copy were supplied directly by those registering the trade mark, see: The National Archives, *Stat 12/1/19.* ‘As to preparation of the “Official Journal” for advertising Trade Marks, 25th February 1876’.

45 *The Medical Press & Circular, 14th* April 1880, p. x.
Figure 3.2 - A page of trade marks registered in class three in the first issue of the Trade Marks Journal (March, 1876).

Copyright not obtained.


As the previous chapter showed, the use of graphic communication in advertisements meant that standardised products became paramount to sales. The product and its paratext would have to look identical to the depictions found in the advertisement, otherwise it rendered the caution of imitation obsolete. The physical appearance of a pharmaceutical product became the safety net for assessing genuineness from a
consumer. Squire & Son’s laxative product ‘Kasak’ was hence advertised with a depiction of the label alongside an assertion that the word and label were both registered under the Patents, Designs and Trade Marks Act, 1883 (Figure 3.3).

Figure 3.3 - Squire & Son’s advertisement for Kasak depicting the label of the product.

Likewise, Rendell’s ‘Wife’s Friend’ Soluble Quinine Pessaries were advertised with a warning against imitation making the trade mark central to the advertisement (see Figure 3.4), ‘To distinguish the genuine Pessaries from these fraudulent concoctions, see that the Registered Trade Mark and Number, in RED INK, are upon each box.’

There was no explicit mention of the product’s use as a spermicide other than the coded language of ‘wife’s friend’, but the fact that the firm was attempting to combat

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47 C & D, 4th January 1890, p. 15.
48 C & D, 7th July 1900, p. 51.
imitations through the use of trade marks indicates that there was a significant demand for contraceptives in the market.\textsuperscript{49}

\textit{Figure 3.4} - Advertisement for Rendell’s ‘Wife’s Friend’ Soluble Quinine Pessaries.

An advertisement for Bow’s Liniment (Figure 3.5), put on the market by Barclay & Sons, also emphasised the registration of their trade mark in a prominent manner, which included a reference to its registered number:

Of late a spurious article has been offered for sale, put up in imitation of the genuine one even to copying the Pamphlet, Wrapper, and Labels. To protect the public from, and facilitate proceedings against, such frauds, the Proprietor has registered the Trade Mark here shown, a reduced copy of which will be found on the outside label on every bottle put up after this date. As a further security, the name ‘DR. BOW’S LINIMENT’ (also a trade mark) appears in the Government Stamp.\textsuperscript{50}

\textsuperscript{49} For more on the chemist Walter John Rendell and the commercial success of the company’s quinine pessaries for use as a contraceptive see: B.E. Finch and H. Green, \textit{Contraception through the ages} (London, 1963), pp. 24-25.

\textsuperscript{50} \textit{C & D}, 29th July 1893, p. 152.
The graphic depiction of what was asserted in the advertising copy gave the paratext more weight in the assurance of credibility.

Figure 3.5 - Advertisement for Bow's Liniment and its trade mark (no. 157,810).

Registered trade marks had an impact on the market beyond their existence in advertisements and as a means to establish trust and control imitation. There is evidence that their use led to changes in medical terminology. Through the use of advertisements the proprietor could influence the medical practitioner and retail chemist to refer to the drug by its trademarked name, rather than by its chemical substance. In 1905 *The Lancet* stated that hexamethylene-tetramine was sold under the trade names Urotropine, Aminoform, Formin, Crystamine, Uritone, and Naphthamine; and adrenalin was marketed as Suprarenalin, Epinephrine, Adnephrin, Adrin, Suprarenin, Haemostasin, Renastyptin, and Paraneprhin.\(^5\) Similarly, acetyl-salicylic acid was sold under various trade marks: Aspirin, Salctin, Salacetin, Acetysal, and Xaxa. They were all equally protected by the State despite essentially being the same article. The Bayer Co, owners of the trade mark ‘Aspirin’, released an advertisement (Figure 3.6) in the form of a statement,

> It has come to our knowledge that some Chemists have the impression that the name ‘Aspirin’ is a synonym for Acetyl-salicylic Acid, and that when the former is ordered the latter may be supplied. This impression is entirely wrong. ‘Aspirin’ is our

\(^5\) *The Lancet*, 17\(^{th}\) November 1906, p. 1391.
registered Trade Mark and nothing else can be legally sold or dispensed as ‘Aspirin’ except our product. Our Solicitors have instructions to take proceedings to recover damages from anyone who has been found to have supplied any other material when ‘Aspirin’ has been ordered.52

Figure 3.6 - Advertisement from The Bayer Co. Ltd cautioning Chemists over the use of the word ‘Aspirin’.


Nomenclature was part of contemporary discussions. In 1898 John Attfield reviewed the British Pharmacopeia commenting that,

52 The Anti-Cutting Record, August 1910, p. 160.
Phenazone is commonly known as ‘antipyrine’, it may be stated that the patent rights over the article expired in February 1898; but the legal aspect of the question of ‘antipyrine’ or ‘antipyrin’ as a trademark has not been definitively settled. The question is fully considered, however, in C. & D. Lit, 394, and the use of the official name phenazone is strongly encouraged.\(^{53}\)

Hoechst marketed the compound phenazone under the trade name Antipyrin, which became a popular drug prescribed by doctors and sold by manufacturers.\(^{54}\) Eventually it was considered that as the product was an antipyretic, a drug that reduces fever, the trade name Antipyrin was too descriptive to be registered, thus enabling it to be passed into common usage.\(^{55}\) There were many instances where a trademarked name crossed over into popular or official usage. The Lancet noted that the trade marks for patented products like Linolcum and Magnolia passed into common property on the expiry of their patents.\(^{56}\)

Passing into common use was a problematic issue for popular trade marks.\(^{57}\) In August 1898 Edward T. Pearson of Hamburg made an application for the word Vasogen in class three (no. 216,074). The mark was subsequently rejected by the Comptroller of Patents on the grounds that it resembled the trade mark Vaseline (no. 12,486), which had been registered in July 1877 by the Cheseborough Company. Pearson alleged that Vaseline had become a common word and was used in publications as synonymous to petroleum jelly or soft paraffin and showed that it appeared in pharmacopoeias and dictionaries. Cornelius Stanbury, director of Allen & Hanburys, provided a written statement, stating that in 1877 they sold a petroleum jelly under the trade mark Unguentum Petroleum as he believed that the trade had always considered the word Vaseline to be the exclusive property of the Cheseborough Company and to denote

\(^{54}\) K.D. Rainsford (ed.), Aspirin and Related Drugs (Sheffield, 2004), p. 27.
\(^{55}\) The Merriam-Webster dictionary acknowledges antipyrine’s trade mark etymology, see: ‘Antipyrine,’ Merriam Webster (2017), <Merriam-Webster.com> [accessed 6 January 2017].
\(^{56}\) The Lancet, 17th November 1906, p. 1392.
\(^{57}\) This is still the case for brands today, names like Hoover, Escalator, Thermos, Frisbee, Rollerblades became generic and thus unprotectable under Trade Mark Legislation, see: S. Tulett, ‘Genericide: Brands destroyed by their own success, BBC News Website (May 2014), <http://www.bbc.co.uk/news/business-27026704> [accessed 11 February 2018]; see also: Mercer, ‘Mark of Distinction’, p. 34.
goods of their manufacture. Fortunately for the Cheseborough Company in this case Pearson received an injunction for registering the word Vasogen.\textsuperscript{58} In an article entitled ‘The romance of the trademark Vaseline’ the PJ wrote, ‘The thing that makes the story of “Vaseline” jelly advertising so unique is what that advertising has really accomplished. It has put a new word in the language.” The article reiterated, however, that ‘The trade mark word “Vaseline” is not a noun and should appear in the dictionary only as a private trade-marked word — with the permission of its owners. Really, it is a brand in the legal sense of the word.’\textsuperscript{59} The fact that word Vaseline was successfully maintained as the exclusive property of the Cheseborough Company led to the over 20 other fancy names for petroleum jelly being used in the market.

Earlier domestic health manuals also show the integration of brand names into common usage, with many concoctions like Lady Allen’s Cordial, which although differed in formula, were similar throughout disparate recipe books.\textsuperscript{60} This trend continued into the late nineteenth century with the inclusion of popular trade marked remedies in recipe books; for instance, the lay public and individual chemists made up their own preparations of Zam-Buk. As such, a family recipe for Zam-Buk was passed down to Mattie Furnish of Castle Bolton, which shows that the main ingredients were eucalyptus oil, swallow oil, and Vaseline.\textsuperscript{61} Similarly Figure 3.7 shows a prescription book for Walter Scott, a chemist based in Beverley, who made up a concoction called Zam-Buk using comparable ingredients. The official Zam-Buk was coloured green and Scott’s recipe included ‘a trace of green colouring matter’, indicating that the colour of a product formed an essential part of its branding and thus its credibility, an aspect that was discussed in chapter two of this thesis.\textsuperscript{62} Zam-Buk is still sold today as a nostalgia product in similar packaging.\textsuperscript{63}

\textsuperscript{61} D. Lewis, \textit{Curious Cures of Old Yorkshire} (Berkshire, 2001), p. 11.
\textsuperscript{62} P. Homan’s Private Collection.
\textsuperscript{63} Zam-Buk was re-registered as a trade mark in 2008 by Rose & Co, Haworth, see: \textit{Intellectual Property Office}, ‘Trade Marks Application, Rose & Co, Haworth’ IPO (2008), \url{https://www.ipo.gov.uk/t-challenge-decision-results/o28808.pdf} [accessed 4 February 2018].
Advertisements from *The Medical Press & Circular* indicate that branding was used to persuade practitioners to prescribe a certain product. Many medicines were sold as a proprietor’s version of a generic drug, so attaching the trade name to the prescription would increase demand for the product. In an advertisement for ‘Bullock’s Pepsina Porci’ and ‘Bullock’s Acid of Glycerine of Pepsine’ the copy read ‘In prescribing either of the above preparations, it is suggested to insert in parenthesis as follows (BULLOCK). And for Earl’s Fluid Pepsine “Caution order thus – FLUID PEPSENE – EARL.”’\(^64\) Likewise, Duncan, Flockhart & Co stated in their price-list for Doctors that, ‘In prescribing any of these preparations it is important that the name “Duncan” be added, in order to avoid errors and to ensure the original product being dispensed.’\(^65\) They also printed pro-

\(^{64}\) *The Medical Press & Circular*, 16th April 1890, p. vi.


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*Figure 3.7 - Chemist’s recipe book showing an entry for Zam-Buk (1882).*
forma prescription notes to make it an easier process for doctors to prescribe their brand of antiseptic lotion ‘Den-coll’ (see Figure 3.8).

Figure 3.8 - Prescription Forms for Duncan, Flockhart & Co products.

Promotional tactics seemed to work: in 1905 The Lancet reported that medical men were foregoing proper chemical names and prescribing branded medicines in their place.66 A subscriber to C & D, J.J. Jackson of 6 Broad Street, Hereford, complained that,

One of the greatest nuisances the chemist has to put up with is the prevalent system of doctors prescribing proprietary articles. Hundreds of chemists must have their shelves loaded with useless remnants of rubbish for which they can find no sale, use, or value. For instance, a prescription is banded in with 1 oz. of liq. ext. of the blooming

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66 The Lancet, 17th November 1906, p. 1391.
clothes prop, ‘Yank Schneider & Co.’ None to be had in the town. The chemist must buy an original bottle - say, 8 oz. at cost of 5s. 6d - or more. Seven ounces remain on hand for ever. Result, loss of 4s. on the transaction. This does not apply to secret compounds only, which may be termed doctors’ quack remedies, but to ordinary fluid extracts, &c, masquerading under fancy names. The chemist may have a dozen kinds of ext. cascaras, but cannot fill the prescription faithfully without getting the thirteenth. Makers will not supply the small quantities required, so to save loss of time and money, I venture to offer a suggestion which I am certain will prove profitable to the first house who makes itself known as the headquarters for special preparations in broken quantities as required.67

The medical press was concerned that medicine and pharmacy was being flooded by fancy names for chemical substances. The PJ remarked that,

half a dozen owners of protected words may apply them to one and the same article produced by a single manufacturer, and the poor pharmacist may be called upon to stock six different lots of that drug, in order that he may legally dispense what is ordered by six prescribers who are conversant with the facts of the case.68

In fact, many chemists resorted to substituting prescriptions or requests for imitations or similar brands or generics to overcome these difficulties. This became a major problem for wholesalers and manufacturers.69 B.W. & Co undertook prolonged and extensive campaign in the trade press and through printed pamphlets against substitution, using trade mark legislation to fight their corner (Figure 3.9).70 They also circulated an inset with their packages (Figure 3.10), using fear to persuade the trade to not undertake substitution. It read, ‘Behold and beware! That sneaksome Imp of Darkness over practiseth deceit and piracy’. The use of threatening language angered members of the trade, who considered the treatment unfair towards the majority of

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67 C & D, 17th August 1895, p. 301.
retailers who did not substitute; The London Chemists’ Association recommended to its members to remove the insert from the packages before selling to their customers. The ‘Imp’ Circular was eventually withdrawn.

Figure 3.9 – ‘The Substitution Question’ - pamphlet by B.W. & Co, November 1902.

Source: Wellcome Library, WF/L/06/055. Wellcome Collection.

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71 WL, WF/L/06/055. ‘Correspondence with the Federation of Local Pharmaceutical Associations, Letter from the Federation to H. Wellcome, 5th November 1902, p. 14’. 

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These examples serve to show that registered trade marks were impacting the nomenclature of the medical marketplace, whether that was by inducing medical practitioners to prescribe a branded medicine or by the infiltration of branded medicines into common usage. The fact that substitution was so rife showed the problems that retailers faced in trying to keep up with how brands were transforming the marketplace. The impact of trade marks on society in this way indicate that they were culturally valued as a means to transfer credibility, beyond their value as business assets. With no prior study into how the inception of trade mark legislation impacted the medical marketplace, this section has gone some way into trying to fill that gap.
3.3 Brand formation and Management

This chapter has so far established that from 1875 publicising the trade mark was a core marketing strategy for firms which had implications for the nomenclature of health care products. But how were trade names chosen for registration? Attention-grabbing trade names were desirable within a competitive consumer society. The effect of a catchy trade name was aptly described in H.G. Wells’ story of the patent medicine vendor George Ponderevo in *Tono-Bungay* (1908),

It was simple and yet in some way arresting. I found myself repeating the word after I had passed, it roused one’s attention like the sound of distant guns. ‘Tono’ – what’s that? and deep, rich, unhurrying; – ‘Bun-gay’?²²

By the early twentieth century certain trade marked commodities were becoming recognized on a global scale as successful or iconic. *The Times* ran a feature entitled ‘Famous British Trade-Marks’ in 1910 reviewing the leading British trade marks that had achieved recognition throughout the globe as associated with quality and excellence. The trade mark Zam-Buk was selected to feature, this was an ointment indicated for the treatment of a variety of conditions, from bruises to toothache, and, as stated in section 3.2, its popularity meant that there were imitations of the product by lay, retail, and professional market participants. Zam-buk’s logo was a Roman Gladiator applying balm to his wounds, which was chosen as it ‘had some connexion with the use of the unguent, of whose purity and authenticity it was to be the guarantee.’ It was also linked to nostalgia; the article stated that Roman balms ‘were more reliable and effective than many of the superfatted substances which are now offered to the public.’²³

Catchy names were certainly abundant in the patent medicine industry with popular ones like Carter’s Little Liver Pills, Dr. William’s Pink Pills for Pale People and Sequah’s Oil and Prairie Flower. Scholars have indicated that these appealing names were characteristic of the period; Newton claimed that ‘Today’s trade marks are usually more scientific-sounding names rather than the more interesting graphic marks of years

gone by. However, in contrast to the existing literature this study has identified plenty of trade marked names that were influenced by scientific names. Sodium para-aminophenyl arsonate had three trade marks associated with it: Arsamin, Soamin, and Atoxyl, all of which alluded to its official name. *The Chemists’ Dictionary of Synonyms and Trade Names* (1912) consisted of an index of products being demanded by the public under differing names, featuring ‘a large number of fancy names or trade-names.’ The aim of the publication was to make ‘a fairly complete shop-list of words and names which may be heard over the chemist’s counter any day, and which, too frequently, elude the memory.’ Table 3.2 lists a few examples just from the letter A in the alphabet, which consisted of eight-six trade names and trade marks in total.

*Table 3.2 - Selection of trade synonyms for chemical names.*

<table>
<thead>
<tr>
<th>Trade Mark</th>
<th>Also known as</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acetopyrine</td>
<td>antipyrin acetylsalicylate</td>
</tr>
<tr>
<td>Adreucaine</td>
<td>adrenine and eucaine</td>
</tr>
<tr>
<td>Alformant</td>
<td>formalin tablets</td>
</tr>
<tr>
<td>Alphol</td>
<td>alpha-naphthol salicylate</td>
</tr>
<tr>
<td>Amidol</td>
<td>Diaminophenol</td>
</tr>
<tr>
<td>Arsylin</td>
<td>arsen-protylin</td>
</tr>
<tr>
<td>Aspirin</td>
<td>acetyl –salicylic –acid</td>
</tr>
</tbody>
</table>

*Source: Entries from The Chemists’ Dictionary of Synonyms and Trade Names (1912).*

The presence of these scientific sounding trade marks brings to light a more orthodox narrative of the medical marketplace than previous literature has allowed for and shows that medical and scientific vocabulary influenced the terminology applied to commercial pharmaceutical products. The causal link between medical jargon and trade marks is highlighted by an exchange between the C & D and one of their readers; they

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75 *The Chemists’ Dictionary of Synonyms and Trade Names* (London, 1912), p. V.
advised that ‘Bronchocele, which is the term applied to a swollen throat or goitre, would be a rather inappropriate title for a cough-mixture.’

Correspondence from readers relating to commercial legislation suggests that the trade and profession were considering its influence. The C & D regularly received enquiries from proprietors who wanted to know whether the mark they wanted to register was already in use, but they repeatedly reminded their readers that, ‘We cannot make trade-mark searches. These must be made at the Trade Marks Office, Southampton Buildings, Chancery Lane, for a fee of Is. per quarter-hour.’ Similarly the PJ received enquiries regarding trade marks. One correspondent queried whether they could restrict the use of other vendors using the word ‘Dermoline.’ The editorial response asked ‘Have you registered the word as a trade mark? If not, we doubt whether you can maintain any claim to restrict to use.’ These exchanges point to the fact that trade mark legislation was regulating how pharmaceutical products were named and referred it, and also that it was being administered by a central system. Access to the register of trade marks presented difficulties, and many proprietors used agents to carry out searches for them. Indeed, the C & D stated that,

There are many worrying difficulties to be overcome in connection with the Registration of Trade Marks and the grant of Letters Patent which members of the Retail and Wholesale Drug Trade can avoid by consulting an efficient agent.

The trade mark agent is a figure that has not been discussed at length in relation to the medical marketplace. Jones has, however, identified that advertisements for these agents were included in the British Medical Journal despite their hostile editorial copy towards patenting. Whilst historians of technology have recently given attention to

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76 C & D, 14th December 1895, p. 877.
77 See for example, C & D, 12th August 1893, p. 263; C & D, 11th February 1893, p. 227; C & D, 14th December 1895, p. 877.
78 PJ, 3rd March 1906, p. 276.
79 C & D, 9th May 1914, p. 48.
80 Due to the perceived anti-patenting attitude of many in the profession, practitioners tended to ask for patent application advice anonymously through the correspondence columns of journals like The British Medical Journal, usually marked with their initials or pseudonyms, see: Jones, ‘A barrier to medical treatment?’, pp. 610-611.
the importance of patent agents in encouraging invention, little has been said about their influence on the selling of pharmaceutical products.\textsuperscript{81}

Agents for patents and trade marks were rarely demarcated, so the patent agent’s development will be briefly outlined here. Dutton notes that patent agents proliferated from the 1830s, and by 1851 ninety percent of all patent applications were passed through one. The sector continued to grow in the latter half of the century, with most agents setting up shop in close proximity to the central Patent Office in London.\textsuperscript{82} The patent agent provided legal advice and prepared the specifications required for a patent application. The intricacies of a patent application ensured that their services were well sought after.\textsuperscript{83} With the development of the sector there were calls for professionalisation as the credentials of self-professed patent agents were questioned. Abuses were also a concern, as agents were well-positioned to take out patents in their own name.\textsuperscript{84} By 1882 the Chartered Institute of Patent Agents was founded in reaction to these abuses and in line with emerging professional ideals in the nineteenth century.\textsuperscript{85} Two years later The Reports of Patent, Design and Trade Mark Cases began publication, giving full reports on intellectual property cases in the courts,\textsuperscript{86} and in 1898, under the provisions of the Patents, Designs and Trade Marks Act applications for trade marks were not recognised unless they were carried out by registered Patent Agents.\textsuperscript{87}

Advertisements in the \textit{C \& D} show patent and trade mark agents offered their services to retailers, wholesalers, and manufacturers. Horn \& Son, agents based on the Strand in London undertook the design and registration of trade marks, and presented their clients with a free guide ‘New Patent Law and Registration’\textsuperscript{88} The most mentioned patent agent in the \textit{C \& D} was Reginald Barker. One of his advertisements declared that,

There are many worrying difficulties to be overcome in connection with the Registration of Trade Marks and the grant of Letters Patent which members of the

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\textsuperscript{81} This literature was discussed in section 3.1.
\textsuperscript{84} Ibid, p.95.
\textsuperscript{85} P.J. Corfield, \textit{Power and the Professions in Britain 1700-1850} (London, 2001).
\textsuperscript{86} The Patent Office, \textit{A Century of Trade Marks}, p. 20.
\textsuperscript{87} TNA, \textit{BT 209/928}, ‘Patents, designs and trade marks rules regarding agents, 1898’.
\textsuperscript{88} \textit{C \& D}, 15\textsuperscript{th} April 1885, p. 153.
Retail and Wholesale Drug Trade can avoid by consulting an efficient agent, who would undertake all the trouble for an inclusive fee and obtain protection in the United Kingdom and abroad. Advice in the first instance free. Pamphlets gratis.  

The presence of the agents in the C & D show that brands for pharmaceutical products may have been formed through these figures, which have received very little comment by any medical historian.

*Figure 3.11 - Fletcher Moulton was a prolific patent and trade mark lawyer. Burroughs Wellcome & Co kept him on retainer.*


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One company that realised the central importance of trademark law to the selling of their products was Burroughs Wellcome & Co. They kept a lawyer on retainer, Fletcher Moulton QC (Figure 3.11), a lawyer and scientist, so that they were able to keep abreast of commercial legislation.90 Archival records show they kept a very extensive list of copyright, patent and trademark registers that were kept in a ‘safe and strong box.’91 An inscription at the front of one register read ‘The application of designs to articles of manufacture is protectable under the Patent Design and Trade Marks Act 1883 (46 & 47 Vict Cap 59) and not under Copyright Law’, illustrating that Trade Mark Legislation - over that of Copyright Law - was integral to how designs on pharmaceutical products were protected within the marketplace. The firm referred to the trademark register to help them decide whether the word was distinct enough for the market. For example, a memorandum between employees show that ‘Disfec’ was suggested as a trade mark for a disinfectant, and the register was consulted to see if there were any similar registrations in class two (for disinfectants). Words noted as registered from other firms included Disinfectol, Disol, Dissoids, Hydis, Dysan, Discaine and Dyseleine. The word Microl was also considered as a name for the same product, but a check of the register confirmed that it had already been registered in class two in August 1904, and nine other words in the same class were prefixed with micro or similar, like Microbos and Mickronal.92 The trademark register thus helped to shape how pharmaceutical products were named by eliminating potential words.

B.W. & Co’s efforts to maintain exclusive rights of marks entered the public sphere, most notably with the case of Burroughs Wellcome & Co v. Thompson & Capper in 1903, which established in a court of law, under the Trade Marks Act of 1883, that Tabloid was a fancy word and that it only referred to B.W. & Co goods. This case, as a legal precedent, has received the most commentary from historians and has been heralded as a landmark case in the firm’s history.93 Seventy-two witnesses were...

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91 GSK Archives, 1/4/2, Box 1, No.1. ‘Burroughs Wellcome & Co, Complete List of Trade Mark Registrations and Designs’.
92 WL, WF/L/06/098. ‘Treatment of trade marks in B.W. & Co’s literature and labels, letter from Mr Pearson to Mr Warden, 5th June 1915’. This was part of a discussion for a product that would replace the German ‘Lysol’ disinfectant. A discussion of the impact of the First World War on the medical marketplace is explored in chapter five.
involved in the case, which included eminent medical and scientific men, as well as influential characters from the trade.94 The case was reported on in a special double issue of *The Medical Times and Hospital Gazette* (1903), which dedicated fifty pages to the matter.95 B.W. & Co used the case to promote their trade mark and take an authoritative stance in the marketplace. The use of court cases in advertisements will be further commented upon in chapter four. As successful brands many of B.W. & Co’s goods were at risk of imitation. Wellcome made concerted efforts to manage this issue. Knowledge of patent and trade mark legislation formed an integral part of the firm’s training by 1906 and a general statement was issued to all new representatives that extended over nine pages (Figure 3.12).96

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94 Church, ‘Trust, Burroughs Wellcome & Co and the foundation of a modern pharmaceutical industry in Britain’, p. 389.
95 WL, WF/L/06/064. ‘Burroughs Wellcome & Co v. Thompson & Capper: reported in *The Medical Times and Hospital Gazette, 19th December 1903, p.808*’. The case was also extensively commented on by other medical and trade journals, including *The Lancet, The British Journal of Nursing, and The Medical Press & Circular.*
96 WL, WF/L/06/103. ‘A.E. Warden’s Trade Marks File, Mr Warden’s General Statement to New Representatives, 1906’.
Figure 3.12 - A contract given to Burroughs, Wellcome & Co’s representatives stating their role in observing trade mark and patent related matters.

Correspondence found in the Wellcome Library archives shows the extent of Wellcome’s brand management. For example, upon finding out the Standard Tablet Co had submitted an application to register the word Solvad, which was very similar to B.W. & Co’s registered trade mark Soloid, Henry Wellcome put forward a successful
‘Notice of opposition to Application for Registration’, utilising the Patents, Designs and Trade Marks Act, against Harry William Kilby Pears, the proprietor (Figure 3.13).97

**Figure 3.13 - Notice of Opposition to Application for Registration submitted by Henry Wellcome.**

In 1909, however, there was concern that Pears was still using the word. Wellcome wrote to twenty-six representatives in order to ascertain the degree of imitation in the marketplace, asking ‘Please let us know by return if, when calling on medical men or

97 WL, WF/L/06/072, “Solvad” and “Soloid” trade mark dispute: Notice of Opposition and Evidence of Opponent Henry Solomon Wellcome, Notice of opposition signed by Wellcome, 3rd July 1905."
chemists, you have ever seen or heard of any products called “Solvads”, and if so what is the extent of sales, etc. 98 F.M. Carmichael replied, ‘neither seen or heard of the above products in the territory under my control.’ J.L. Overton remarked that he hadn’t ‘heard them mentioned from doctors, or know of any sale.’ Mr J. Howat made ‘guarded enquiries’ into the matter. He asked six stores in Liverpool area but ‘they have had no demand for the products of this name, and have never heard of the name.’ However, A.H. Barnett noticed ‘I have seen corrosive sublimate tablets packed under the name of Solvads, but in one place only, namely Sneeds Chemist, Keighley. ‘The Standard Tablet Co was mentioned in connection with them.’ He also noted that he had seen similar shaped bottles at Messrs Runnington & Co Ltd, Bradford. 99 This vigilant attitude to protecting the firm’s trade marks indicates the importance of exclusivity of use. Messrs Markby, Wellcome’s solicitor contacted Pears, who replied,

my view has been that the refusal of the Registrar to register my word ‘Solvads’ does not operate in any way as a restriction on my using it, unregistered, for trade purposes. Your letter is the first intimation I have received, that Messrs Burroughs Wellcome & Co object to the actual use of the word, as apart from registration. In view of that intimation, I beg to inform you that I have completely discontinued using the word in any way, and am prepared to give you an undertaking to make no use of the word in future. As I am thus entirely meeting your wishes I shall be glad to hear that this course is satisfactory to you and obviates the necessity of any legal proceedings. 100

However, Pears slipped up when he accidentally inserted the word into a price-list published in the C & D. He was again approached by Wellcome’s solicitor, replying,

I am sorry to notice that in altering my pricelist, the word ‘Solvad’ escaped my notice in three places. You will doubtless see that it was obviously my intention to drop the word ‘Solvad’ in this reprint, and the only explanation I can offer for the stupid

98 WL. WF/L/06/080. “Solvad” and “Soloid” trade mark dispute: further correspondence, letter to representatives, 27th April 1909.
mistake is that the copy of this pricelist was most hurriedly compiled owing to the ‘Chemist and Druggist’ having over-persuaded us to insert the reprint of our pricelist in their Jubilee Number. The result was there was only a few days to get the entire thing carried through and there was consequently no time to correct the proofs as carefully as ought to have done. Perhaps the fact that I did a great deal of the work in this connection in the small hours of the morning had something to do with the oversight. As all my labels with the word ‘Solvad’ have been carefully removed from stock there is not the slightest risk of anyone getting any goods labelled ‘Solvad’ and as this slip is so obviously unintentional, I trust you will not require me to affix any notice to the 5,000 remaining copies which I had printed at the same time for distribution by post.¹⁰¹

This explanation was not good enough for Wellcome, however, who retorted ‘As you have 5000 copies of the price-list on hand we deem it most desirable that you affix an errata slip for our approval so that we may have record that our wishes have been compiled with.’¹⁰² These wishes were carried out: Figure 3.14 shows a price-list with one of the errata slips attached.

Contacting proprietors in an informal manner prior to any litigation was a tactic employed by other firms. For example, James Woolley Sons & Co, a wholesale-druggists based in Manchester, wrote to vendors who were infringing their trade marks to try and settle the matters out of court. This tactic seemed to work; a letter from the Standard Tablet & Pill Co reveals that they acquiesced to Woolley’s demand:

You have expressed through your Solicitors a desire to be quite reasonable in the defence of your rights we desire to meet you in the same spirit, and with the idea of avoiding any litigation or unpleasantness hereby undertake not to use the word
‘Sanitary’ in connection with the Rose Powders advertised in our catalogue published as a supplement to ‘The Chemist and Druggist’ of 28th January 1911.103

The TMJ formed an essential part of evidence. Woolley’s solicitors, Addleshaw Sons & Co, asked the firm to ‘kindly return us the two Trade Mark Journals so that we can send [the Standard Tablet & Pill Co] the information they ask for’.104 Avoiding court cases seemed the order of the day; after James Woolley Sons & Co wrote to wholesale druggists Oldfield Pattison & Co with concern over their use of the Minoeroleum trade mark they wrote back arguing that they had used the mark prior to Woolley’s registration of it and that they had decided not to waste money in legal proceedings when Woolley registered the mark in 1886, suggesting that ‘when the real facts came to be published they would not have looked very well in print to say nothing of neighbourly harmony being destroyed’.105 Woolley Sons & Co, however, maintained that,

With regard to the amazing suggestion that you ever had any right to use the word ‘Minoroleum’, we must decline to discuss a matter which was settled seventeen years ago. We desire to point out that having invented, advertised and registered, the words ‘Minoroleum’ and ‘Minorolin’, we intend to maintain our right to the sole use of these trade marks, and that unless you undertake to discontinue to make use of them we shall be obliged reluctantly to take the only steps open to us, to protect ourselves against infringement.106

If the threat of proceedings was unsuccessful then litigation was carried out. Darton, a company dealing in hand-operated implements, had registered a three-arrow trade mark in class eight. This was a separate class to James Woolley’s medical interests and Darton argued that the mark was used for ‘nothing that would clash with your business.’ Circumtext on the letter reveals that this was not acceptable for James Woolley Sons &

104 JRL, WOL1/7/26. ‘“Sanitary Rose Powder” trade mark dispute, Letter from Addleshaw Sons & Co to James Woolley Sons & Co Ltd, 7th February 1911’.
105 JRL, WOL1/7/12. ‘Mineroleum trademark dispute, Letter from Oldfield Pattison & Co to James Woolley Sons & Co Ltd, 30th June 1903’.
Co, who noted internally that ‘it would prejudice the might of the brand Three Arrows’,\(^{107}\) thus indicating the importance of linguistic exclusivity in the market.

Exclusivity of use was important in maintaining the brand within a competitive marketplace. Another example comes from the proprietors of Singleton’s Golden Eye Ointment, which had been manufactured and sold for around three hundred years by the end of the nineteenth century, but that did not stop other vendors from taking up the name for similar products: Dr Rooke’s Golden Ointment was sold to treat the same condition. In *Rooke v. Green* (1872) the proprietor of Singleton’s Golden Eye Ointment, Stephen Green, fought for the exclusive right to the word Golden when attached to an eye ointment. This was three years prior to the Trade Marks Registration Act of 1875\(^{108}\) and the outcome of the case meant that Rooke was legally free to include the word Golden in the trade name of his product. Under common law there was no restriction unless another person named Singleton wished to apply his name to ‘Golden Ointment’ and sell it. Wickens VC ruled in favour of Rooke in 1872. By 1903 Stephen Green dropped the word Golden altogether from the name of his product (Figure 3.1)\(^{5}\). This may have been due the inability of Green to register Golden due its descriptive nature, thus demonstrating again that trade mark legislation impacted the branding of pharmaceutical products, albeit in the opposite manner to B.W. & Co’s successful rulings.\(^{109}\) The fact that Stephen Green did not have exclusive right to his mark meant that he considered it more commercially valuable to alter it.

\(^{107}\) JRL, *WOLI*/7/10-11. ‘Three arrows trade mark dispute, 8\(^{th}\) March 1886’.
\(^{108}\) C.E. Coddington, *A digest of the law of trademarks as presented in the reported adjudications of the courts of the United States, Great Britain, Ireland, Canada and France from the earliest period to the present time* (New York, 1878), p.357
The eligibility of words that could be registered changed over the period with revisions to trade mark legislation. On 15th January 1896 the TMJ stated that ‘written signatures of a firm’ could only refer to the actual trading name or personal name of the applicant, they could not include descriptive trading styles such as ‘The Excellent Tea Company’ or ‘The London Stout Company’ written as a signature style. This affected a number of B.W. & Co’s trade marks, including Aqua Viva, which was signed ‘Aqua Viva Company’ (no. 25,189; 11th November 1880, classes three & forty-four); Chlorate of Potash Pearls, signed ‘W.H. Kirby’ (no. 32,311, 5th May 1883, class three); Compressed Peptonic Tablets, signed ‘A.P. Jones’ (no. 20,269, 8th September 1879, class three); and Hazeline, signed ‘Hazeline Company’ (no. 25,193, 11th November 1880, classes three and forty-eight).\(^\text{110}\) Subsequently these trade marks were altered to exclude a written signature.

\(^{110}\) WL, WF/L/06/049. ‘Memoranda concerning trade marks, letter from Mr Warden to Mr Bristow, 21st October 1919’.  

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**Figure 3.15** - Leave out the word ‘Golden’. Design for Singleton’s Eye Ointment.  
*Source: London Metropolitan Archives, City of London, B/SIN/152.*
The impact of changing legislation on the advertising of branded pharmaceutical products will be further explored in chapter four.

Eligibility of words would have an enduring effect on the medical marketplace. R.L. Lloyd, Trade Marks Officer for the Beecham Group in the 1950s, retrospectively surveyed the importance of trade marks for the J.C. Eno Limited Company in an internal memorandum, stating that historic trade mark cases taken out by Alfred Bishop and W.G. Dunn against the firm ‘will show not only the measures taken to protect these marks but also the reasons which led the company to alter their wrappers and labels.’ Lloyd’s memorandum showed that advertisements and packaging were altered in the past to safeguard the company’s legal rights and to secure commercial advantage. In 1877 Fruit Salt was first registered as a trade mark in the medicinal class (class three). A year later it was also registered in the food class (class forty-two), along with various depictions of its wrapper. Between 1888 and 1890 the proprietor of Dunn’s Fruit Salt Baking Powder, wished to strike out ‘Fruit Salt’ from the register on the basis that the words were descriptive. Witnesses were called to attest that the words ‘Fruit Salt’ referred exclusively to Eno’s products. Both Jesse Boot and Lionel Newbery, big names in the pharmaceutical trade, came forward in support of Eno. As a result of the litigation Eno was advised to remove the mark from the register as it was descriptive. Dunn, however, was still refused the use of the words on the grounds that his mark was intended to deceive. After the 1905 Act was passed descriptive words were given more allowance to be registered, so the words ‘Fruit Salt’ were reinstated. The nuances and fluctuations of trade mark legislation would thus impact a firm’s brand.

Imitation was a reoccurring problem for Eno. In 1917 the firm were advised to cease using the prefix ‘Eno’s’ so that the public would not consider the product a version of Fruit Salt, but the original. ‘Eno’s’ was removed from the wrappers but the firm still felt that the trade mark along with the prefix held commercial value and made sure advertisements continued to state ‘Eno’s Fruit Salt’. The words ‘Fruit Salt’, however,

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111 J.C. Eno Ltd was bought by International Proprietaries in 1928, which became known as Eno’s Proprietaries in 1934. The Beecham Group bought the rights to the firm in 1938, see entry for Beecham in Richmond, Stevenson, and Turton, *The Pharmaceutical Industry*. Today Eno’s Fruit Salt and Beecham are part of the GSK conglomerate.

112 GSK Archives, *J.C. Eno Ltd, 4/JE/4, Box 3*. ‘Use of “fruit salt” trade mark, memorandum from J.L. Lloyd on the use of the words Eno, Eno’s, and Fruit Salt’, 2nd December 1953, p.1’.

113 Ibid.
were emphasised as the trade mark in advertisements. Lloyd, in his retrospective article was writing at a time when members of the Board were arguing whether the words Eno and Fruit Salt should remain separate on wrappers. He stated that during these important trials for the company’s rights product wrappers were used as evidence in court. In 1921 litigation was bought again against the company by Alfred Bishop, who argued that he could use the term ‘Fruit Saline’ when describing his goods. However, Lloyd cited the fact that as the words ‘Eno’ and ‘Fruit Salt’ were registered separately and the wrappers only featured the latter it stopped Bishop from being able to use ‘Fruit Saline’ descriptively. Lloyd’s point in the memorandum was to argue that the wrapper had been continuously used since 1875, and new proposals by the firm to put the full phrase ‘Eno’s Fruit Salt’ on the wrappers would be foolish considering the historic trade mark case. An issue of the C & D from 1936 also made a point about the exclusive use of Eno’s trade mark and the significance of Eno’s hard-won rights for its readers, stating that, ‘To pharmacists the varied fortunes of the title “Fruit Salt” are of interest and some importance. Under the Trade Marks Registration Act, 1875, the terms “Fruit Salt,” “Fruit Saline” and “Fruit Powder” were registered as old marks’, and brought to the readers’ attention the actions bought against infringers over the next few decades. This example serves to show that historic trade marks from the time period in question were referred to directly by firms when considering the design of new packages and advertisements. Court-cases involving trade mark legislation were thus impacting the marketing tactics of firms long after the event. This has implications for firms’ brand management in today’s medical marketplace, as prior litigation can inform them how best to protect their exclusivity. The examples of branded products so far considered in this chapter have been from large wholesalers and manufacturers, but in order to understand the significance of trade mark legislation the use of these marks by other market participants needs to be considered. Successful brands in history are linked to big business but advertisements found in the trade and medical press have indicated that differing sizes of firms were engaged in registering trade marks.

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114 Ibid, p. 2.  
115 Old packaging design could thus retain importance. Packaging’s significance in the medical marketplace was explored in chapter two.  
116 GSK Archives, J.C. Eno Ltd 4/IE/4, Box 3. “Use of ‘fruit salt’ trade mark, memorandum from J.R. Lloyd on the use of the words Eno, Eno’s, and Fruit Salt”, 2nd December 1953, p. 9.”  
117 C & D, 27th June 1936, p. 739.
3.4 Trade Names and Nerve Tonics

This section analyses the range of participants registering trade marks by focusing on one aspect of the market – the nerve tonic market. This particular category of pharmaceutical products has been chosen as nerve tonics have been inextricably linked to patent medicines, with many containing ingredients like opiates, cocaine or alcohol, and thus condemned by today’s standards as dubious and dangerous. Nerve tonics were also characteristic products of the period, with proprietors attesting to treat nervous disorders like nerve deficiency, neuralgia, and neurasthenia. Neurasthenia, for example, was a disease framed as particular to industrial society, and was linked to overwork and the stresses of modern day living. Historians of medicine have shown that certain nervous disorders were seen as fashionable in the period, linked as they were to modern day living, high-society, and ‘brain-work’. Its presence as a diagnostic category declined from the early twentieth century, in part due to increasingly contradictory understandings of the mind and growing knowledge of psychological processes. Nonetheless, Tom Lutz showed that after the term had fallen out of use within the medical community, there remained a demand for services and products which had been marketed around the diagnosis.

The commercial sale of products and services related to nervous disorders was expansive. There were numerous competing varieties of nerve tonics on the market, with names such as Hall’s Wine, Armbrecht’s Coca Wine, Tidman’s Sea Salt and Allen & Hanbury’s ‘Byno’ hypophosphites, put on the market by an array of market participants. Many were advertised as conducive to rebuilding nerve forces which had become depleted through overwork; they usually contained iron, quinine, or strychnine, and ingredients like glycerol phosphates and magnesium. Nerve tonics from a marketing viewpoint have been subject to scholarly study. Michael Neve, looking at the British context, highlighted the presence of neurasthenia products and services in the medical market including sanatoria and apparatus like the ‘Odo-Magnetic Apparel’. Thomson considered nerve tonic products in his study of neurasthenia as a diagnosis in Britain in

\[118\] The concept of nerve force in medical discourses had been somatically defined, with mental processes seen as depending on supplies of ‘vital nerve force’, see: E. Shorter, From Paralysis to Fatigue: A History of Psychosomatic Illness (New York, 1993).


the early twentieth century, stating that advertisements of nerve tonics in the lay press catered to the self-help culture of the time.\textsuperscript{121} Lutz stated that neurasthenia was ‘a medical speciality and a central cultural articulation of psychological, moral, physical, social, and economic understanding.’\textsuperscript{122} The popularity of the diagnosis and products relating to it has been linked to cultural authority as part of wider discourses of imperialism, class, modernism, professionalization, and gender. How products designed to deal with nervous debility achieved credibility away from these wider discourses has not been considered, nor has the attachment of registered trade marks to these products been included in any scholarly study. This section will bring a more nuanced view of branded medicines to light, showing that commercial legislation was used to impress the idea of a credible nerve tonic. As has already been established for other products in this chapter, suppliers of nerve tonics were, by the late nineteenth century, able to visually advertise their product’s packaging or logo, and they operated in a market where these graphic images were protected from imitation by legislation. So, who was registering trade marks for nerve products? And did the trade mark form a significant part of the product’s identity within the medical marketplace? The rest of this chapter will survey the registration of four nerve tonics in the medical marketplace.

In May 1876, only five months after the registration of trade marks came into force, Dr Henry Hanks registered ‘Neuralgia and Nerve mixture’ (no. 5491).\textsuperscript{123} Typically patent medicines are associated with quacks, however, Dr Hanks was listed as a medical practitioner in the Medical Directory of 1878.\textsuperscript{124} He held a number of qualifications, including the MRCS (1851) and the LSA (1858), and he wrote a number of papers on neuralgia and consumption, which were published in medical journals.\textsuperscript{125} His product was advertised in the trade and lay press shortly after the trade mark was registered on 4\textsuperscript{th} October 1876 with its logo depicting a mortar and pestle type apparatus, evoking a

\begin{thebibliography}{9}
\bibitem{123} Henry Hanks lived at 146 Mile End Road and was a registered London Physician and Surgeon. He applied for his trade mark on 9\textsuperscript{th} May 1876 and it appeared in the \textit{TMJ} on 4\textsuperscript{th} October 1876, see entry for ‘Neuralgia and Nerve Mixture’ in Price and Swift, \textit{Catalogue}.
\bibitem{124} J. Churchill and Sons (eds), \textit{The Medical Directory}, (London, 1878), p. 115; see also the list of members of the Provincial Medical and Surgical Association: \textit{Association Medical Journal}, 3, No.143 (September 1855), pp. 887-896.
\bibitem{125} Including the \textit{Medical Gazette} and \textit{Transactions of the Obstetrical Society of London}, see, \textit{Medical Directory} (1878), p. 115.
\end{thebibliography}
traditional form of manufacturing drugs. Henry Hanks also received a Royal Patent in 1875 and he showcased this fact through advertisements in the home and colonial markets (Figure 3.16).\textsuperscript{126} As a medicine for exportation the product targeted the ‘attention of Merchants, Shippers, Captains, and Passengers’ and the advertisement stated that ‘Naval and Military Officers, Residents in the Colonies, and Emigrants, far away from doctors, will often find it a source of relief.’\textsuperscript{127} This advertisement implies that professional opposition to branded medicines, in an attempt to control the medical market, was indeed as complex as some historians have suggested.\textsuperscript{128} A similar advertisement for the product was also circulated in an Australian provincial newspaper in 1878.\textsuperscript{129} This product fits into a wider discourse of global brands, which will be discussed in chapter five of the thesis.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{Figure3_16}
\caption{Advertisement for Dr Hank’s Neuralgia & Nerve Mixture.}
\end{figure}

Furthermore, the advertisement claimed that the nerve mixture was ‘no Quack Imposture but a genuine, truly useful, bona-fide medicine.’ The long-list of illnesses that the product claimed to cure would suggest otherwise to the modern eye, it was,

\begin{itemize}
\item \textsuperscript{126} His application is noted in The London Gazette, 19th November 1875, p. 5531.
\item \textsuperscript{127} C \& D, 15th February 1881, p. 64.
\item \textsuperscript{129} The Maitland Mercury and Hunter River General Advertiser, 7th December 1878.
\end{itemize}

One of these illnesses – neuralgia - was identified at the time as a somatic illness which could be aggravated by overwork and sleeplessness. Theoretical models of nerve-centred discourses were broadly defined by medical practitioners as situated between mental illness and physical ailments. Janet Oppenheim, in ‘Shattered Nerves’, discussed the way in which theory was adjusted depending on the patient involved.130 The rhetoric of loss of nerves used in very general explanations of ill health allowed the lay consumer to pick and choose what the product was specifically used for, giving it the ability to encompass multiple meanings. Medical discourse gave the product credibility and played into a wider rhetoric of stress and overload found in medical writings of the period, which Hank’s own publications in medical journals appealed to.

Unlicensed medical practitioners were also keen to register trade marks. The second product within this analysis is Dr Lalor’s Phosphodyne which was advertised ‘for the permanent cure of brain-wreckage, paralysis, sleeplessness, harassing dreams, premature decay of vital power, and all functional and diseased conditions of the system dependent upon the deficiency of the vital forces.’ Richard Lalor registered his trade mark for his product Phosphodyne in 1876,131 drawing on scientific rhetoric, using the suffix ‘dyne’ to create a scientific-sounding product. He was a quack by definition: his name cannot be found in any medical directory. A contemporary flagged up their concern with Lalor’s advertisements, writing to the British Medical Journal in 1877 suggesting that the Medical Defence Association should look into the case.132 Lalor’s advertisement shown in Figure 3.17 used the product’s registered trade mark as a means to create authority, claiming that the product was ‘sanctioned by Her Majesty’s Government’ under the sections 38 & 39 Vict, Chapter 91 of the Trade Marks Act.

131 Price and Swift, Catalogue, entry for Dr. Lalor’s Phosphodyne.
Figure 3.17 - An advertisement for Dr Lalor’s Phosphodyne implying the product was sanctioned by the government due to the trade mark’s registered status.

This example evidences that qualified and unqualified medical practitioners made use of commercial legislation to bring credibility to their nerve products. The use of trade marks in this way has not previously been commented on by historians of the medical marketplace.
The third nerve product, Carter Moffat’s Electric Body Belt, was also put on the market by an unqualified practitioner. It was marketed to both men and women and for a wide array of illnesses, including overwork, stress, and worry. A case was opened in 1892 over claims within Moffat’s advertisements that the Royal Family were patrons of his nostrum. The Vice Chamberlain of her Majesty’s household wrote to the Treasurer Solicitor stating that,

The Royal Family are all very indignant with this man. It is absolutely false that they use his nostrums. I have tried to get at him through the medical authorities, but they cannot help us.133

However, the General Medical Council had no influence on the matter. They stated that,

Sir, first of all I must point out what no doubt has not escaped your notice, that Moffat not being on the Register the General Medical Council have no power of exercising their peculiar jurisdiction i.e. that of striking off the register.134

Quackish advertisements thus seemed to operate outside the jurisprudence of professional institutions. The Lord Chamberlain was advised that ‘The Patent and Designs Trade Mark Act, 46 & 47 viz cap 57, s. 106 only deals with advertisers who assume the Royal Arms without authority, this one does not.’135 As set-out in Figure 3.1, the use of Royal Arms was prohibited after the passing of the 1883 Patents, Designs and Trade Marks Act.136 This suggests that if the Royal Arms had been used by Moffat the Trade Marks Act may have been more successful than medical regulatory bodies in protecting consumers from quackery in the medical market. Nerve products marketed under false claims were difficult to regulate. Imitations and marks ‘intended to deceive’, however, could be somewhat controlled via trade mark legislation.

133 TNA, TS 18/438. ‘Moffat, Dr. Carter: Treasury Solicitor and the General Council of Medical Education and Registration, letter from the Vice Chamberlain to the Treasurer Solicitor, 12th February 1892’.
134 Ibid, Letter from Mr Farrar of 66 Lincolns Inn Fields to Sir Augustus Stephenson KGB, the Treasury, Whitehall, 1st April 1892’.
135 Ibid, Letter from H. Burgess of 11 Lawson Street, to the Lord Chamberlain, 17th June 1891.
The fourth nerve product of this study, Neuralgine, (see Figure 3.18) was registered in 1880 by a qualified chemist named Francis Codd, trading in Devonport. Codd seems to have become a successful chemist, perhaps in part due to his success with the product, as eight years later his shop was called ‘the handsomest chemists’ shop in the town’ in an 1888 issue of the C & D. Despite this accomplishment no advertisements for the product have been uncovered from the national press. The product was thus likely to have been manufactured and sold locally, indicating that the use of trade marks was also important to a local market not competing on a large scale with national firms. Codd was a member of the Chemists and Druggists’ Trade Association of Great Britain and in 1884 he acted as a local secretary for the Plymouth area. The main committee were charged with the task of surveying newly registered trade-marks that were printed in each issue of the TMJ, and to point out if any of the proposed marks had the potential to ‘be detrimental to the interests of the trade.’ Appointed local secretaries would flag up any controversial marks to the committee. This gave the trade a means to regulate the market for imitation via the use of trade marks.

Figure 3.18 - Francis Codd’s Trade Mark for Neuralgine registered 18th February 1880.

Source: Price and Swift, Catalogue, see entry for Francis Codd. By the kind permission of the Trustees of the Science Museum Group.

Were consumers commercially manipulated through trade marks for the treatment of nerves? These nerve tonics were an ‘experience’ product whose worth could not be assessed until after consumption. Familiarity with the brand or trade mark was thereby a significant part of a consumer’s decision-making. Many of the trade marks registered

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137 Entry for Francis Codd, pharmaceutical chemist of 51 Duke Street, Devonport. Trade Mark No.21557. Used since c. 1872. Applied 24th Nov 1879, see: TMJ, 18th February 1880; see also, Price and Swift, Catalogue, entry for Francis Codd.

138 C & D, 27th December 1888, p. 869.

139 C & D, 15th December 1884, p. 594.
were also playing on words associated with wider medical knowledge of the period, as such, products like ‘Vitafir’ and ‘Vitagen’, both played on the idea of the rejuvenation of vital forces through their trade marks. The range of market participants registering nerve-related products implies that registration of trade marks was not just indicative of marketing from manufacturing and wholesale firms but also included qualified doctors and independent chemists, as well as ‘quacks’. Many trade marks, although initially listed in the *TMJ* were not advertised in the national press. The legal protection of marks were thus not entirely linked to the rise of the modern corporation, mass-production or highly competitive mass-marketing. Trade marks were thus of great importance to all levels of the pharmaceutical product industry, and their impact will be further assessed in the next section.

3.5 Trade Marks and Branding in a Captive Market

Following on from the last section exploring who was registering trade marks in the medical marketplace, this section focuses on a sector of the market not usually assessed within a capitalist framework; it concentrates on the Society of Apothecaries, a medical corporation who had operated in a market made up of little or no competitive suppliers, and explores how their business strategy was affected by the rise of commodity culture and the inception of trade mark legislation. In the nineteenth century the Society of Apothecaries’ image as a supplier of quality drugs was well established from a long-tradition of manufacturing pure drugs from 1672 with their Laboratory Stock and later their Navy Stock (1703). Manufacturing and production facilities were expanded on site at the Apothecaries’ Hall in Blackfriars throughout the eighteenth century to meet the demand from their customers. The Hall held several lucrative monopolistic contracts with the likes of the Navy, the Army, the East India Company, and the Crown Colonies. Anna Simmons has shown that their status as a livery company and, from 1815, a licensing medical body served to bolster their reputation within the trade.\(^{140}\) The changing medical marketplace, as detailed in chapter one, significantly impacted the Hall’s trade. Manufacturing developments meant that other firms like Allen and Hanburys, Howards and Sons, and Morsons were now positioned to take on large drug

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supply contracts. The 1860s and 1870s saw a reduction in the Hall’s trade and they were particularly hit by the loss of some orders with the India Office, who were now ordering supplies from competing firms. A reduction in the Hall’s wholesale trade led to the dissolution of their United Stock in 1882. However, despite decline in some aspects of their trade, the Apothecaries’ Hall was still in a favourable position in the market due the prestige and standards of quality surrounding their manufacturing abilities. In fact, in the 1888 edition of Kelly’s Directory for London, The Apothecaries’ Hall, under the section ‘Druggists-Wholesale’, were placed at the top of the list, despite the rest of the list falling in alphabetical order. The 1880s saw the Hall try and rejuvenate their trade; a price list was printed along the lines of other pharmaceutical firms and distributed to customers, and managerial changes, with the employment of a trade superintendent, implied that the Hall wanted to participate within the changing market.

Yet, limitations arising from the Hall’s refusal to advertise due to their position as a licensing body and livery company meant that their trade prospects would ultimately suffer. Unsurprisingly, as a professional medical corporation the Society of Apothecaries, alongside the Royal College of Surgeons and the Royal College of Physicians, were positioned against the sale of patent medicines. The Apothecaries’ Hall price-list for 1905 undermined the sale of nostrums or anything with a tradename by advising their customers via their price lists that ‘it is cheaper, when obtainable, to purchase under the B.P., B.P.C., or Chemical Name.’ The profession’s stance against the rise of commercial medicines in the marketplace has been well-documented by historians of medicine as part of the literature on quackery, but there is no consideration of the profession adopting branded medicines after the Trade Marks Registration Act. Simmons’ study of the Apothecaries’ Hall’s trade offered an insight into their business acumen, and how they operated as a professional body as well as a diametrically opposed trading company. She cited the Hall’s refusal to adapt to a more

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141 For example in 1875 the India Office chose to order carbolic acid from Calbert & Co and medicine chests from the General Apothecaries Company, rather than use the Apothecaries’ Hall as done previously, see: Simmons, ‘Chemical and Pharmaceutical Trading Activities’, p. 159.
142 In 1822 the Apothecaries’ Hall’s Navy Stock and Laboratory Stock had merged into the United Stock. Kelly’s Directory, p. 1656.
143 The Hall studied the format of price lists from Allen and Hanburys and Corbyn and Co. see: Simmons, ‘Chemical and Pharmaceutical Trading Activities’, p. 192.
144 Ibid, p. 194.
145 AHA, Box 64. Trade E/7, Box 3. ‘Loose papers and petty receipts, price-list, price-list for 1905’.
competitive marketplace as a key reason for the final demise of their wholesale and retail trade in 1922. Simmons, however, did not mention branding or trade marks within her analysis of the trade. In light of the significance of trade marks to the medical marketplace established in this chapter, the Hall’s experience of branding is essential to furthering understanding how their trade operated. It is also of interest to consider how a trading body acting within a more captive market and within a guild-structured framework reacted to branding developments usually connected with competition and the rise of the modern corporation.

The Hall’s traditional branding consisted of heraldic and emblematic signs. Their coat of arms was used by licentiates from the Society from the seventeenth century on drug jars and pill tiles (see Figure 3.20), as a form of branding linking their shop or practice to the eminent Hall. Thomas Wright Fenwick of 12 Ironmonger Street, Stamford copyrighted a trade mark of a running elephant in boots bearing banner with words 'Apothecaries' Hall' in 1872 at The Stationer's Hall, prior to the Trade Marks Registration Act (Figure 3.19). This branding suggested to Fenwick’s customers that he had a link to the Hall. It may have been the case that he bought his drugs from them.

*Figure 3.19 - Thomas Wright Fenwick's copyrighted trade mark (1872).*

Copyright not obtained.

*Source: The National Archives, COPY 1/27/243.*

149 TNA, COPY 1/27/243. 'Thomas Wright Fenwick – Apothecaries’ Hall Trade Mark, 14th November 1874'; Fenwick’s business activities were unsuccessful: he declared bankruptcy in 1875, see: *The London Gazette*, 17th August 1875, p. 4183.
The coat of arms of the Worshipful Society of Apothecaries (Figure 3.20) shows Apollo, the God of Healing, overpowering a wyvern, which represents disease. Their motto reads ‘Opiferque per orbem dicor’ meaning ‘Throughout the world I am called the bringer of help.’ Either side of the shield is a unicorn, and there is a rhinoceros at the top. Both of these creatures were connected to traditional medicine, their horns, when powdered, were considered to have numerous medicinal properties. In 1894 the Society of Apothecaries registered their crest depicting a Rhino as a trade mark (Figure 3.21).

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This example serves to show that the Society, one of the eminent medical bodies, had taken out registration of a trade mark, a fact that has gone unidentified in institutional histories as well as in more recent literature on their trade. The Society also used their trade mark to regulate the market. Just two years after registration, James R. Upton, Clerk to the Society of Apothecaries, was alerted to the fact that the printer Mr Henry Silverlock had been using the stamping die containing the Society’s trade mark on envelopes and wrappers for persons other than the Society. Under trade mark legislation, ‘Marking any die or other instrument for the purpose of forging, or of being used for forging a trade mark’ and ‘Disposing of or having in his possession any die or other instrument for the purpose of forging a trade mark, unless he proves that he acted without intent to defraud’, was considered illegal. The Society informed Mr Silverlock that he had to write the following apology to be published in The Times:

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I have to express my regret for having without wrong intention used the die containing the registered trade mark of the Society of Apothecaries for the purpose of printing copies of such trade mark for use by persons not entitled to use the same & I hereby undertake that I will not at any time hereafter engrave or print the trademark above referred to any person or persons whomsoever other than the Society of Apothecaries.154

This expectation of a public apology reflects advertisements printed by the likes of B.W. & Co when pursuing imitators.155 It also implies that the Society was beginning to see value in preserving their trade mark within the medical marketplace. At the behest of Silverlock the apology was never printed; the Clerk relayed to the Society that ‘the letters to be published would give rise to a suggestion in the minds of the customers that at any rate he had done something which he ought not have done & might seriously injure his business which to he carries on for customers over the world.’156 Silverlock was an esteemed medical label printer of the day157 and as his business was only a mile away from the Apothecaries’ Hall at 92 Blackfriars Road, just over the Bridge, it may be that the Society was sensitive to his plea not to be humiliated in this manner. The Society were also customers of Silverlock; a label book in the Society’s archives was bound with a Silverlock paper ribbon (see Figure 3.2, bottom right). Silverlock claimed ignorance of the fact that the Society had registered their crest as a trade mark particularly as ‘upwards of 20 years ago the use of this crest by chemists & others, by whom he was employed was extremely common.’ This suggests that within the medical marketplace the crest of the Society of Apothecaries had been used for marketing the services or products of chemists, which is also reflected in its appearance on pill tiles and drug jars. It was only the last twenty years, which neatly coincided with the passing of 1875 Trade Mark Act, that Silverlock had seen in a decrease in the use of the crest on chemists’ labels. His recent customer, Mr Padwick, had used the crest on envelopes,

155 A selection of advertisements that showcase apologies from firms who were unsuccessful in court cases will be discussed in the next chapter, section 4.2.
157 The name of Henry Silverlock’s firm had been changed to ‘The Medical Label Warehouse’ in 1830, see: G. Griffenhagen and M. Bogard, History of Drug Containers and Labels (Madison, WI, 1999), p. 15.
labels and other stationery when he practised on the High Street in Wandsworth in the 1860s and ‘thinks it hard that he should now be subjected to a loss’ by returning the printed stationery. His only other recent customers for the use of the crest and arms of the Society were from two brothers, Mr Gosling of Diss and Mr Gosling of Halesworth.\textsuperscript{158} Upton replied to Silverlock stating that if Mr Padwick did not cease to use his labels then the Society would have a right to take immediate proceedings against him. Mr Gosling of Halesworth, on the other hand, had a stock of labels bearing the arms of the Society, which unlike the crest, had not been registered as a trade mark.\textsuperscript{159} The use of the arms by non-licentiates, however, was disapproved of. As such, when a subscriber to the \textit{C \& D} enquired about the antiquarian value of a plate in his possession showing the arms of the Society and was advised ‘It would not be prudent for you to use it unless you are a licentiate of the Society.’\textsuperscript{160} Subsequently both of the brothers returned their stock.

\textit{Figure 3.22 - Labels for products with the Apothecaries’ Hall trade mark.}

\begin{figure}[h]
\centering
\includegraphics[width=0.5\textwidth]{labels.jpg}
\caption{Labels for products with the Apothecaries’ Hall trade mark.}
\end{figure}

\textit{Source: AHA, Box 64. ‘Medicine Labels’. Images used by kind permission of The Worshipful Society of Apothecaries.}

\textsuperscript{158} AHA, \textit{CLB}, Vol.11, p. 31. ‘Letter from James R. Upton to William Chattaway, 4\textsuperscript{th} May 1896’.
\textsuperscript{159} AHA, \textit{CLB}, Vol.11, pp. 66-68. ‘Letter from James R. Upton to William Chattaway, 1\textsuperscript{st} June 1896’.
\textsuperscript{160} \textit{C \& D}, 24\textsuperscript{th} August 1895, p. 333.
The Society re-registered their crest as a trade mark in 1907, and again in 1921.\textsuperscript{161} It seems that the reduction in the use of the Society’s emblems on stationery and on drug jars by other market participants was linked to the rise of branded medicines, when the visibility of product branding assumed importance within the retail space. Silverlock was well-positioned in the medical marketplace to observe the decrease in use of the Society’s emblems, and his reflection that it in the 1890s it had been a common practice twenty years prior attests to the possibility that the Trade Marks Registration Act of 1875 had made the marketability of protected marks more desirable than links to a learned body.

\textit{Figure 3.23 - S. Maw, Son & Thompson’s price list for 1891.}

\textsuperscript{161} TMJ, 1529, 17\textsuperscript{th} July 1907, p. 1269; TMJ, 2270, 1\textsuperscript{st} September 1921, [n.p].
Nonetheless it is important to keep in mind that whilst commercial symbols increased in this period traditional forms of establishing reputation via collegial affiliation still remained within the marketplace. S. Maw, Son & Thompson’s price list for 1891 (Figure 3.23) included show jars depicting the arms of the College of Physicians, the Royal College of Surgeons, the Pharmaceutical Society, and the Society of Apothecaries, presumably for the use of qualified practitioners.\textsuperscript{162}

Further to the registering of their crest as a logo, the Hall’s relationship with patent medicines was not so clear-cut as the traditional narrative depicts. Condy’s Fluid, for example, was shipped via the Apothecaries’ Hall ‘for the use of the Chinese expedition per the Melbourne, Mauritius, and other hospital ships.’\textsuperscript{163} Many of the Hall’s customers were in fact patent medicine vendors; for example, from the 1820s the Hall had been making up ‘Singleton’s Acid’, an ingredient for Dr Johnson’s Yellow Ointment, for the exclusive use of the proprietor Stephen Green.\textsuperscript{164} Moreover, towards the end of the century the Apothecaries’ Hall began manufacturing a patent toothpaste that was branded ‘Asomrof’.\textsuperscript{165} They assured the proprietor, A.G. England of the firm Graham Nevill & Co, that they would not divulge the secret of the formula.\textsuperscript{166} Correspondence with a wholesale stationer shows orders for commercially attractive opaque glass pots with red celloid lids for England’s patent toothpaste,\textsuperscript{167} signifying that the Hall were in contact with the networks involved in making and packaging commercial remedies. Having the most credible name on the product was central to the marketability of an item. England, for example, did not want his own name to appear on the product:

I want you to understand the great necessity of not allowing my name to appear & very shortly I shall address letters to you as from Graham Nevill & Co only - ... The firm who are supplying the pot lids do not know my name as all letters have been address as from Graham Nevill & Co of 30 Walbrooke - your kind co-operation will be appreciated - perhaps you will be good enough to keep this letter to yourself – will

\textsuperscript{162} Thackray Medical Museum Library, S. Maw, Son & Thompson, \textit{Book of Illustrations to S. Maw, Son & Thompson’s Quarterly Price Current} (London, 1891), p. 277.
\textsuperscript{163} \textit{C & D}, 14\textsuperscript{th} January 1860, p. 83.
\textsuperscript{164} L. Bently, ‘The First Trademark Case at Common Law?’, p. 976; Stephen Green’s promotional activities will be discussed in the next chapter, section 4.3.
\textsuperscript{165} ‘Asomrof’ was registered as a trade mark in 1898, No.215,466, see: \textit{C & D}, 1\textsuperscript{st} October 1898, p. 558.
\textsuperscript{166} AHA, Box 65/8. ‘Hall Trade: patent toothpaste, papers for manufacturing England’s patent toothpaste, Memorandum of Agreement, witnessed by W. Chattaway, 20\textsuperscript{th} March 1898’.
\textsuperscript{167} Ibid, ‘Letter from A.G. England to W. Chattaway, 2\textsuperscript{nd} April 1901’.
you kindly telephone me as soon as the pots are delivered – but do not give the message to anyone.\textsuperscript{168}

The reasoning behind this may have been complex. Perhaps his name had been involved in some scandalous activity, or possibly he felt that the optimum marketing strategy for the product would be to associate it with a firm. Adhesive labels were also proposed to be included on the package marked with ‘manufactured by the Apothecaries’ Hall, specially for Graham Nevill & Co.’\textsuperscript{169} In 1914 Asomrof toothpaste was listed in the ‘Information Wanted’ section of the \textit{C & D} after a request for the contact details of the agents for or makers of the article,\textsuperscript{170} implying that the Apothecaries’ Hall refused to list themselves on the label. This exclusivity rendered the Hall’s input invisible, which is perhaps why, until this study, any connection the Hall had with patent and branded medicines has received no scholarly attention. With the Hall’s forays into manufacturing part or whole commercial medicines it is evident that their business activities did not exist in isolation from wider commercial developments. In fact, it seems that the Hall had begun to rely on the very same wholesale houses that their clients were defecting to. The Hall purchased drugs from other wholesale druggists when clients demanded certain ready-made preparations, which, as Mr Morpeth, the accountant, pointed out directly competed with the Society for hospital and other institutional supply contracts. It was noted that the Warehouse and the Packing Department both undertook outside purchases for ready-made items, which ‘does not compare at all favourably with other large wholesale houses.’\textsuperscript{171} Morpeth stated that,

These are the days when the dispensing by medical men and institutions largely consists of the use of ready-made compounded preparations, indeed, many wholesale houses doing a very large business in these. I cannot but think that the Society with its reputation ought to do a fairly good business in this direction. At present, many similar preparations of other houses are frequently ordered by our

\textsuperscript{168} Ibid.  
\textsuperscript{169} Ibid, ‘Letter from A.G. England to W. Chattaway, 29\textsuperscript{th} March 1901’.  
\textsuperscript{170} The existence of the ‘Information Wanted’ column in the \textit{C & D} is also reflective of the depersonalisation of the medical marketplace - makers name and addresses had become so removed from an article that market participants had to seek out the information through a trade journal, see: for example, \textit{C & D}, 30\textsuperscript{th} March 1914, p. 52.  
\textsuperscript{171} AHA, Box 65/2. ‘Special Committee Minutes, 19\textsuperscript{th} October 1914, p.5’.  

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clients, and have to be obtained from these houses, which of course, reap the benefit. This is a matter which by the Committee’s permission I would devote particular attention, and as new and useful preparations were brought out, would recommend that they be named in a prominent position in the price list, as Apothecaries’ Hall specialities.\textsuperscript{172}

This assessment of the trade led to the Hall attaching the name ‘Apothecaries’ Hall Specialities’ to certain products in their price-list, which can be seen as a move into branded articles.\textsuperscript{173} An important shift in their attitude to branding can also been seen in 1904 when the General Post Office requested advice on the best disinfectant to use in post offices throughout the country; this request was received opportune, with Mr Morpeth noting that this would ‘probably result in the Society undertaking the supply of a particular disinfectant and doing a big business.’\textsuperscript{174} It is likely that this large order led the Society to register trade marks (see Figure 3.24) for disinfectants under the Trade Marks Act 1905. The Society registered two trade marks in 1908 and 1911 for disinfectants respectively known as ‘Saponygiene’ (trade mark no. 303,267) and ‘Velysol’ (trade mark no. 367,669), which indicates that they considered moving into branded products rather than focus solely on their trade with raw preparations and generic drugs.\textsuperscript{175} There is no evidence in the Apothecaries’ Hall Archives that the disinfectants were sold beyond any contract with the Post Office. However, in the ‘Information Wanted’ section of the \textit{C & D} the name of the manufacturers of Velysol were queried\textsuperscript{176} suggesting that the name had been applied to the article and sold in the wider marketplace.

\textsuperscript{172} Ibid, p.6.
\textsuperscript{173} AHA, Box 64, \textit{Trade E/7, Box 3}. ‘Loose papers and petty receipts, price-list, price-list for 1905’.
\textsuperscript{174} AHA, Box 65/4. Hall Trade: Trade Committee & Special Committee reports, minutes and papers re: reorganisation of management, letter from Mr Morpeth to W. Chattaway, 15\textsuperscript{th} Nov 1904’.
\textsuperscript{175} AHA, Box 65/6. ‘Trade Mark Certificates’; see also, \textit{TMJ}, 1587, 29\textsuperscript{th} July 1908, p. 1231; and \textit{TMJ}, 1947, 21\textsuperscript{st} July 1915, p. 751.
\textsuperscript{176} \textit{C & D}, 15\textsuperscript{th} January 1916, p. 46.
The Apothecaries’ Hall had registered their trade marks for disinfectants during the period when professional and state opposition to patent medicines was being published in the form of reports and exposés. The British Medical Association had published Secret Remedies and More Secret Remedies in 1908 and 1910 respectively, bringing to light the dangerous or ineffectual formulas of numerous popular medicines. Further to this, the Hall’s final trade mark was applied for under a year after the British Select Committee
on Patent Medicines report of 1914 investigated the scandalous activities of commercial medicine vendors. Within the context of state and professional opposition to patent medicines the move into branded products was a bizarre step for the Hall, who were keen to distance themselves from patent medicine activities or advertising; the trade marks were both advertised in the *TMJ* and appeared in the *C & D* in the ‘Trade Marks Applied For’ section.\(^{177}\)

The Apothecaries’ Hall’s attempts to move with the times were coupled with a ‘Special Report of the Trade’ conducted in 1914. This, however, confirmed their fears, that the Society was made up of three different and practically opposing characteristics, that of a guild, a medical examining corporation, and a trading body carrying on the manufacture and sale of drugs:

This being the position of affairs we recognise that the Society cannot conduct business on the same lines as an ordinary manufacturing and trading house, that is to say it is precluded from advertising, from dealing in proprietary drugs, from selling specific preparations and probably from sending out travellers to open up fresh ground and solicit orders in the usual way; it merely has to rely on the Goodwill of its name obtained by Royal Charter and to receive recommendations from old customers on the first class quality of the goods it manufactures, dispenses and sells, in fact, the business has up to now been more a question of sentiment than a commercial proposition.\(^{178}\)

Their internal analysis ignored their attempts to move into the evolving marketplace, but ultimately showed that their failure to engage fully in novel marketing and openly brand goods was a key reason their trading business ceased in 1922.

**3.6 Conclusion**

With the existing literature ignoring the contribution of trade mark legislation to the promotion of pharmaceutical products in the medical marketplace between 1870 and 1920 this chapter has attempted to fill a significant gap. By undertaking a systematic

\(^{177}\) Saponygiene was listed in the *C & D*’s trade mark’s section, 15\(^{th}\) August 1908, p. 81; and Velysol appeared in, *C & D*, 31\(^{st}\) July 1915, p. 150.

\(^{178}\) AHA, Box 65/2. ‘Special Report of the Trade Committee, 1914’.
discussion of trade marks used in the pharmaceutical market this chapter has provided new insights into not only who was selling branded health care products but how these products were sold. Through data collection of registered trade marks and via business archives, this chapter has identified that an array of qualified vendors with pharmaceutical or medical certificates as well as, significantly, a professional medical corporation - the Society of Apothecaries - were taking out registrations for trade marks, thereby highlighting the complex relationship of branded medicines to the profession. Business archives, correspondence columns, and advertisements from the trade reveal that there was widespread interest in new trade mark legislation. Queries relating to how to register a trade mark reveal the acceptance of this capitalist mechanism for selling pharmaceutical products. With no prior attempt to establish the extent of the influence that trade mark legislation had on the medical marketplace this chapter has illustrated that once trade marks were defendable in court from 1862 and registrable from 1875 they were built up as official branding. This chapter evidences that marks found on products increased in commercial value with the passing of the Trade Marks Registration Act, which is not typically associated with the history of medicine. It was a period where legal precedents were being made in trade mark law and the successive Trade Mark Acts of 1883, 1887, and 1905 allowed for the refinement of commercial definitions that led to a rise in pre-packaged commodities defined by consistent qualities. With developments in graphic communication these qualities were increasingly depicted within advertisements and on labels and packaging. The use of scientific-sounding trade marks added to their gravitas, and there is evidence that many of these affected the nomenclature of commercial medicines, as well as influencing how certain medicines were referred to by the profession. Commercial developments in trade mark legislation gave proprietors, whether that was quacks, orthodox medical practitioners, small independent pharmacies, manufacturers, or multi-nationals, protection in a competitive marketplace. Proprietors were registering their trade marks from diverse locations, which shows it was not just a phenomenon concentrated on London or other large centres. Many of these proprietors employed product branding deftly and matched this with a sales strategy that inspired consumer loyalty to commodities, pre-empting the importance of trade marks and branding in today’s marketing discipline.
Furthermore, there has been a limited attempt to disentangle the commercial undertakings of the Society of Apothecaries from what has been seen as their opposition to advertising and a competitive commoditised medical marketplace. The Apothecaries’ Hall were officially positioned against branded medicines yet subtly introduced ‘Apothecaries’ Hall Specialities’ and trade marks into their trade, whilst continuing to sell raw and generic drugs. Branded medicines were unacceptable to medical corporations, yet this chapter has shown that the Hall were involved in registering trade marks for commercial remedies. This was not a venture kept under wraps, the Society had wanted Silverlock to publicly apologise for using the stamping die. In contrast to that suggested by the existing literature, it has been found that branded medicines formed a small part of the Apothecaries' Hall business. Building on Simmons’ study, this reading of the Society’s commercial activities implies that they had attempted to adapt to the changing medical marketplace. The discovery of trade mark certificates and trade relationships with patent inventors in the archives goes against their traditional narrative. The Apothecaries’ Hall’s commercial undertakings serves to illustrate the disparity between institutional narrative and the reality of the medical market.

This chapter has implications for wider business history, suggesting that branding practices were achieved tacitly and practically before the onslaught of formalised brand management identified by scholars as beginning in the early twentieth century. Marketing processes were increasingly sophisticated for the advertising of health products, before marketing was regarded as a discipline in its own right. Understanding the consumer is a main component of marketing science, and by looking at the profession and retail chemists as just another consumer in the chain allows us to assess the nuances of marketing towards a target audience, bringing us away from the common narrative of direct-to-consumer advertising.

This chapter has, in part, reflected on how pharmaceutical and medical communities developed understandings of branding and intellectual property by looking at advertisements and court cases within trade and medical periodicals as well

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as from archival sources. Pharmaceutical product branding was impacted by trade mark legislation which fuelled the advertising industry. In the next chapter the impact of trade mark legislation on advertisements will be further assessed and other common paratexts found in advertising copy will be surveyed through a quantitative study of advertisements from the C & D.
Chapter 4 - Print Advertising and the Selling of Pharmaceutical Products

‘What Steam is to Engineering, Advertising is to Business- the Motive Power’
– Lord Macaulay

‘Nothing except the Mint can make Money without Advertising’
– W.E. Gladstone

4.1 Introduction
Pharmaceutical products are both material items and an experience product, which means that the buyer must consume the remedy in some way before its efficacy can be gauged. With the development of an increasingly diverse range of products, how did the retailer choose which commodities to sell in their shop, the medical professional which one to prescribe, and lay consumers which one to purchase? Print advertising was one mechanism with which to persuade a consumer to choose a service or article, prompting market participants to associate positive feelings with certain products or brands, thus providing product differentiation and stimulating price competition. Beetham showed that advertisements were able to construct products as valuable, stating that ‘This value was not intrinsically related to the function of the product but was a measure of its cultural and symbolic worth; hence, advertising not only represented but produced the value of the commodity.’ The significance of the world of print to the pharmaceutical market has been clearly established by scholars. Mackintosh has commented on the importance of consumer imagination in altering the efficacy of patent medicines, stating that ‘The printed word was the essential facilitator for both the promotion and the effectiveness of patent medicines’. Patent medicines were amongst the most heavily advertised products in early modern marketplace, which has inextricably tied them to the history of advertising. It was common for newspaper proprietors to advertise their own nostrums in their own papers, which

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1 Quotations found on the inside page of the manufacturing chemists James Woolley Son & Co’s newspaper cuttings scrapbook, see: John Rylands Library: James Woolley, Sons and Co, Ltd Archive. WOLS/2/4. ‘Newspaper Cuttings Scrap Book, 1883-1908’.
meant that newspaper printers and booksellers dominated the wholesaling of drugs in the early print marketplace until specialist medicine wholesalers and chemists began to move in on that market.\(^5\)

During the nineteenth century the world of print was transformed, with developments in production and distribution technology. Newspaper content, including advertisements, had been characterised by small type and lengthy text with attempts to save space and include as much information as possible.\(^6\) With the repeal of advertisement duty, newspaper stamp duty and paper duty in the 1850s and 60s, alongside technological developments like the steam-powered press, printing became cost-effective and the space on the page could be exploited in new ways. Printing developments thus impacted how pharmaceutical products were presented to consumers. Of interest to this study is the layout of advertisements in the trade periodical the C & D during the period (Graph 4.1). In 1880 the publication was littered with small advertisements: few extended to a full page or more. By 1920 the number of smaller advertisements had fallen (and in fact, by this time most, if not all, of these smaller ‘ads’ were based on one page in the form of business cards, rather than occurring throughout the publication) and larger advertisements were more common.

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Nevett noted the increasing expansion of the advertising sphere from the mid-nineteenth century to the early twentieth. Nonetheless, scholars have given more significance to certain decades; the 1880s have been identified as a distinctive turning point by Hindley and Hindley for the development of modern advertising. New mediums, like the poster, were developed in the 1880s, which, with their use of images and slogans, certainly influenced the format of advertisements. As stated in chapter two, with the development of lithography illustration became more sophisticated and artistic design became more considered. In a novel move, in 1890 Thomas Barrett bought the copyright for an art-work entitled ‘Bubbles’ by the renowned artist John Millais, of the Royal Academy, to use as a design for Pears Soap. This use of high-end art has widely been identified as an innovative turning point within the history of advertising. A.F. Pears’ advertising campaign led to artistic design becoming married to commodity culture and became one of the most successful advertisements of all time. The campaign even ran over into the pages of the C & D; retail chemists were implored to stock Pears Soap with the promise of a ‘Bubbles’ showcard:

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7 Nevett, Advertising in Britain.
9 Ibid, pp. 74-75.
As the format of advertisements changed, the contents of advertisements were also in flux, as this chapter will show. The principle of Caveat Emptor, or ‘let the buyer beware’, applied to the laissez-faire market, where free trade was valued over protection. It was considered the buyer’s responsibility to ensure the goods or services they were buying were trustworthy. In this context, the regulation of content was difficult to achieve. As a result, it was common for advertisements to employ hyperbole which, to the amusement of subsequent commentators, has meant the outlandish claims of advertisements have tended to be the focus of studies. Contemporaries were aware of the problems associated with excessive claims attached to products, particularly with regards to medicines, where more than consumers’ cash was at risk. Fraudulent advertising has been particularly linked to the patent medicine market; Samuel Hopkins Adam’s exposé ‘The Great American Fraud’ has received much historical attention. Aimed at the American public and widely distributed, it was initially published in Collier’s Weekly in 1905 and listed 264 individuals who had fooled the populace. The British Medical Association’s publication of Secret Remedies of 1909 has also been identified as a turning point in the battle against advertising patent medicines. Concentration on these early twentieth-century publications ignores the frequent commentary found in the press from earlier periods. Some newspapers refused to carry advertisements for patent medicines; Berridge’s study of popular journalism found that a newspaper’s respectability was linked to the advertisements it held. Similarly, Nevett discovered

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**References:**

11 C & D, 12th April 1890, p. xxvii
12 Vries, Victorian Advertisements; E. S. Turner, The Shocking History of Advertising (Middlesex, 1952), pp. 61-62; Extravagant quacks have also attracted much attention, with the likes of John ‘Chevalier’ Taylor and Samuel Solomon, see: R. Porter, Quacks: Fakers and Charlatans in Medicine (Stroud, 2003), pp. 93-132.
13 Reports of poisoning and ineffective remedies were commonly relayed in the press as well as in satirical images, see: K. Arnold-Forster and N. Tallis, The Bruising Apothecary: Images of Pharmacy and Medicine in Caricature (London, 1989).
that there was a link between occurrences of advertisements for patent medicines in cheaper papers and the social class of the newspaper audience. Regulation could therefore come from individual newspapers. Some regulation was also attempted by the government; the Indecent Advertisements Act of 1889 was particularly concerned with medical quackery, seeking to prohibit ‘Any advertisement relating to syphilis, gonorrhoea, nervous debility, or other complaint or infirmity arising from or relating to sexual intercourse’ However, regulations were difficult to enforce, the British Medical Journal reported that police were ‘handicapped in their crusade’ because ‘the quacks having plenty of money, are enabled to employ the best legal talent.’ Other attempts to regulate advertising came from organised movements, such as the National Society for Controlling the Abuses of Public Advertising, which predominantly concerned itself with advertising mediums like the poster, handbill or wall sign in public spaces. Individual organisations could also implement their own regulations. The Post Office, for example, prohibited certain advertisements from appearing in their stamp books, leading to a rejection of Baudon’s Tonic Wine in 1914 due to its alcoholic content. With inadequate regulation the press provided a voice for consumers when it came to assessing manufacturer reliability. The reporting of food and drug adulteration, for instance, became a recurring news story. Consumer awareness of poisoning and adulteration scandals led to firms asserting the purity and integrity of their products in promotional material. For example, Price’s Glycerine was advertised ‘Guaranteed free from ARSENIC and all other impurities.’ Macro factors were therefore influencing advertisers to ‘regulate’ their own content in some way. Whilst advertising and regulation have both received extensive commentary from scholars with regards to the

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16 Nevett, Advertising in Britain, p.19.
17 Ibid, p. 128.
19 The spatial impact of advertisements were controlled by various acts; the Metropolitan Police Act (1839) fined certain advertising activities; the London Hackney Carriage Act (1853) banned the display of advertisements that would cause annoyance to passengers; and the Advertisements Regulation Act (1907) restricted certain outdoor advertising, see: Nevett, Advertising in Britain, p. 117, pp. 126-128; Hindley and Hindley, Advertising in Victorian England, p.75. These types of advertising mediums, although ubiquitous at the time, are more ephemeral in nature than their print counterparts and are thus not covered in this chapter.
20 Nevett, Advertising in Britain, p. 124.
22 Purity was personified by the female figure in visual culture, see: L. Loeb, Consuming Angels, Advertising and Victorian Woman (Oxford, 1994), pp. 57-62.
23 C & D, 20th April 1895, p. lxi.
selling of medicines, there are some gaps in the literature, which the following section expands on.

4.1.2 Gap and Methodology
Advertisements have been the predominant source for many studies of patent medicines and the medical marketplace, as they contain information about the milieu of the time. Porter used them uncover the world of quackery in Georgian Britain, and other scholars have used them to explore the local picture. The first gap identified surrounds the types of studies undertaken on advertisements. The middle classes formed the main readership for newspapers and periodicals, and as the largest group of consumers for services and products in the nineteenth century, this group have been the focus of studies involving advertising. Looking at this group leans towards an emphasis of direct-to-consumer advertising and thus ignores the importance of intermediary advertising. Tellingly, Church recognised the gap in literature and asserted that the archives of firms in the distributive sector need to be assessed in order to further understand the economic and social history of advertising. In contrast to the current literature on health advertisements this chapter will concentrate on advertisements to the trade and medical profession found in the trade periodical the C & D, as well as circulars and almanacks. Included in this chapter’s sample are advertisements for all products that were sold in the retail pharmacy, such as sundries, soap products, fly-papers and the like; this differs from previous studies of advertisements in the medical marketplace from the likes of Brown and Cody who focused solely on patent medicines. Surveying advertisements aimed at the retailer allows for a new account of why consumers chose to stock or purchase pharmaceutical

26 Studies focusing on the middle classes include: Loeb, *Consuming Angels*; Nevett, *Advertising in Britain*; Beetham, *Magazine of Her Own*.
27 see: Church, ‘Reinterpretations’, p. 633.
28 The latter of these, however, are less likely to be extant due to their ephemeral nature, whereas publications like the C & D were more commonly bound into volumes, leading to a greater survival rate.
products. Advertisements in the C & D were explicitly directed at the retail trade. Common tropes included ‘TO THE RETAIL CHEMIST’, ‘CAUTION! SPECIAL NOTICE TO THE TRADE,’ ‘VALUBLE CHEMISTS’ NOVELTY,’ ‘WHY STOCK OUR GOODS’ as well as lines like ‘handsome profits’ ‘increased sales’, ‘pays to stock’ and ‘good lines’.

Print advertisements used linguistic techniques in order to persuade the intended audience to purchase a particular commodity or service. Whilst advertisements have been used as an important source in the history of medicine, the analysis of techniques found within them have been scant. Cody, in her study of the eighteenth-century health market, explored how advertisements had the power to give worthless concoctions value but framed the techniques as manipulative and deceiving.30 Cody’s study found that the selling of health care products rested on ill-gotten testimonials or extravagant claims made in the copy. This chapter will contrarily show that marketing activities did not always use techniques designed to deceive consumers. More recently Barker identified branding as the main marketing method in advertisements - citing names, signatures, and embossed bottles as examples. Other methods identified by Barker included claims of longevity, royal patents, medical endorsement and accompanying pamphlets.31 Whilst Barker does include branding within in her analysis, this is done within the context of the eighteenth century, before trade mark law was codified, which as the previous chapter discussed, had implications for the nature of branding.

Other studies that touch upon advertisements have been undertaken through the lens of the history of consumerism. These studies have tended to focus on persuasion techniques like Veblen’s ‘conspicuous consumption’ and Aristotle’s three modes of persuasion: logos, ethos and pathos (appealing to logic, ethics, and emotion respectively); all three modes of persuasion have been at play throughout the history of consumerism and health care practice. These manipulative models of advertising have assumed consumers to be passive, with their decisions controlled by the advertising copy.32 This section will bring to light that the techniques used by advertisers

30 Cody, ‘No Cure, No Money’.
32 Ibid; Veblen maintained that choosing a brand was motivated by social status, see: T. Veblen, On the Theory of the Leisure Class (New York, 1899); See also: Richards, Commodity Culture; J. Benson, The Rise of Consumer Society in Britain 1880-1980 (London, 1994).
did not assume their audiences to be passive. Another way to compel consumers to buy products was to use informative advertising. This form of advertising was characterised by lengthy text and relaying of information, most commonly in the form of price and product lists. Whilst the length of advertisements were generally reduced by the end of the nineteenth century, it’s also important to note that a heavy-use of text was still used to convey information about products in many advertisements, particularly in lay and provincial publications, throughout the period.33 As elements of this thesis have established, however, paratext was also an important aspect of the advertisement (and package) to consider. This chapter, therefore, will analyse the language used in the main text as well as the use of paratext by advertisers of pharmaceutical products to gain a clearer understanding of how they were sold. Koller, looking at the formation of collective identity, put forward three approaches to discourse analysis: the first focuses on the micro-level by looking at the formation of text. What identities are formed? And how are these identities constructed? How are market participants referred to? Are there specific or general terms relating to these participants? The second looks at the meso-level: who is involved in the production of the text? what is their role? And thirdly the macro-level: what social and economic factors influence the text and discourse?34 This approach is useful for this study which aims to find out who the market participants were and how the market operated.

Using Koller’s approach this chapter will firstly focus on a micro textual and paratextual analysis in section 4.2. The trade mark as an understudied device on pharmaceutical products has already been highlighted in this thesis. Trade marks mediated economic relationships within the market, whether that was by encouraging sales through effective branding or warding off potential imitators with state-protected marks. This section will thus explore how the changes to trade mark legislation impacted advertisements and examine how firms used their trade marks in advertising and packaging as a weapon against imitation. This section includes a quantitative study of the explicit reference to registered trade marks in advertising copy, including the use

33 Lengthy advertisements could still be found in the lay and trade press: For example, an advert for Vinolia soap ran at 964 words in the C & D (15th April 1905, p. 13); An advertisement for Dr. William’s Pink Pills for Pale People ran at 884 words in Lloyd’s Weekly London Newspaper (26th March 1893, p. 5); Testimonials still occurred frequently despite a shift to illustration, see: L.A. Loeb, Consuming Angels, p. 75.
of a graphic device or logo to market products. Section 4.3 will take a meso-analysis approach by looking at who was involved in the production of advertisements and what mechanisms were involved. There will be a discussion about the world of commercial printing and the rise of the advertising agent, looking to how they influenced the advertisements within the pharmaceutical market. In-house control of promotional techniques, an aspect made evident from business archives, is also considered as part of the commercial landscape of health care products. This section will also look at circulation figures for publications; these became valued knowledge and had an impact on the selling of pharmaceutical products in the trade press, with proprietors announcing what their upcoming promotional campaigns were going to be. This will shed new light on relationship between the supply and demand of pharmaceutical products. Section 4.4 contributes to answering one of research questions of this thesis and considers how people engaged with the market by looking through the lens of advertisements. For example, the use of coupons and competitions implored readers to physically engage with the advertising copy. Berg and Clifford found that chronologies of advertising ‘are histories of progressive sophistication and assume that any pre-twentieth-century advertising lacked presence and power’ before eventually giving way to ‘modern advertising’ and entry into a ‘modern visual culture,’ but by looking at novel sources not previously used by scholars, it is possible to analyse the ‘presence and power’ of advertisements on their audiences before the twentieth century. Testimony can also be seen as another way participants engaged with the pharmaceutical market. Professional, lay, and trade testimony show that participants considered branded medicine as a viable way to manage sickness. This section will also briefly consider the interaction of the lay public with branded medicines by looking at a commonplace book from the household of Lady Isabel Burton. As a source material from an upper-class family the example may not be emblematic of society as a whole, however the cutting out and annotation of advertisements for branded medicines gives

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35 This sample uses data from ten separate corpuses made up of advertisements from issues of the C & D. The second weeks of April and October from 1880 to 1920 were chosen at ten-year intervals. Where data was not available due to the exclusion of advertisements from the digitised texts on archive.org the closest or most suitable issue was chosen in its stead. The inclusion of The Medical Press & Circular in the sample for one of the data collections serves to increase the corpus of advertisements and show how the use of trade marks in advertisements may have been exploited for different audiences.

us an insight into how advertisements may have been read and understood by the public. Jordanova warns of problems arising from discourse analysis undertaken away from its historical context. Consequently this chapter situates textual and para-textual analysis within a wider socio-economic context in order to understand underlying collective identities. Section 4.5 will move to a macro-analysis of advertisements. This involves focusing on two commonly occurring features found in advertisements in the C & D that are notably part of a wider commercial context – that of references to purity and an indication of membership of the Proprietary Articles Trade Association (PATA). Both of these were chosen as they are noticeable within advertisements to the trade but have yet to have been discussed as part of a product’s branding. With the digitisation of the C & D by the Wellcome Library on archive.org it is now possible to make use of online digital text visualization tools for the literary and statistical analysis of their advertising copy. Finally, in section 4.6, conclusions will be drawn from this chapter’s findings.

4.2 Micro-Analysis: Changing Characteristics of the Advertising of Brands between c. 1870-1920

As has been established, the late nineteenth century began to see changes - technological, economic, cultural, and social – that impacted the advertisement’s common features. Significantly for this study, it has been found that advertisers and retailers were often the only persons referred to in late nineteenth-century advertisements, with mention of the audience declining. Palander-Colin has linked this linguistic trend to the increased value of commodities in the market and a lesser need to be deferential to the customer. Such a reading of the medical marketplace is consistent with chapter two of this thesis, which focused on the rise of commodity culture. As has already been stated in previous chapters, with the increased use of

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38 “Voyant Tools”, a web-based application for analysing text, augments my qualitative analysis with quantitative statistical analysis. This application was chosen for its ability to provide statistical data of text found within the advertising copy.
40 Ibid, p.92.
typographical styles in newspaper advertisements there was a clearer distinction between products and firms than was the case with text only advertisements commonly found in eighteenth-century print.\textsuperscript{41} Similarly, Church noted the increased use of the product name in advertisements in the period, though he does not link the growth to any legislative change.\textsuperscript{42} Whilst the increase of references to commodities themselves has been noted by scholars, the impact of the Trade Marks Registration Act of 1875 and its subsequent revisions on advertisements has not been explored with regards to pharmaceutical products. The appearance of these marks also led to the use of the paratexts ‘Registered’ and ‘Without Which None are Genuine’, giving rise to a new discourse of commodity ownership within advertisements.

Medical and trade journals shaped and mediated debates on trade marks, particularly during the legislation’s early years, when the legislature was characterised by inconsistency.\textsuperscript{43} In fact, just before the Trade Marks Registration Act of 1875 was enacted the \emph{C & D} expressed disbelief that the Patent Office had not issued the necessary regulations before the registry was set to open on the 1\textsuperscript{st} January 1876, lamenting that ‘We had hoped to print these regulations in this number.’\textsuperscript{44} Successive legislative changes to trade mark law throughout the late nineteenth century and into the twentieth reflected the enigmatic state of the evolving market, and, as this section will show, this was subsequently reflected in advertisements from the period.

Before the passing of the Trade Marks Registration Act (1875) product labels and trade marks were entered at the Stationer’s Hall.\textsuperscript{45} This gave proprietors copyright protection over the forged use of an image or mark, but did not stop others from using the images or marks when applied to disparate products. Litigation was expensive and complicated. A number of proprietors continued to register at the Stationer’s Hall or announce the copyright attached to their label even after the Act of 1875 was enabled,

\textsuperscript{41} Text only adverts would continue to dominate certain publications throughout the nineteenth century like \textit{The Times} and \textit{Lloyd’s Weekly Newspaper}, where space was a premium.
\textsuperscript{42} Church, ‘Reinterpretations’, p. 633.
\textsuperscript{44} \emph{C & D}, 15\textsuperscript{th} December 1875, pp. 419-420.
\textsuperscript{45} Issues of the \emph{C & D} prior to the enactment of the Trade Marks Registration Act (1\textsuperscript{st} January 1876) include advertisements with ‘registered’ trade marks. For example, C. Wheeler, a pharmaceutical chemist entered the term ‘soft white hands’ as a trade mark at the Stationer’s Hall (\emph{C & D}, 15\textsuperscript{th} October 1875, p. 37). This was announced in an advertisement, but in a court of law this trade mark would have been unprotected due to its descriptive nature. The Trade Mark Registration Acts would help to define what could be protected, albeit in its first years lots of marks were registered that would later be removed as objections arose.
which did not give them a protected trade mark status. The C & D remarked to their readers that ‘Some people have a fancy for registering the title of their preparations at Stationers’ Hall, which costs them 5s. 1d. We cannot say what direct benefit results from that expenditure.’ They also exclaimed that many of their readers think ‘there is some legal virtue in registration at Stationers’ Hall,’ but ‘that will not be taken as evidence’ if someone else registers the same mark as a trade mark in that class of goods.46 Proprietors can thus be seen to be using the ‘registered’ paratext as a means to enhance credibility within the market, regardless of whether the mark had been registered as a trade mark in the correct channels. It is curious then, given this analysis, that scholars of the medical marketplace have not previously explored how and why the trade mark or the term ‘registered’ were a prominent marketing tool. In fact, in a study focusing on promotional strategies in the health market, Tim Davies argued that late nineteenth-century products underutilised the trade mark as a promotional device in advertising copy, observing that ‘little if any mention was made of trademarks.’47 This rendering of the medical marketplace ignores the importance of registered trade marks to the branding of diverse pharmaceutical products. It is important to not just look at the text of advertising copy, particularly in the case of trade marked products; the logo was a registered graphic device which conveyed protection and credibility. Davies’s study focused on a cross-section of products found in a selection of provincial newspapers directed at the lay consumer. The trade mark as a promotional device could therefore be of less significance in more text heavy lay publications. Nonetheless, even in text only advertisements many firms still prompted consumers to take notice of a product’s registered status; for example, Scott’s Emulsion was advertised in Lloyd’s Weekly London Newspaper with a description of the graphic device without a picture - ‘The genuine Scott’s Emulsion may be distinguished by our trade mark of a man holding a big fish over his shoulder.’48 In fact, Davies states that ‘it is true that Powell’s Balsam of Aniseed urged purchasers to ‘see that the TRADE MARK, LION, NET and MOUSE, appears upon the Wrapper’, yet he does not afford the trade mark any importance. Instead, Davies identified the slogan as a significant promotional tool; for example, Clarke’s

46 C & D, 15th May 1875, p. 427.
48 Lloyd’s Weekly London Newspaper, 22nd December 1901, p. 18.
Blood Mixtures tagline - ‘For the Blood is the Life.’ Whilst this tagline featured heavily in advertisements to the lay consumer, it is important to note that the trade mark was as prominent (see Figure 4.1).

Trade mark concerns entered the public consciousness with the press reporting on cases and updates to the legislation.⁴⁹ Publications not typically concerned with the pharmaceutical trade reported on trade mark cases involving health care products. For example, The Woman’s Signal published an article concerning Carter’s Little Liver Pills where the defendant had used ‘Little Liver Pills’ and ‘Coated Little Liver Pills’ in place of the sale of the Carter brand. The Carter Medicine Company won the right to the sole use of the phrase and warned medicine vendors that proceedings would be taken against them in the case of infringement.⁵⁰

Figure 4.1 - An advertisement for Clarke’s World Blood Mixture – ‘Trade Mark, - Blood Mixture.’


⁴⁹ For example, see: Lloyd’s Weekly London Newspaper, 30th January 1876, p.5.
Trade marks were certainly used as a means to brand the product and convey authenticity in the lay market, but as a means to denote credibility they may have carried more weight amongst actors in the chain of distribution: between manufacturers, wholesalers, agents, and retailers. Jones commented on the common use of trade marks and branding in this period within price-lists and catalogues, which targeted professional practitioners and retail chemists. This is also evidenced by examining copy designated for retailers found in the C & D, where entire advertisements were centred on the announcement of a registered trade mark (see Figures 4.2 and 4.6). In fact, by bringing trade periodical advertisements into the assessment the influence of trade marks on advertisements is made more apparent.

Legislation impacted advertisements. The tangible qualities of the trade mark were altered with the passing of the 1883 Patent and Trade Marks Act, which made possessive, descriptive, and geographical trade marks unprotectable. As a result, these type of marks decreased in advertisements. By the end of 1895 the Patent Office decided that trade marks consisting of no distinctive feature other than a personal name (such as ‘Wilkinson’s Liver Pills’), or words that could be found in the Directory as a surname, were able to be registered. This was later extended to names found in novels. Legislation, however, was not set in stone. Rules had to be worked out as legal precedents were set. In Burroughs Wellcome & Co v. Thompson & Capper (1903) B.W. & Co were able to uphold Tabloid as a trade mark despite the fact it was descriptive – a decision they were able to exploit for promotional means, as chapter three sets out.

Under the 1905 Trade Marks Act the initials of a firm or manufacturer could be secured as a trade mark which enabled firms to easily denote their products and use institutional branding more effectively. Against this backdrop business archives illuminate how trade mark law influenced advertisements. B.W. & Co discussed the impact of the legislation on their brands, and in this case decided to keep some popular brands like ‘Tabloid’ or ‘Soloid’ as stand-alone brands, concerned that if the initials of the firm were used it would indicate that other firms also sold the same product.

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52 *C & D*, 28th December 1895, p. 939.
was the case with branded generic preparations like B.W. & Co’s Bismuth, which, as a generic, could be sold by any number of firms. They remarked in a memorandum that,

in many businesses the facsimile signature is properly regarded as a trade-mark, and its use upon all the products of a firm is accompanied with warnings to look out for the signature without which none are genuine. Where, however, as in our case, the principal lines of products are protected by special word trade-marks the disadvantage of using facsimile signature of the firm in association with the goods is that it creates the opinion in commercial circles, as well as in the lay mind, that the goods are Burroughs Wellcome & Co’s brand of ‘Tabloid’ products, or Burroughs Wellcome & Co’s brand of ‘Soloid’ products, or as the case may be.53

The brand name in this period began to usurp the proprietor’s name. Advertisements began showing fancy and distinctive marks, instead of the more primitive descriptive ones. The C & D declared that ‘it appears that by the extension of the scope of the Act as regards trade marks, by admitting fancy words to registration, the work of the office has greatly developed’.54 Following this trend, Liebig’s Extract of Meat Company rebranded in 1900 to become Lemco (Figure 4.2).55 Similarly, in 1906 the advertising department for B.W. & Co advised dropping the term ‘Beef and Iron Wine’ as well as the initials B.W. & Co, and instead making commercial use of the Bivo trade mark as soon as possible.56 In The Chemist’s Annual and Diary (1908) the maker’s initials were given less precedence than the trade name,

Occasionally careless prescribers attach wrong initials to a trade-mark; it is wiser in these cases to ignore the initials, since a trade-mark is a property enjoying specific legal protection, whereas the use of initials to indicate a maker is merely a custom.57

53 Wellcome Library, WF/L/06/052. ‘Various memoranda on patents and trade marks, letter from Mr Warden to Mr Smith, 6th May 1908, p. 2’.
54 There were 7,104 applications for registration in 1884, against 4,105 in 1883, see: C & D, 15th August 1885, p. 458.
55 C & D, 9th September 1900, p. 29; see also, The Anti-Cutting Record, March 1900, p. 80.
56 WL, WF/L/06/052, ‘Various memoranda on patents and trade marks, letter from Mr Warden to the General Manager, 15th November 1906’; Ibid, memorandum from S.M. to Mr Warden, 27th November 1906’.
57 WL, WF/L/06/051. ‘Memoranda on protecting the word ‘Tabloid’ and on trade mark translation, extracts from The Chemist’s Annual and Diary, 25th January 1908.
By the end of the nineteenth century firms started to become synonymous with their range of products under a certain brand; for example, the Kepler and Tabloid brands for Burroughs Wellcome & Co. Ryan Johnson, described the Tabloid brand as the cornerstone of B.W. & Co’s business, which was also recognised at the time; The Lancet commented that the trade mark Tabloid was ‘a masterpiece of foresight and sagacity’. Indeed by the end of the nineteenth century there were over one hundred Tabloid products on the market, including ‘Voice Tabloids’, ‘Tabloid Pastilles’, and ‘Tabloid Tea’. The Tabloid brand was an example of brand extension, its name being applied to non-medicinal products, with the likes of first aid kits, photography requisites, and tea, all of which could be bought at a chemists’ shop. In fact, the trade mark was so successful that certain members of the firm considered changing the name

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59 The Lancet, 17th November 1906, p. 1392.
of B.W. & Co to ‘The Tabloid Company.’ Recommendations included inserting ‘The Tabloid Company’ into the Directory of London in 1901, painting the name of over the doorway of the firm’s premises, introducing the words ‘trading as the Tabloid Company’ on all stationery, and ultimately start trading under the new name.  

Wellcome himself approved of the suggestion, and although it was eventually vetoed by the Board, it was seriously considered for a time. The significance of the trade mark ‘Tabloid’ for Burroughs Wellcome & Co’s success is highlighted in a caricature by Fred Reynolds’ from the C & D in 1900 (Figure 4.3), it was accompanied by the words that the ‘Welcome’ bird ‘is a very compact and fascinating bird’ and ‘It lives on tabloids.’

Figure 4.3 - Caricature of Henry Wellcome ‘living’ off Tabloids.

Source: Fred Reynolds cartoon, C & D, 2nd June 1900, p. 926. Wellcome Library.

The application of a brand name to a diverse product range became a common occurrence in the marketplace, from small local chemists to large international firms. The Kidderminster Chemist E.G. Trevethick advertised a ‘Talora’ Influenza Mixture,

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61 WL, WF/L/06/051, ‘Memoranda on protecting the word Tabloid and on trade mark translation, letter from Mr Warden to H. Wellcome, 12th February 1901.
62 Ibid, 24th April 1900.
63 C & D, 2nd June 1900, p. 926.
claiming that it ‘KILLS THE GERM, AND CURES YOU AT ONCE,’ but also applied the trade name ‘Talora’ to a ‘Superflous Hair Remover.’ Dr. Richter’s Pain-Relieving Pills, for another example, were just one product in the Richter product line. Starting out as a toy-building company in Germany, The Richter Co sold brand named toys and games under the Anchor trade mark, and at the turn of the century diversified into household consumables with soap, skin oil, liquor, and medicine. The following is an extract from a Richter Co advertisement for their ‘Pain-Expeller’ found on the inside of a puzzle box:

A Tough Puzzle Solved. The Anchor Puzzles try your wits and baffle you just when you think you have conquered them.... To cure rheumatism has been, with doctors and patients, a harder puzzle than any that can be devised with our little red stones. But Dr Richter’s ‘Pain-Expeller’ solves it every time. Just rub this faithful old household remedy on the stiff joints and throbbing muscles and the rheumatism will disappear. The health puzzle will be solved.

The Anchor trade mark was successfully applied to a diverse array of products, and a statement given by Dr Richter during the court case Richter v. Anchor Remedy Co (1892) in the USA indicates that the graphic device held more value for Dr Richter than the product name:

The words ‘Pain Expeller’, the colour of the representation of the anchor, and the colour and shape of the groundwork and surrounding border are immaterial, and the words ‘Pain Expeller’, and the border and special groundwork, may be omitted altogether without materially altering the character of my trade-mark. I prefer to use both the representation or picture of an anchor and the word symbol ‘Anchor’, but the picture of an anchor may be used alone without materially affecting the character of my trade-mark, the essential feature of which is the picture or representation of an anchor. This trade-mark I have used continuously in my business since the 1st day

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64 The Kidderminster Shuttle, 27th April 1919, p. 7.
of March, 1869, and it was registered for the German empire on the 20th day of May, 1875.67

This example serves to show that the graphic device held value, and in this case trumped the product name as a valuable business asset in a global medical marketplace. The international marketplace will be explored further in chapter five.

The Trade Marks Registration Act (1875) had defined the trade mark as a visual mark, akin to a logo, ‘printed in some particular manner’ or written distinctly.68 Pictorial branding became prominent within advertising copy, allowing for messages of trade to be communicated through protected images rather than language. With this shift to logo-based trade marks we see the rise of artistically stylish marks with many adapted from designs by prominent artists such as Sir Joshua Reynolds ‘The Infant Hercules Strangling the Serpents’ (1786) for Woodward’s Gripe Water (see Figure 4.4).69

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B.W. & Co also realised the importance of a graphic device for product recognition. In 1900 the firm applied the ‘Dartring’ device to all of their ‘Lanoline’ products (Figure 4.5). Graphical devices used for branding continued throughout the early twentieth century; Marshall’s Lysol Hair Tonic, for example, was advertised in the C & D prominently featuring its logo (Figure 4.6).

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70 C & D, 7th July 1900, p. 33.
71 C & D, 10th April 1920, p. 39.
Figure 4.5 - An example of 'umbrella' branding by B.W. & Co with the introduction of the brand name 'Dartring' for a range of their products.

Source: C & D, 7th July 1900, p. 32. Wellcome Library.
A quantitative study of the frequency of the words ‘registered’ and ‘trade mark’ in advertisements found in issues of the C & D between 1880 and 1920 shows that scholars should not just focus on analysing text, as the data would seem to indicate that a discourse of ‘registered’ and ‘trade mark’ became less relevant as a technique. Graph 4.2 shows that this discourse was high during the years following the Trade Marks
Registration Act, enacted from 1876, but then declined. Arguably however, as trade mark legislation matured there was less of a need to make an extended point that a mark was registered unless you were referring to a new registration or court case.

*Graph 4.2 - Word Frequency of the words 'Registered' and 'Trade Mark' in advertisements in The Chemist and Druggist 1880-1920.*

[Graph showing word frequency over time]

Chapter two suggested that the paratext of advertisements was a relevant technique to consider when analysing promotional material. With this in mind, a quantitative analysis of design trade marks (logos) was made (Graph 4.3). Including registered design marks in the analysis corroborates the qualitative study undertaken on the C & D throughout this thesis and shows that trade marks were used as a technique across the period. They formed between ten to eighteen per cent of advertisements between 1880 and 1920. This may seem a low percentage but the number of advertisements these advertisements equate to for April 1880 was forty-two, and for October 1920 was fifty-one, indicating the frequent use of the technique by proprietors. Significantly, the use
of signatures, a technique common in the earlier marketplace, was only five per cent at the start of the period and zero per cent from June 1910 onwards, suggesting that trade marks had usurped this earlier mode of transferring credibility between manufacturers or wholesalers and their customers.

Graph 4.3 - The use of a design trade mark (logo) in advertisements in The Chemist and Druggist 1880-1920.

Graph 4.4 shows that the majority of C & D issues consistently contained one fifth of advertisements that either directly referred to a trade marks registered status or used a registered logo as a visual recognition aid after the enactment of the Trade Marks Registration Act. The high number of advertisements (forty-three per cent, or sixty-eight out of a total of one hundred and fifty seven) that contained references to trade marks or used logos in the April 1895 issue appears to be an anomaly, though it does imply that it was a popular means of branding in the period. The Medical Press & Circular (Graph 4.5) in contrast was aimed at the medical profession and we also see the use of

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trade marks in advertising copy, from 9.28 per cent of advertisements in 1880 to 21.56 per cent of advertisements in 1920. The C & D also saw twenty per cent of its advertisements using trade marks in advertising copy in its 1920 issues. The data collection suggests that registered trade marks, in the early years of trade mark legislation, had more significance for market participants associated with retail and manufacturing (as opposed to prescribing).

Graph 4.4 - Percentage of Advertisements in The Chemist and Druggist referring to registered status or using logo registered under the Trade Mark Acts.

Source: Data collected from selected issues of The Chemist and Druggist.
The value attached to trade marks by the trade was no doubt influenced by the coverage they received in the C & D. Trade marks registered in medicine, sanitary and chemical classes (reflecting what goods were sold in the chemists’ shop) were listed in a regular column entitled ‘Trade Marks Applied For’. Anything between four and twenty new listings were the norm, but sometimes the list could run over numerous columns; on 15th April 1885 sixty-seven new trade marks in relevant classes were published in the C & D. In the same issue there were also two extended reports of trade mark cases that had gone to court, which would have emphasised to readers the significance of the legislation for the pharmaceutical trade.73 In fact, proprietors’ were keen to use success in the court room as a promotional tactic. Francis Jonathan Clarke’s registration of the ‘Blood Mixture’ trade mark was the sole subject of a full-page advertisement in the C & D, in which Clarke brought to the readers’ attention that he had registered five trade marks in class three. The advertisement relayed the outcome of a court case on the 23rd

July 1873 when George Clarke from Manchester was prohibited from using the words ‘Blood Mixture’ for his products under the Merchandise Marks Act (see Figure 4.7). The court case alluded to the numerous materials the trade mark could appear on, concluding that ‘all wrappers, handbills, bottles, advertisements, and circulars in the defendant's possession, or under his control, containing the plaintiff’s said trade mark, or any colourable imitation thereof’ should be destroyed. The number of materials carrying a mark suggests the promotional reach of trade marks was wide-reaching, and as shown in chapter two, packaging also needs to be integrated into the history of the medical marketplace.
Similarly, the proprietors of Nepenthe made reference to the court case *Ferris & Co v. Goodman* where the defendants were restrained from selling any product portending to be Nepenthe in any way. The word *Nepenthe* being registered under the Trade Marks Act, Messrs. Ferris & Co have the SOLE RIGHT to use it; and the Trade are
respectfully cautioned against any infringement of their rights’ (see Figure 4.8).\textsuperscript{74} Likewise, Condy & Mitchell (Figure 4.9) stated that they had taken out eleven injunctions against ‘colourable imitations’ of their product label.\textsuperscript{75} The depiction of a judge within the copy threatened potential imitators and associated the product with credibility in the consumers’ mind. Condy & Mitchell announced that damages and costs had been obtained against chemists who sold their customers a solution of permanganate of potash, a generic antiseptic concoction, instead of the asked for branded Condy’s Fluid. The problem of substitution was thus combatted by using trade mark legislation. Condy & Mitchell frequently used court cases as a motif within their copy, publishing results from individual cases and printing apologies from unsuccessful defendants.\textsuperscript{76} In the same vein, J.C. Eno (Figure 4.10) published a judgement from the case \textit{Eno v. Stephens} ‘in extenso in the hope of deterring all further attempts at similar piracy.’\textsuperscript{77} This proceeding was one of the many historic cases that R.L. Lloyd, patent agent for J.C. Eno used in the 1950s to evidence the importance of their trade mark on labels (see chapter three, section 3.3). Advertisements that made use of court cases in this manner gave market participants an insight into how trade mark legislation worked and no doubt influenced how trade marks were perceived by the trade at the time.\textsuperscript{78}

\textsuperscript{74} \textit{C & D}, 15\textsuperscript{th} April 1885, p. 8.  
\textsuperscript{75} \textit{C & D}, 2\textsuperscript{nd} December 1893, p. 1.  
\textsuperscript{76} For example, an apology from Robert Sumner & Co of Liverpool from a court case in October 1883 was printed in advertisements, see: \textit{C & D}, 15\textsuperscript{th} April 1885, p. 3.  
\textsuperscript{77} \textit{C & D}, 15\textsuperscript{th} April 1880, p. 100.  
\textsuperscript{78} The value that the J.C. Eno firm placed on their successful court cases was discussed in chapter three in reference to a report made in the 1950s reflecting on trade marks.
Figure 4.8 - ‘The word Nepenthe being registered under the Trade Marks Act, Messrs. Ferris & Co. have the Sole Right to use it’.

Figure 4.9 - An illustration of a judge in an advertisement for Condy’s Fluid.

Figure 4.10 - Eno’s ‘Fruit Salt’ advertisement, heavily referencing the court case Eno v. Stephens.

ENOS’S “FRUIT SALT,” “FRUIT SALINE,” OR “FRUIT POWDER.”

ENO v. STEPHENS IN THE COURT OF CHANCERY.

Shorthand Writer’s Notes of Vice-Chancellor Bacon’s Summing-up and Judgment.

Sir HENRY JACKSON, QC., on proceeding to sum up in detail on the evidence and arguments in the case, was stopped by the VICE-CHANCELLOR, who following on, has been made by the VICE-CHANCELLOR.

Sir Henry Jackson, I do not think it ought to trouble you. The point has been discussed at great length, I cannot somewhat to my astonishment, that the court has been delayed in its determination of the issue. The court has been delayed in its determination of the issue, and put the Plaintiff to prove the same evidence that I have here, and that I can prove the same evidence that the court has been delayed in its determination of the issue. The court has been delayed in its determination of the issue, and put the Plaintiff to prove the same evidence.

The case, however, concludes, and no evidence whatever is added by the Defendant, not even the statement in the Defendant’s evidence, is to my knowledge, little difficulty.

The evidence shows that the Plaintiff’s advertisement, heavily referencing the court case Eno v. Stephens.

Source: C & D, 15th April 1880, p. 100. Wellcome Library.
The data collection undertaken in this section only accounts for advertisements that specifically used trade marks within the copy, whether by using a court case or threat of a court case, stating that the trade mark was registered, or featuring a logo as a visual device. Advertisements which included the registered trade mark ‘Tabloid’ where there was no logo employed or reference to the registered status of the word were discounted. The total number of the advertisements that featured a registered trade mark was thus far greater than this data collection allows for, indicating that this nuanced alteration to branding had a greater impact on advertisements than even this study surmises. Micro-analysis of advertisements have previously focused on main text and discourse to understand the commodity culture of Victorian Britain. By bringing the paratext of trade marks as a graphic device or logo into the analysis brings to light a mechanism for promotion that has not been commented in a systematic way by historians of medicine. As Graph 4.3 highlights, graphic devices were used in advertisements in the C & D throughout the period. Logos could be presented to give product recognition within an increasingly visual commodity culture. Indeed, Jones found that product catalogues from the likes of Maw & Son and Allen and Hanburys featured logos on almost every page. As shown in Figure 4.11, with an advertisement from the wholesaler John M. Richards, who used logos to show potential consumers what goods he had available; these devices were a simple way to denote a product or manufacturer. Palander-Colin surmised that it was only from the beginning of the twentieth century ‘that new persuasive elements like logos and slogans start to emerge to boost the product and advertiser.’ In contrast this section shows that from the enactment of the Trade Marks Registration Act (1875) logos entered a new paradigm of use and were used prominently within advertising copy.

79 Jones, Medical Trade Catalogue, p. 39.
80 C & D, 15th April 1885, p. 105.
81 Palander-Collin, ‘Changing Genre Conventions’, p.98.
Figure 4.11 - An advertisement for an array of articles sold by John M. Richard's wholesale business, using trade marks (in logo/graphic device form) to indicate which products were available.

4.3 Meso-Analysis: Advertising Production

The introduction (section 4.1) identified the gap in literature concerning the contribution of the distributive and trade sectors to developments in the medical marketplace. This section attempts to fill a gap in scholarship by looking at how manufacturers, wholesalers, and the retail chemist produced advertising material. Commercial printing services had become significant to the marketplace throughout the nineteenth century. In 1896 when an employee of the printer’s Spottiswoode & Co named Henry Harding passed away the C & D reported on the impact he had on their publication’s advertisements,

We have lost a valued friend this week by the death of Mr. Henry Harding, who for over twenty years has had in his hands an important share in the work of producing The Chemist and Druggist. For the past half-dozen years particularly he has had the immediate superintendence in Messrs. Spottiswoode & Co.’s printing-works of the composition and display of the advertisements in this journal, and the pains he took over the work, the details of which only practical printers can realise, were much appreciated by ourselves, and by many of the firms whose announcements he so skilfully put into shape.82

All sorts of trades enlisted printers to engrave a wide array of stationery: from billheads, labels, music books, play bills, and concert tickets to almanacs, pamphlets, newspapers and books.83 Advertisements for lithographers, medical label printers and advertising agencies could be found within the pages of the C & D throughout the period; for example, F.A. Degen (Figure 4.12) offered his clients ‘Bright, Original, Convincing Advertising’84 and The London Sand Blast Works of London called themselves ‘Advertising Experts,’ and offered engraved window tablets, door panels, fanlights, and screens.85 One firm even offered to print on balloons (Figure 4.13), noting that each balloon was ‘fitted with the improved long nozzle, so that a child can blow them out. We put name. etc, one side and any figure the other.’86

82 C & D, 17th October 1896, p. 589.
84 C & D, 8th October 1910, p.10.
85 C & D, 14th October 1905, p. 4.
86 C & D, 20th April 1895, p. xvi.
The extent of commercial printing in the nineteenth century gives context to the printing culture surrounding medicinal substances. In the early years of the century stock pictures were common, but advertisements became more stylistic and artistic as
the century progressed. This has been traced to the appearance of the first advertising agents in the middle of the century.\textsuperscript{87} As with the development of patent and trade mark agents (see chapter three) the professionalisation of advertising agents followed a similar pathway.\textsuperscript{88} Advertising agencies emerged from the 1830s, with prominent larger-scale firms developing later in the nineteenth century with the likes of Mather & Crowther (1850), Thomas Brookes Browne (1872) and S.H. Benson (1893). T.B. Browne, by the turn of the century, had branches across the country as well as in Paris, and employed around 200 people.\textsuperscript{89} One of the main functions of an advertising agent was to secure space in print media with high circulation figures, an increasingly valuable business asset. Profit was achieved by buying space in bulk and selling at a discounted rate. Their role as mediators between firms and consumers has been reflected on by Schwarzkopf, who has shown that agents curated commercial information.\textsuperscript{90} Directories were published that lauded the value of advertising and gave insightful descriptions of publications, their prices and circulation numbers. These included \textit{The Advertiser’s Guardian} by Louis Collins (London 1883); \textit{The Newspaper Press Directory} by Charles Mitchell (London, 1846); \textit{Successful Advertising: Its Secrets Explained} by Thomas Smith (London, 1878), and \textit{Wisdom in Advertising} by S.H. Benson (London, 1901), amongst others. The author of the \textit{Guide to Advertisers} (1852) advised that ‘the character of circulation is of more importance than the numbers,’ and newspapers were grouped according to their upper, middle or lower-class audiences, thus implementing one of the first recorded market researches.\textsuperscript{91} Frederick W. Sears, self-acclaimed ‘Expert in Profitable Advertising’ (Figure 4.1), declared that the two main things to consider were, firstly, the preparation of the advertisement, and secondly, the publication it appears in.\textsuperscript{92} At the start of the twentieth century advertising agents began to diversify into specialised services for particular markets; Nevett identifies that there were eight American, twenty two Colonial, fifteen Continental, twenty one Foreign, and thirteen


\textsuperscript{88} For a discussion of the development of professions in the Industrial Revolution, see: P. J. Corfield, \textit{Power and the Professions in Britain 1700-1850} (London, 1995).

\textsuperscript{89} Hindley and Hindley, \textit{Advertising in Victorian England}, p. 38.


\textsuperscript{92} C & D, 9th April 1892, p. v.
Indian Advertising Offices offering their advertising services for those markets in 1900.\cite{93}

Significantly for this study, trade mark related matters became a prominent part of an advertising agents’ business. An advertisement (Figure 4.15) for W.H. Smith & Son’s Advertising Agency stated that ‘To return the quickest returns in publicity, the trade mark should be some pictorial representation of the name. Where name and trade mark express two separate ideas much time and money are spent in bringing the two together in the public mind.’ They offered advice relating to all aspects of marketing, including the trade mark, package, display and sales plan.\cite{94} American companies like J. Walter Thompson advised their clients on trade mark related matters, producing booklets to inform them how to register trade marks in foreign countries. He noted that firms should ‘Always keep in each and every Ad. [sic] no matter what the size may be, one leading Idea, Trademark or Design.’\cite{95} Thomas Brookes Browne had their own Trade Marks Department\cite{96} and advertised in the C & D. As shown by Schwarzkopf, companies were attaching social and cultural value to trade marks before the establishment of brand management marketing science.\cite{97}

\begin{thebibliography}{99}
\bibitem{93} Nevett, Advertising in Britain, p.100.
\bibitem{94} C & D, 20\textsuperscript{th} February 1909, p.294.
\bibitem{95} Thompson quoted in R. Ohmann, Selling Culture: Magazines, Markets, and Class at the Turn of the Century (London, 1996).
\bibitem{96} Schwarzkopf, ‘Turning Trade Marks into Brands’, p. 11.
\bibitem{97} Ibid, p. 12.
\end{thebibliography}
Figure 4.14 - Advertisement from Frederick W. Sears ‘Expert in Profitable Advertising’.

![Advertisement from Frederick W. Sears](image1)

Source: C & D, 9th April 1892, p. v. Wellcome Library.

Figure 4.15 - W.H. Smith & Son’s Advertising Agency Advertisement.

![W.H. Smith & Son’s Advertising Agency Advertisement](image2)

The pharmaceutical market was an important strand of enterprise for many of these agencies. Between 1884 and 1904 The Mather and Crowther agency, for example, could boast several prominent clients dealing in pharmaceutical products, including Mellin’s Food, Fry’s Pure Concentrated Cocoa, Mother Siegel’s Syrup and Phosferine. In the same period the agency’s turnover increased tenfold.98 Likewise, publications relied heavily on advertisements from pharmaceutical proprietors to financially power them and were keen to attract successful firms to their columns, often using agencies to get clients. The early twentieth century saw publications reaching out to potential advertisers via the pages of the C & D. The C & D themselves prompted readers to consider advertising in their sister publication, ‘The Chemists’ and Druggists’ Diary’,

There are few business men nowadays who do not admit that advertising is a business asset. It is becoming more and more valuable as an aid to trading development, but experienced advertisers are now more discriminating in the choice of media. There is never any hesitation about the business influence of the Chemists’ and Druggists’ Diary, and there is all the more reason, therefore, why those connected with chemical industry, pharmacy, and the drug-trade, who have not already done so, should secure space without delay.99

Other publications not directly related to the pharmaceutical trade also realised the value of attracting profitable advertising to their columns. The Christian Herald, for example, advertised their services in the C & D with a testimonial stating that ‘The £13 advertisement has brought nearly £200 worth of satisfied customers...’ (Figure 4.16).100

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98 Nevett, Advertising in Britain, p.102.
99 C & D, 8th October 1910, p. 33.
100 C & D, 10th April 1920, p. 12.
High circulation figures meant that firms saw more value in investing in print advertising than in other mechanisms to promote their goods, such as by employing commercial travellers. Messrs, Allan and Co, Wholesale milliners of Cheapside, reported in the C & D in 1870 that they had discontinued being represented by travellers, stating ‘that an advertisement is a traveller calling upon many thousands of customers almost at the same moment, and doing the work silently, but surely, as the almost universal success of advertising firms proves.’ Likewise May and Roberts announced in an advertisement that they could offer low cost goods ‘by the simple expedient of EMPLOYING NO TRAVELLERS.’ They noted that, ‘it is an important factor in business. A traveller costs at least a guinea a day for 313 days of the year, plus his salary — say £650 a year together. It would take half-a-dozen travellers to call upon all our customers.’

Instead, the firm highlighted the function of advertisements and made note of the fact that ‘The Publisher of The Chemist and Druggist tells us that he issues 11,000 copies of this number.’ Circulation figures, used to attract advertisers, were employed as a means to persuade intermediaries to stock products by showing that the product was likely to be in high demand. Advertisers directly referenced the projected success of their advertising campaigns and informed the retailer of the expected rise in demand for their products by including information on circulation numbers and their target markets. The proprietors of ‘Munyon’s Inhaler’ called the attention of readers of C & D, informing them that the inhaler was to be put on the English market in Easter Week:

This instrument will be largely advertised by single and double column notices in The Daily Telegraph, The Sunday Daily Telegraph, The Daily Mail, The Sunday Daily Mail, The Penny Illustrated, The Leader, The Star, The Sun, Lloyd’s, Reynolds’, and numerous other papers. This Inhaler has an immense sale in America, and is sure to become a great seller in England. This preliminary notice is given for the benefit of the Retail Trade, as Chemists will no doubt desire to take advantage of the demand created by the large advertising and order a stock at once from their Wholesaler.

Marza Wines, as another example, advertising in the C & D in 1893, listed the range of lay publications their advertisements appeared in to prompt the retail chemist to stock the article:


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103 C & D, 30th January 1892, p. 5.
104 C & D, 8th April 1899, p. 30.
105 C & D, 29th July 1893, supplement.
Likewise, Thomas Kerfoot & Co made use of the C & D’s pages to inform readers that their product would be featuring on the front page of The Daily Mail, ‘Whole Front Page Daily Mail Aug. 6, advertising ANZORA. Have you ordered your supplies yet?’ (Figure 4.17).  

*Figure 4.17 - Thomas Kerfoot informed readers that he would be advertising in The Daily Mail on 27th August.*

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106 C & D, 31st July 1920, p. 17.
A column positioned to the side of an advertisement for the nerve product Sanagen from the Casein Ltd Company (Figure 4.18) informed the trade that there would be a half triple page announcement in the lay press noting that the advertisement shown ‘is one of the advertisements appearing in the Daily papers sending customers to Chemists for the British Nerve Food destined to supersede Sanatogen. Doctors and Nurses are also being circularised.’ These announcements were an attempt to create demand in the market: marketing to medical practitioners, the retail chemist and the lay-consumer would create a three-fold surge of demand. Surveying advertisements aimed at the trade thus illuminates the complexity of the supply and demand consumption process.

Some firms were large and successful enough to have their own advertising departments and their archives highlight the fact that print advertisements formed a prominent aspect of their business strategy. For example, advertisements for James Woolley Son & Co’s Sanitary Rose Powder appeared in The Lancet, The BMJ, The Medical

Table 4.1 - List of journals advertising Tabloid products (1893-1902).

<table>
<thead>
<tr>
<th>Name of Journal 1893-1902</th>
<th>Genre of Journal</th>
</tr>
</thead>
<tbody>
<tr>
<td>British Medical Journal</td>
<td>Medical</td>
</tr>
<tr>
<td>Lancet</td>
<td>Medical</td>
</tr>
<tr>
<td>Medical Press &amp; Circular</td>
<td>Medical</td>
</tr>
<tr>
<td>Clinical Journal</td>
<td>Medical</td>
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<tr>
<td>Medical Times</td>
<td>Medical</td>
</tr>
<tr>
<td>General Practitioner</td>
<td>Medical</td>
</tr>
<tr>
<td>Birmingham Medical Review</td>
<td>Medical</td>
</tr>
<tr>
<td>Bristol Medico-Chirugical Journal</td>
<td>Medical</td>
</tr>
<tr>
<td>Journal of Tropical Medicine</td>
<td>Medical</td>
</tr>
<tr>
<td>Journal of Laryngology Treatment</td>
<td>Medical</td>
</tr>
<tr>
<td>Dublin Medical Journal</td>
<td>Medical</td>
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<tr>
<td>Edinburgh Medical Journal</td>
<td>Medical</td>
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<tr>
<td>Scottish Medical Journal</td>
<td>Medical</td>
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<tr>
<td>London Hospital Gazette</td>
<td>Medical</td>
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<tr>
<td>Middlesex Hospital Gazette</td>
<td>Medical</td>
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<tr>
<td>St. Thomas’ Hospital Gazette</td>
<td>Medical</td>
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<tr>
<td>St George’s Hospital Gazette</td>
<td>Medical</td>
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<tr>
<td>St Mary’s Hospital Gazette</td>
<td>Medical</td>
</tr>
<tr>
<td>Westminster Hospital Gazette</td>
<td>Medical</td>
</tr>
<tr>
<td>Polyclinic</td>
<td>Medical</td>
</tr>
<tr>
<td>Journal of Balneology and Climatology</td>
<td>Medical</td>
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<tr>
<td>Caledonian Medical Journal</td>
<td>Medical</td>
</tr>
<tr>
<td>British Gynaecological Journal</td>
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</table>

108 JRL, WOL5/2/4. ‘Newspaper Cuttings Scrap Book, 1883-1908’. 
<table>
<thead>
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<th>Title</th>
<th>Category</th>
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<tbody>
<tr>
<td>Glasgow Medical Journal</td>
<td>Medical</td>
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<tr>
<td>Journal of Irish Medical Association</td>
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<td>Medical Chronicle</td>
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<td>Practitioner</td>
<td>Medical</td>
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<td>West London Medical Journal</td>
<td>Medical</td>
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<tr>
<td>Journal of the Society of Medical Phonographers</td>
<td>Medical</td>
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<tr>
<td>Queen’s Medical Magazine</td>
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<tr>
<td>Medical Magazine</td>
<td>Medical</td>
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<tr>
<td>St. Bartholomew’s Medical Gazette</td>
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<tr>
<td>Quarterly Medical Journal</td>
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<tr>
<td>Charing Cross Hospital Gazette</td>
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<tr>
<td>Royal Free Hospital Gazette</td>
<td>Medical</td>
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<tr>
<td>Journal of Comparative Pathology</td>
<td>Medical</td>
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<tr>
<td>Journal of Dermatology</td>
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</tr>
<tr>
<td>Owen’s College Magazine</td>
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<tr>
<td>Manchester Medical Student’s Gazette</td>
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<tr>
<td>Medical Review</td>
<td>Medical</td>
</tr>
<tr>
<td>Journal of Obstetrics and Gynaecology</td>
<td>Medical</td>
</tr>
<tr>
<td>Guy’s Hospital Gazette</td>
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<td>Medical Pioneer</td>
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<td>Journal of State Medicine</td>
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<td>Journal of State Physiology</td>
<td>Medical</td>
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<tr>
<td>Clinical Sketches</td>
<td>Medical</td>
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<td>Royal Infirmary Student’s Gazette (Manchester)</td>
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<tr>
<td>Physician &amp; Surgeon</td>
<td>Medical</td>
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<td>British Journal of Dental Services</td>
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<tr>
<td>British Journal of the Dental Association</td>
<td>Dental</td>
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<tr>
<td>British Trade Journal</td>
<td>Trade</td>
</tr>
<tr>
<td>Chemist and Druggist</td>
<td>Trade</td>
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<tr>
<td>British and Colonial Druggist</td>
<td>Trade</td>
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<td>Pharmaceutical Journal</td>
<td>Trade</td>
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<tr>
<td>Burgoyne’s Magazine</td>
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<tr>
<td>Manufacturing Chemist</td>
<td>Trade</td>
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<tr>
<td>British, Foreign and Colonial Drug Review</td>
<td>Trade</td>
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<tr>
<td>Chemist’s Assistant</td>
<td>Trade</td>
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<tr>
<td>British Home and Export Trade Review</td>
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<tr>
<td>British Journal of Nursing</td>
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<tr>
<td>Nursing Notes</td>
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<td>Hand Camera and Lantern Review</td>
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<td>Sanitary Record</td>
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<td>Mercy &amp; Truth</td>
<td>Missionary</td>
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<td>Medical Missions</td>
<td>Missionary</td>
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<td>Niger &amp; Zoruba Notes</td>
<td>Missionary</td>
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<td>Christian Quarterly and Missionary Gleaner</td>
<td>Missionary</td>
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Large firms also produced their own literature. Sanitas produced a ‘How to Disinfect’ Book, which was sent free with orders. Similarly, Alfred Fennings supplied a copy of ‘Every Mother’s Book’ on application and Eno’s published ‘Heath Maxims’, advice on healthy living. The Kay Brothers of Stockport and well-known proprietors of ‘Kay’s Compound Essence of Linseed’ announced in the C & D that they would shortly be going to press with their ‘Family Reference and First Aid Book, 1906’. Their customers, retail chemists, were told to correspond with Kay Brothers’ advertising department to obtain advertising matter with own name and address on:

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109 C & D, 14th October 1905, p. 618.
110 C & D, 8th April 1899, p. iv.
Gratis, Carriage Paid, Printed with Name and Address, for Chemists forwarding two slip labels and undertaking careful distribution. Population of district should be given, and in the case of the Almanacks house to house delivery should be promised, as the Annual is the finest of its kind published and a credit to any Pharmacy.112

It has also been well-documented that large firms like B.W. & Co had their own advertising departments producing almanacks, diaries, and price-lists and circulating them amongst their target audiences. Henry Wellcome was a renowned self-publicist, producing an eclectic range of publications, including hand-books on health, medical history, travel guides and diaries.113 B.W. & Co published an annual medical diary, which included pro-forma sections for accounts and visits, and distributed across the Empire for free.114 Diaries were also printed specifically for other groups, like pharmacists, photographers and nurses (See Figure 4.19).

Figure 4.19 - Wellcome’s Pharmacist Diary, 1910.

Source: T. Tansey, ‘Wellcome gifts for Christmas (and the New Year)’. Wellcome Collection.

112 C & D, 14th October 1905, p. 29.
Another source of print media that proprietors could utilise was the catalogue. Scholars have recently highlighted the importance of using catalogues as a source for understanding the consumer culture of the late nineteenth century. These types of publications were attractive for businesses wishing to make known their range of products for sale. Jones has dealt extensively with the medical trade catalogue and evidenced its ability to transfer product information on a national scale. Reduced versions of catalogues appeared as circulars or price-lists. These latter sources will form part of this study. The survival rate of circulars and price-lists is limited due to their ephemeral nature. However, a high number of them were distributed with the summer and winter issues of the C & D. To attract new proprietors the C & D declared that, ‘Years of magnificent results have proved that it pays to place insets in The Chemist and Druggist, and one has only to note the standing of the firms who use this medium of advertising, and the frequency of their repeats, to realise that this is good business.’

What has been left out of studies of the late nineteenth-century medical marketplace is the production of almanacks, circulars, and price-lists by smaller firms who were only disseminating their literature locally rather than advertising in national publications. Despite the falling costs associated with newspaper and periodical advertising, for low-income proprietors it could still prove too costly. Circulars and almanacks published in-house or printed on the cheap provided vendors with another outlet for advertising their wares and services. The independent chemist A.H. Jones produced an almanack measuring smaller than the palm of a hand (Figure 4.20) listing his own-name preparations as well as national brands.

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116 Jones, Medical Trade Catalogue, p. 45.
117 C & D, 29th July 1905, p. 177.
118 That said, almanacks have been identified as important for stimulating brand awareness in the early modern marketplace, particularly as they would remain in use for the course of a year, see: L.H. Curth ‘Medical Advertising in the Popular Press: Almanacs and the Growth of Proprietary Medicines’ in L.H. Curth (ed.) From Physick to Pharmacology: Five Hundred Years of British Drug Retailing (Aldershot, 2006), pp. 29-48.
Likewise, J.C. Coles, a chemist based in Chippenham, produced his own almanack and used it as a device to advertise his own brands, such as ‘Cole’s Burn Liniment’ and ‘Cole’s Iron Cement’. The publication was given the title ‘A voice from the Druggist counter’ and included material on medicines, dosages, the drug trade, diet and general health (Figure 4.21). Coles used the almanack to inform its readers that he was the ‘Successor to J.D. Goold’ and significantly, Coles continued to advertise and sell ‘Goold’s own pills’; an echo of chapter two of this thesis, in which we saw that local brands retained importance in the local area despite the shift to a national market. On the back of the booklet was a printed reproduction of his Pharmaceutical Society diploma.

120 The archives hold a hand-written almanack, but it is not apparent whether this was used as a preliminary design for printers, or whether this was the final product, though Jones has indicated that some price-lists were crudely made, see: Jones, *Medical Trade Catalogue*, p. 45.
121 Wiltshire Archives, 1601/1. ‘J.C. Cole’s Almanack, c.1880’.
In-house printing or designing was a phenomenon that has only received limited attention from scholars. Scholars have noted that advertising in-house, rather than through agencies, continued for longer in Britain than in the USA. In a study that focuses on advertisements from a trade periodical, it is necessary to consider firms that would not have been able to afford to advertise in a national publication in this manner. Indeed, the C & D recommended this mode of advertising to chemists with meagre capital,

For chemists in towns or cities where newspaper-advertising, even on a limited scale, is too expensive, the house-to-house distribution of circulars, if conscientiously

122 Church, ‘Reinterpretations’, p. 642.
carried out, yields good results, and should be the first step in the advertising ladder, as far as outside work is concerned. When time permits, placing the matter in addressed envelopes ensures them reaching their destination. Failing this, none but reliable men should be employed in delivering them. The cost of production and distribution being necessarily high, wastage by faulty distribution should be reduced to a minimum. If circumstances warrant the distribution of anything larger than a handbill, a four-page circular, carrying two pages of matter such as ‘Hints upon Health,’ or other such information as tends to have the circular preserved, is advised. The information given should not be too general — the articles recommended should be the chemist’s own proprietarys, and not such remedies as Gregory powder, tr. The remaining two pages should be utilised for displayed advertisements of your own specialities.\textsuperscript{123}

Heyer’s Printing Press was one product that enabled chemists and druggists to print labels and price-lists for themselves. Heyer called printer’s ink the ‘best grease for the wheel of business’ and a ‘daily necessity’ for chemists and druggists.\textsuperscript{124} Another product was Zuccato & Woolf’s ‘Trypograph’, which could be used to print notices, circulars and price-lists.\textsuperscript{125}

Other economical ways to advertise came in the form of postcards, available cheaply from the 1890s. Williams stated that they offered a ‘new media opportunity’, particularly for smaller firms due to their cheap means of production.\textsuperscript{126} The postal rate in Britain until 1917 was only half a penny.\textsuperscript{127} Firms selling pharmaceutical products like Beechams, Mellin’s Food, Steedman’s Powder, Carter’s Liver Pills, and Frame Food utilised the postcard for promotional means. They were an effective way to list local stockists and they could also be used to insert into packaging. Local retailers could also stamp postcards produced from wholesalers and manufacturers with their own name and address. This gave independent retailers a means to show consumers what products they had available as well as promote their own retail space. Figure 4.22 features a stamp

\textsuperscript{121} C & D, 29\textsuperscript{th} July 1905, p. 176.
\textsuperscript{122} C & D, 15\textsuperscript{th} July 1870, p. 207.
\textsuperscript{123} C & D, 11\textsuperscript{th} October 1890, p. 11.
\textsuperscript{125} Ibid, p. 22.
from the retail chemist James Green, and whilst this paratext might seem trivial it provided layers of branding, informing consumers that he was a qualified chemist and the successor to ‘Robeson’, who likely carried credibility in the local area.

Figure 4.22 - ‘EXOL Majestic curative cream’ postcard.

Source: Tom Bartlett Postcard Collection, c. 1912.

The phenomenon of dealing with advertising in-house can be better understood by looking at surviving business archives. Stephen Green dealt with advertising in-house and recorded what advertisements were placed for Singleton’s Eye Ointment throughout the 1880s and 1890s in a volume that included columns citing circulation figures, the types of publication, and the cost of insertion (Figure 4.23).
Green’s advertising was carried out through catalogues, insets, almanacks and price-lists from manufacturer and wholesale companies, most of whom were provincially based. The record was demarcated into ‘Country Advertisements’ and ‘London Advertisements’. Comments were written reviewing the placement, layout and copy once the advertisement had been printed. In 1889 Green placed a quarter-page advertisement in Hall & Son’s almanack (Sheffield) at a cost of five shillings. It was noted that the advertisement ‘should be in bolder type’ and that in future a proof would be required. 128 A half-page advertisement placed in J. Knight’s almanack (Oxford) for the same year, at a cost of five shillings, was critiqued as a ‘Poor display’ and that there had been no ‘mention that he was reducing size of page. Must insert a more modern advt’,


and the words ‘not to repeat’. A half-page advertisement placed in the Samuel Elb’s almanack, a chemist based in Dunster, for the same year, at a cost of four shillings, fared much better with the comment ‘well printed + good display.’ Typos were flagged up – an advert placed with William Earl, located in Wisbech, received the comment ‘should be Stephen Green not Steven, also should be on larger page.’ Comments concerning W.H. Furness’ almanack, that the advertisement was ‘well worded and displayed’ suggests that the copy may not have been always supplied to the advertiser. On average, between 1880 and 1890, Green advertised the product annually in twenty-two London-based catalogues or newspapers, and in one hundred and forty-eight other publications based across the rest of the country. The fact that he advertised predominantly in provincial publications from independent chemists suggests that these types of publication should be given more significance by scholars. Nonetheless, in-keeping with other studies of increased professionalisation of advertising, by the early 1920s the firm were using numerous advertising agents. Smith’s Advertising Agency sent Green’s firm the net-sales of publications to gauge circulation numbers. This included numbers for London and provincial dailies, Sunday papers, monthly magazines, the weekly and periodical press, and specialised press. The firm also used agents to advertise overseas: The Colonial Advertising Agents Sharland & Co were paid £4.14.6 for twenty-six fortnightly insertions in the Tasmanian Mail, and £8.13.0 for the same circulation in the Melbourne Tasmanian.

Looking at the trade press and business archives highlights how advertising was produced, thus enhancing understanding of how the market operated. Print advertising was of great significance to the medical marketplace, but it is also important to note that not all participants were using national publications to market their products. Advertising agents were significant means by which the material was produced but advertisements in the trade press evidence that there were tools on the market for firms to use to print material in-house. The almanack from J.C. Coles also points to more crude means of production for firms positioned in a more local market. Circulation

129 Ibid, 29th November 1888.
130 Ibid, 1st October 1888.
131 Ibid, 8th November 1889; William Earl was a printer, bookseller and publisher of the Wisbech Times, see: Kelly’s Directory for Cambridgeshire, Norfolk & Cambridgeshire, (London, 1883), p.132-143.
132 Ibid.
figures signify that manufacturers, wholesalers and the retail chemist were thinking about audience reach. Consideration of these audiences are important to consider for this thesis.

4.4 Advertising Engagement

The reading practices of the market participants are important to understand in order to gauge the impact of the advertising of pharmaceutical products. This section provides answers to one of the key research questions of this thesis - ‘how were people engaging with the market?’ It is difficult to assess how the lay, trade and professional audience engaged with medical and trade news and advertisements via print media, nonetheless, there are ways to determine that print was not consumed passively. Jones found that medical trade catalogues were used in a hybrid manner as advertising mediums and reference guides. Indeed the C & D stated that price-lists in particular were ‘appreciated by the public, being preserved and continually referred to.’ And there is further evidence that advertisements were not passed over at a glimpse; Dr Frederick B. Power, the director of the Wellcome laboratories, embossed his collection of The Chemists’ and Druggists’ Diary, indicating that the volumes were not only bound but also displayed for reference (Figure 4.24).
A practice in a similar vein to this has been identified by Jones, who found that string hooks were attached to catalogues so that readers could hang them for reference. Moreover, the C & D retailed a reading case for half a crown, seemingly expecting readers to keep copies specifically to refer to advertisements. They stated,

It is hardly necessary to explain that besides their ornamental appearance, the advantage of being able to keep, in a convenient and tidy form, the six back numbers of our journal, if only for the purpose of referring to the advertisements, must be of considerable value to our friends engaged in business, and we have no doubt they will appreciate it.\textsuperscript{137}

The C & D did not hide the fact that they relied on the advertisements found in the journal to keep publishing:

We may ask those chemists who do not at present subscribe to this journal to give it a careful examination, and we hope we may also ask those who already do subscribe to help us as far as they can with advantage to themselves, by opening business relations with the firms who make use of our pages.\textsuperscript{138}


They also sent coupons to subscribers abroad. In consequence, a total of ‘Nearly a thousand coupons were sent in.’ In 1892, James Woolley Sons & Co’s advertisement for their ‘Sanitary Rose Powder’ won the ‘Best Full-Page Advertisement’ (Figure 4.25). B.W. & Co were considered an innovative advertiser; when their advertisement for ‘Just Oat’ came second in ‘The Most Original Advertisement’ competition, the C & D remarked that ‘we asked for the most original advertisement, not the most original advertiser,

\textsuperscript{137} C & D, 15\textsuperscript{th} March 1870, p. 58.
\textsuperscript{138} C & D, 31\textsuperscript{st} July 1892, p. 173.
\textsuperscript{139} C & D, 9\textsuperscript{th} April 1892, p. 517.
and consequently we can only place ‘Just Oat’ second,\textsuperscript{140} which implies that the firm were seen as leaders in marketing.\textsuperscript{141} In 1893, as part of the C & D’s advertising competition, the category for ‘The Happiest Trade-Mark’ was included. Hearon, Squire & Co’s ‘Heron’ trade mark topped the list with twenty per cent of the votes and Mason’s ‘Sister of Charity’ came a close second with fifteen per cent of the votes. However, the fact that the remainder were ‘spread very eccentrically over twenty-five other illustrations, many of which are not ‘trade-marks’ in the proper sense at all,’ illustrates that readers might not have been able to distinguish between what was a genuine registered trade mark or an unregistered trade name.\textsuperscript{142}

\begin{footnotesize}
\begin{enumerate}
\item Ibid.
\item For more on the innovative impact of B.W. & Co’s marketing, see: R. Church, ‘The British Market for Medicine in the late Nineteenth Century: The Innovative Impact of S.M. Burroughs & Co’, Medical History, 49, No.3 (July 2005), pp. 281-298.
\item C & D, 15\textsuperscript{th} April 1893, p. 519.
\end{enumerate}
\end{footnotesize}
At a time of increasing development in advertising a clever or successful advertiser stood out. They had the potential to generate a small fortune for proprietors, which suggests that readers were receptive to their pull. The C & D reported on the wealth generated by proprietors of pharmaceutical products, who had made reputations through advertising products on a mass-scale,

J.C. Ayer began life as a drug-clerk and advertising his Cherry Pectoral in a small way, but when he died he left a fortune estimated at $15,000,000. C.I. Hood began 'that tired feeling' in a small way in 1870 and is now rated as a millionaire. A.B. Scott, of Scott & Bowne, was working at a moderate salary twenty years ago; to-day his firm is
spending $1,000,000 a year for advertising. Brent Good, proprietor of Carter’s Little Liver Pills, started on a cash capital of $8.40, and now cannot spend the money he is making. Judicious advertising has made it possible for Seabury & Johnson to spend annually $50,000 on popularising their products, W.T. Hanson Company $500,000 on Pink Pills for Pale People, and Wells, Richardson & Co. $600,000 on Paine’s Celery Compound.¹⁴³

Despite being derided by historians and contempories, many vendors of patent medicines, like Thomas Holloway, Thomas Beecham, and George Fulford, became not only financially successful but revered in the community.¹⁴⁴ This kind of success, as a result of advertising, meant that knowledge of how to successfully promote a product was a focus for those in the commercial sector. Newspaper opinion articles also indicate it was an area of interest to the general lay-person. The Strand magazine’s 1903 article ‘What Is a Good Advertisement?’ listed the best twelve advertisements that had appeared in the publication over the last six months. These included advertisements for pharmaceutical products, with the likes of Beecham’s Pills, Frame Food, Lemco, Bovril, and Holloway’s Pills. The article asserted that ‘It is hardly too much to say that the prosperity of a nation’s trade depends upon its ability in attractive advertising,’; noting that,

To every advertiser, of course- that is, to every man who has anything to sell, from the big firms who spend colossal sums in making known the merits of their productions down to the smallest village tradesman who puts his ‘ad’ into the local paper – the question of how to make the most efficient use of the means at his disposal is of the greatest moment.¹⁴⁵

Articles lauding the effects of advertising by giving examples of the ‘best’ indicate that publishers were analysing how products were sold to the public.

¹⁴³ C & D, 24th August 1895, p. 319.
¹⁴⁴ L. Loeb, ‘George Fulford and Victorian Patent Medicine Men: Quack Mercenaries or Smilesian Entrepreneurs?’ Canadian Bulletin of Medical History, 16, No.1 (1999), pp. 125-145; Successful chemists on the local level could also aspire to greater roles within the community. For example, John Coles, a chemist in Chippenham became Mayor of the town.
¹⁴⁵ St Helen’s Archive Service, Beecham’s Archives, BP/1/6/33. ‘The Strand, ‘What Is a Good Advertisement?’, 1903’.
Many advertisers employed specific techniques to engage their readers. An advertisement (Figure 4.26) for Beecham’s was designed to be engaged with by readers – it included a puzzle, in which the reader had to physically ‘Divide the Paper in three pieces, and adjust the figures 1 8 9 0 to read the usual way.’\(^{146}\) The addition of a rhyme would also encourage readers to engage with the copy.

Figure 4.26 - Advertisement for Beecham’s Annual featuring a New Year puzzle.

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\(^{146}\) C & D, 21st December 1889, p. iii; Firms could also design games and puzzles for consumers to play with. Carter’s Little Liver Pills, for example, designed a set of dominoes with their branding on, see: K. Arnold and E.M. Tansey; Pills and profits: the selling of medicines since 1870: an exhibition at the Wellcome Institute for the History of Medicine, 1890s (London, 1994), p. 39.
The New York based wholesalers, Kress & Owen Company, stated in an advertisement in *The Medical Press & Circular*, that they would send a bottle of Glyco-Thymoline to any physician who mailed in the advertisement to their British Agents Thomas Christy & Co, based in London (See Figure 4.27). This tactic prompts the reader to actively tear out the advertisement from the periodical. The receiving of a physical bottle of the medicine in exchange for the piece of paper meant that the paper represented the product.¹⁴⁷ Notably the advertisement displayed the products packaging; a common feature already explored in chapter two.

A similar engagement tactic can be seen with integration of order forms into the advertisement. Lamont, Corliss & Co incorporated an order form into their advert in *The Anti-Cutting Record*, which readers could use to directly order Mennen’s Toilet Powder (Figure 4.28).\(^{148}\)

\(^{148}\) *The Anti-Cutting Record*, May 1906, p. 113.
Another indication of engagement comes from testimonials in the copy. Commonly the names and testimonial attached to patent medicines were seen as bogus and directly related to quackery. It was a popular tactic for the quack to cite patronage from royalty or eminent professionals, or include long narratives of statements from a lay person, as has already been shown. This latter tactic was a valued means to transfer trust in a marketplace where the manufacturer and end-consumer were separated. Indeed, Barker stated that ‘testimonial writers appeared to stand in for those day-to-day contacts who would have provided the type of word-of-mouth reputations upon which
most people might have depended previously’. Testimonials from medical men were also commonly used in advertisements throughout the period. Scholarship has maintained that these types of testimonials were either made up or obtained unfaithfully. And, of course, many of them were. For example, the ‘Family Encyclopaedia of Medicine’ by Dr Hugh Riddle was advertised in the Daily Mail as the work of ‘thirty eminent specialists’, but the names connected to the publication were deceitfully gotten. The physician J.S. Risien Russell complained to the publisher that ‘In agreeing to revise your Article on Neurasthenia I had not the slightest notion that it was in any way connected with the Daily Mail or that I rendered myself liable to advertisement in the way that has occurred.’ He added that ‘You will recognise that it is contrary to the ethics of our profession’ However, some testimonials may have had some truth. In 1888, after a bye-law was passed to strike off practitioners who were connected to commercial activity, the Censor’s Board at the Royal College of Physicians were kept busy monitoring advertisements. The Royal College of Physicians wrote to members of the profession whose names appeared in testimonials for ‘Lactopeptine’ a product sold for indigestion and dyspepsia. John Miborne, a Physician, was written to by the Censor Board. He explained how his testimonial came to be used:

A bottle of Lactopeptine was sent to me, many years ago, and I asked a patient, who was suffering with Dyspepsia to try it. She shortly afterwards wrote asking me to get her some more of the powder, as it had much benefitted her.

Miborne had quoted his patient’s comments when he ordered some more of the product, and it was then used by the Lactopeptine company in advertisements. Despite the fact that the testimony was used without Miborne’s knowledge, his explanation to the testimonial’s origin indicates that he valued the efficacy of the branded medicine. He said, ‘I frequently prescribe Lactopeptine and I believe it to be

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150 Royal College of Physicians, RCP-LEGAC/2413/182. ‘Unsolicited Testimonials, Letter from J.S. Risien Russell to Dr Hugh Riddle, 27th February 1914’.
152 RCP, RCP-LEGAC/2410/12. ‘Unsolicited Testimonials, John Miborne, 18th October 1893’.
frequently useful for Dyspeptics.’ Moreover, Samuel Hopkins Adams, the American investigative journalist who uncovered many of the frauds associated with medical advertising, assumed that a testimonial from Professor G. Pouchet of Paris was from a mythical Physician. It was later discovered that his name could be found on the official lists. Adams interviewed Professor Pouchet to ask why his name was attached to a patent medicine in America, and his reply was ‘America! I don’t give a damn for America! Nobody knows me in America.’ These examples suggest that professional medical men were providing testimony for branded medicine (whether that was unknowingly or not) and thus engaging with the commercial market of medicines.

Another common feature of advertisements, particularly in those targeting medical men or retail chemists, was the use of testimonial from medical periodicals or journals. *The Practitioner* criticised this practice, remarking that they had ‘no quarrel’ with bold advertisements but were against ‘the growing tendency to put laudatory matter into an advertisement, which appears in a respectable journal, and then to announce it, in subsequent advertisement, as the publicly-expressed opinion of that journal.’ However, journals like *The Practitioner* did contain editorials that were akin to advertisements. *The Practitioner*’s ‘Notes and Queries’ section carried extensive commentary about new pharmaceutical products on the market. For example, for Allen and Hanburys’s Perfected Cod-Liver Oil it was noted that ‘we have tried it and find that it is exceedingly bland to the taste and causes no eructations or nausea afterwards. We have seen very few specimens of oil so good as this, and it deserves the name of ‘perfected.’’ There is evidence that these comments were influenced by samples sent from proprietors. Writing about Bishop’s Effervescent Citrate of Caffeine it was expressed that ‘We have received from Mr Burroughs a specimen of this preparation, containing one grain in each drachm.’ The success of this process as a means to promote products in the journal is reflected in the frequency of samples sent in by the same pool of firms: ‘Messrs. Cadbury Bros. have again forwarded samples of their much appreciated specialities. Among these we notice “Dairy Milk Chocolate”- a new

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153 Ibid.
156 By 1905 this section was renamed ‘Novelties and Notices’.
158 *The Practitioner*, Jul-Dec 1907, p. 303.
sweetmeat which has a distinctive nutritive value and possesses sustaining qualities; this should become very popular. It is no wonder that proprietors later used these encouraging remarks for their advertising copy in other publications. In turn, numerous other publications aimed at the profession contained these laudatory blurbs. Figure 4.29 is an example from The General Practitioner.

Figure 4.29 - Example of a recommendation for a pharmaceutical product in the medical press, which also served as an advertisement.


Moreover, there is evidence that retail chemists were engaging with advertisements by cutting them out and including them within prescription books. W.H. Foxhall, a chemist based in Tunstall, pasted in advertising material for branded products alongside detailed recipes to make up medicines (Figure 4.30).

159 Italics my own. The Practitioner, Jan-Jun 1906, p. 140.
The thesis has so far been concerned with the advertising, packaging, and branding of pharmaceutical products by focusing predominantly on the trade and professional press. It is also of interest to this study, which looks at how branded medicines infiltrated the medical marketplace, to decipher how the lay public were engaging with the commercial market. A late nineteenth-century commonplace book from the upper-class household of Sir Richard and Lady Isabel Burton was uncovered in the archives which suggested a way that participants in the marketplace were engaging with the advertising efforts of pharmaceutical proprietors. Lady Burton’s Commonplace Book evidences that advertisements and health care advice were cut out and kept (Figure 4.31). Interestingly for this thesis Lady Burton cut out advertisements for branded pharmaceutical products, including the likes of Condy’s Fluid, Neuraline, Blair’s Gout

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Pills, Brandreth’s Capsicum Porous Plasters, Powell’s Balsam of Aniseed, and Grimault
and Co’s Indian Cigarettes of Cannabis Indica, as well as Sir William Burnett’s
disinfecting fluid, which was ‘to be had ready-made at all chemists.’ It is not possible to
identify where most of the advertisements were cut out from; although one was taken
from *The World* in 1878. The book also points to wider medical culture; included was an
article from *The Tablet*, a Catholic newspaper, on Dr Koch and his advice for drying
infected rooms, which stated that ‘any solid article, when once dried, it not dangerous,
for the microbe is dead, and incapable of reproduction.’ Articles from *The Daily News*
and *The Morning Post* on wide-ranging subjects, such as cures for bee stings and cancer,
were also kept. Further to the physical act of cutting out advertisements Lady Burton
annotated many of the snippets. Next to an entry for an antibilious pill it was marked –
‘see nice one five pages further on.’ The referred to entry was marked as ‘nice
antibilious pill’ and a ‘Fascinating pick me up.’ Leaflets found in the volume included a
circular containing medical testimony on Raw Food Extracts, published by the Murdock
Liquid Food Company, Boston, USA, which was stuck onto the last page of the volume,
and implies that the Burtons accessed products from a transatlantic medical
marketplace. A letter from James Higgins, chemist, also evidences that the profession
prompted their patients to consume branded medicines:

> I have ventured to enclose a tin of Du Barrys Food I think that it will do Captain Burton
good, it is chiefly composed of lentil flour which contains a large percentage of
nitrofloss matter and other elements particularly beneficial for the captain in his
present weak condition. It also has the effect of absorbing any superflous acid in the
stomach which invariably give rise to flatulence and distension. Having seen the good
effects it has produced I have faith in recommending it. Particular attention must be
paid to preparing it otherwise it is useless.

This book evidences that branded medical advertisements were situated in a market
that historians have identified as pluralistic. In line with the tradition of self-help,

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162 Ibid, ‘Raw Food Extracts Advertisement, 20th June 1883’.
identified in chapter one, section 1.2, Lady Burton’s volume begins with comments on regimen and an inscription giving advice ‘To have eight hours sleep, to take regular exercise, to take a cold tepid bath in the morning... to have mountain air and not drink spirits or champagne.’

As a couple belonging to the upper echelons of society the Burtons had the wealth to access medical practitioners. A letter from Lady Burton to her doctor is found in the volume, in which she stated, ‘But I am so delicate all medicine leave castor oil or an occasional antibilious pill frighten me as they give me more pain, or operate less than they should,’ suggesting that she was cautious of the remedies prescribed by the profession. Lady Burton received guidance from Dr Maclagan, a doctor based in London, with regards to her husband’s health, advising her to ‘let him take easily digested food – not too much butchers’ meat, fish or chicken’ but to also take ‘the medicine for which I send prescription,’ revealing that regimen and medical prescriptions both held a place in professional health care.

Correspondence to numerous chemists were also part of the volume, including R. Hugo of Earl’s Court, Kensington and Meacher & Higgins of Crawford Street. Whilst Lady Burton regularly used these high-end chemists not all of her medical needs were covered by them. Under a heading ‘Pills supposed to make people have children’ was an envelope marked ‘private with thanks - Mrs Downs pills for the womb’ from a chemist’s shop in Ashbridge, Berkhampstead, suggesting that for sensitive matters she would try to access remedies through other means. Furthermore, paper cuttings in the volume included a leaflet for Dr Buisson’s Treatment for hydrophobia, which was listed as an alternative to Pasteur’s Virus Inoculations. Receipts for services from a nerve hospital and electrotherapy institute evidence that Lady Burton was also accessing alternative treatments. Burton’s own description of her medical condition informs us about the complexity of illness narratives:

Now I must plainly state I am at the change of life. 7 months nothing, then a flooding, then 4 months, then a flooding, now 8 weeks without anything. I have a fibrous tumour in the right ovaria, which troubles me but little, is not malignant & the doctors

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165 The word ‘cold’ was crossed out and replaced by ‘tepid’ – indicating that treatment plans were not static.
166 WA, 2667/26/3/2. ‘Lady Burton’s Commonplace Book, 20th November 1883’.
167 The latter of these is still trading today, see: Meacher, Higgins and Thomas, ‘Home page’ Meacher, Higgins and Thomas (2018), <http://www.meacherhigginsandthomas.co.uk> [accessed 27 October 2018].
Maclagan, Lietman, & others say does not increase & will probably wither up when I lose my monthly course wholly. I couldn’t therefore walk much, walking or standing, or much purgative medicine is apt to bring a little inflammation of the bowels or rather perhaps irritates the tumour – my husband says all my ailments come from liver, or that I am full of gout or rheumatism – likely enough, as it is in my family, & my bones ache and are stuff. The Trieste doctor said I had fat round the heart, but I expect it is wind around the heart.\textsuperscript{168}

Burton’s own account of her health highlights that medical practitioners were not always afforded complete authority over health matters, and that she disagreed with her doctors. This reading of the medical marketplace agrees with Porter’s interpretation that doctors’ opinions were not privileged in a society characterised by self-help; he found that ‘the sufferer habitually played an active and sometimes a decisive role in interpreting and managing his own state of health.’\textsuperscript{169} Burton’s engagement with advertisements for branded medicines plays into this narrative of self-help and suggest that commercial options formed a prominent aspect of her health care options, even though she had access to a range of orthodox and alternative medical practitioners.

\textsuperscript{168} WA, 2667/26/3/2. ‘Lady Burton’s Commonplace Book, November 1883’.

As was noted in section 4.1, this example is by no means emblematic of the average lay person. Nonetheless, the existence of receipt books and commonplace books from a wide stratum of society would suggest that this experience was not entirely atypical.\textsuperscript{170} This section as a whole has indicated that advertisements were not passed over at a glance. They received commentary from the likes of publishers, the trade, and the public. The techniques employed in the advertisements themselves also show an adept use of getting readers to engage with the copy and points to the fact that readers were not passively consuming information, which has implications for the identification of

\textsuperscript{170} L. Dacome, ‘Noting the Mind: Commonplace Books and the Pursuit of the Self in Eighteenth-Century Britain’, 
audiences as gullible. Further advertising techniques that evidence market participants were valued by manufacturers is explored in the next section.

4.5 Macro-Analysis
This thesis has argued that the branding, advertising, packaging and nomenclature of pharmaceutical products were influenced by commercial legislation. Other common features particularly prominent within trade press advertisements and used as a form of branding were also influenced by wider commercial factors and are worth touching on here. These include references to purity and price-cutting. This section will show that they were used as a form of branding by manufacturers and advertisers to communicate with a readership who were informed about wider issues in the marketplace.

4.5.1 Macro-Analysis: Purity as Branding
A pre-occupation with purity in this period was influenced by adulteration and poisoning fears that ran through wider society. From the mid-nineteenth century the anti-adulteration movement was headed by scientific men like Dr Arthur Hassall, John Attfield, and Edwin Lankester, whose reports were reprinted in the lay and provincial press, leading to widespread public awareness. Notably for the movement, between 1851 and 1854 The Lancet ran investigations into food adulteration, including an analysis of forty-nine samples of bread, of which all were shown to be adulterated with alum. Popular publications, like Beeton’s Household Management, also alerted the public to adulteration concerns. As a result of highly publicised reports and lay commentary, the Adulteration of Food Act was passed in 1860, and in 1872 this included drugs within its remit. Pre-packaged goods offered the consumer the opportunity to protect themselves from adulteration insofar as the product would be standardised rather than made to order. Packages, labels, and advertisements for products were utilised to allay public fear, essentially becoming part of the product’s branding. Patent medicines were traditionally associated with secrecy and it was not until the twentieth century that products had to list the ingredients on the label. However, in the late-

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171 Cleanliness, pureness, and ‘rebalancing’ of the body were common regimens of western medicine, R. Porter, Flesh in the Age of Reason (London, 2003), p. 9.
173 Stieb, Drug Adulteration, p. 72.
nineteenth century products were advertised with a list of some of their components and many declared that the article was free from certain ingredients in order to alleviate concerns. For example, the vendors of Mrs Winslow’s Syrup stated:

To the Medical Profession and Chemist, Owing to misapprehensions as to the amount of morphine used in the preparation of Mrs. WINSWOLO’S SOOTHING SYRUP, we wish to state that the amount is one-eighth (1/8) of one grain to a fluid ounce. As there are eight teaspoonfuls to an ounce, the amount of morphine in a teaspoonful, our maximum dose, is one sixty-fourth (1/64) of a grain. It will be seen that this is very much less than the quantity used in similar preparations authorised by the Pharmacopoeia.\(^{174}\)

Edward Stieb has shown that advertisements from the period reflected the fears of adulteration in society.\(^{175}\) This section corroborates his analysis and explores the trade press to evidence the zeitgeist. An advertisement from Mawson and Swan, Newcastle based importers for Norwegian Cod Liver Oil, declared that their product was pronounced by Doctor Attfield, Professor of Practical Chemistry of the Pharmaceutical Society of Great Britain, to be of ‘unusual purity’ distinguished for its ‘absence of all impurities, and presence of all good qualities’, adding that a certificate of analysis would be attached to each invoice.\(^ {176}\) Within the same issue, Attfield’s testimony was employed for two other separate products, that of Evans's Extract of Malt, of which the ‘Report of Professor Attfield Ph.D. F.C.S from 1872’ declared the malt to be ‘incomparably more valuable’ than other preparations of malt on the market\(^ {177}\); and J & F.J. Taylor’s Pure Aerated Waters, of which it was stated that the ‘Purity and Excellence of the Water’ was ‘certified by Analysis by Professor Attfield Ph.D. F.C.S.’\(^ {178}\) The use of Attfield’s testimony continued to be employed in later advertisements. An advertisement for Bishop’s Granular Effervescent Preparations in 1885 read,

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\(^{174}\) C & D, 20th April 1895, p. 38.  
\(^{175}\) Stieb, Drug Adulteration, p. 98.  
\(^{176}\) C & D, 15th April 1880, p. 4.  
\(^{177}\) Ibid, p. 34.  
\(^{178}\) Ibid, p. 76.
Mr. Bishop's Granular Effervescent Preparations have been known to me for more than twenty years. The maker has submitted to me the formulae for them; I have seen them compounded at his factory; I have more than once tested, the materials he uses; I have many times analysed the finished products. The formulae are excellent, the ingredients pure, the processes perfect, the products all that can be desired. (Signed) JOHN ATTFIELD. London, December 6, 1881.179

Other analysts were also referred to; a testimony from Professor M. Charteris, MD, Professor of Therapeutics and Materia Medica, was used to assert the physiological pureness of A & M Zimmermann’s product.180 Similarly, Wrexham manufacturers Richard Evans & Co used testimony from The Analytical Sanitary Institution for their product ‘Zoedone’. Arthur Hassall Hill, the author of Food, its Adulterations, and the Methods of their Detection, declared,

I have carefully examined the new Aerated Mineral Water manufactured by Messrs. R. Evans & Co., and to which they have given the name of ‘ZOEDONE.’ I find the statements made respecting its composition to be fully borne out by the analysis.181

Van Houten’s Cocoa was called ‘Perfectly Pure’ in a report by A.H. Allen F.I.C, F.C.S,182 and The Standard Tablet & Pill Co asserted that their trade mark was ‘a guarantee of quality and purity’ and offered a window display model that stated this to their clients, to place as advertisements in their windows (Figure 4.3).183

179 C & D, 15th April 1885, p. 92.
181 C & D, 15th April 1880, p. 81.
183 C & D, 1st October 1910, p. iv.
An analysis of advertisements in the C & D evidences the use of a discourse of purity as a form of branding throughout the period 1880 to 1920. Graph 4.6 shows the frequency of words relating to purity, including ‘pure’, ‘pureness’, ‘purity’ and ‘analysis’.
A discourse surrounding purity was at its highest in the 1880s, with over one hundred instances of the words pure, pureness or purest, thirteen instances of purity, and fifteen of analysis, analyst(s), analysed, analyse(s) or analytical. These relatively high occurrences reflect a time in the marketplace when the increased use of chemicals throughout society, from agriculture, household items, food and medicine, had led to a growing need for analytical chemists. The Society of Public Analysts was formed in 1874 and published their own journal under the name The Analyst from 1876. Chemists up and down the country supplied analysis as a service. Chemical consultancy work, for instance, was carried out at the Apothecaries’ Hall by the chemists William Chattaway and Robert Davies.\textsuperscript{184} Other private enterprises were established in this period, such as the Analytical Sanitary Institution ran by Arthur Hill Hassall and Otto Hehner – they advertised their services in the C & D ‘for the analysis of Waters, Sewage, Air, Gass,

\textsuperscript{184} A. Simmons, The Chemical and Pharmaceutical Trading Activities of the Society of Apothecaries, 1822 to 1922, Ph.D. Thesis (Open University, 2014), pp. 197-258.
Food, Drink, Urine, Ores, Manures, Acids, Alkalies’ and other commercial articles. The Pharmaceutical Journal rather tellingly reported on the numerous difficulties of physiological testing and claimed that ‘it can hardly be conceived that much would be heard of them except for the purpose of advertisement.’ Whilst the discourse of purity was most pronounced at the start of the period it was still a significant element of advertisements throughout the period. An advertisement for Stafford Allen & Sons’ products in 1910 shows a claim of purity made without the paraphernalia of testimony from analysts, but the boldness of type used emphasises it as a prominent layer of branding (Figure 4.33). Purity discourses also ran through the wider market, principally with relation to adulteration of food. The next section, however, looks to a form of branding that was distinctive to the retail chemist.

185 C & D, 15th October 1880, p. 444.
4.5.2 Macro-Analysis: PATA as Branding
In the late nineteenth century large manufacturers and multi-nationals were becoming a threat to the individual retail chemist. Multi-chain chemists like Boots, Day’s Stores, Taylors and Southern Drug Co. Ltd were in the financial position to take advantage of bulk buying, which meant that they were able to sell their articles at low prices –
sometimes even lower than what the individual chemist could obtain from the wholesaler. Large manufacturers were also at an advantage as they had capital to spend on marketing ventures. For example, in 1904 the C & D reported that,

the recent sensational advertisements of Boots has created talk among Chemists, with their advertisement running for ten consecutive days on the front page of the Daily Mail as well as eight full page insertions in The Times, and full page advertisements in major provincial newspapers.\textsuperscript{187}

Individual chemists, faced with large advertising campaigns and bulk-buying, struggled to compete. Retailers were forced to keep lowering their prices to compete with the larger stores and multi-nationals. Profit-margins on proprietary goods could thus be exceedingly low. It became a central issue for many in the retail trade as branded medicines came to form a large part of their trade: William Samuel Glyn-Jones, a young pharmacist, found that over half of his income came from the sale of proprietary medicines. In an attempt to combat the driving down of prices Glyn-Jones formed the Proprietary Articles Trade Association (PATA) in 1896, which sought to maintain resale price at a fixed rate. Hitherto studies have indicated that consumers were looking for cut-price health care, but by considering the retail chemist as a consumer in the chain this analysis of the medical marketplace is not all encompassing. The association pushed for fifteen to twenty per cent profit margins on proprietary articles and twenty-five per cent for those containing poisons. Retailers who breached the rules were placed on a stop-list which was sent around to manufacturers and wholesalers, who then suspended sales to that firm. The announcement of minimum re-sale prices and connections with associations like the PATA were also used as a form of branding in the medical marketplace - an aspect that has not been explored by any previous literature. This form of branding is only made evident by looking to periodicals and journals that were aimed at consumers in the chain, not just the end lay-consumer.

The movement immediately attracted a lot of attention from retailers but was slow to attract support from wholesalers and manufacturers willing to align themselves with the cause; after six months of hard campaigning the PATA had only attracted the owners of twelve proprietaries to join the Association, although one of these was the popular ‘Dr. Scott’s Liver Pills’ who made use of this fact in later advertisements, announcing that they were ‘pioneers’ (Figure 4.34). Later the popular ‘Carter’s Little Liver Pills’ joined the campaign (Figure 4.35). The fact that some popular medicines joined the association early led to some success. The Anti-Cutting Record journal, the official journal of PATA, began its run at the end of 1895; with 5000 copies circulated of its first issue it helped to garner support as a mouth-piece for retailers. Membership of the PATA grew to 1600 retailers by early 1897 and almost doubled by mid-1898. It also began to attract manufacturers, with 200 becoming members by 1905.

Figure 4.34 - Dr Scott’s Pills announcing they were ‘pioneers’ in the opposition of cutters.

DO NOT FORGET

That the FIRST ARTICLE in LARGE SALE to be put upon the PROTECTED LIST was . . .

DR. SCOTT’S PILLS.

Many have followed, but the Proprietors of Dr. SCOTT’S Pills were the PIONEERS and bore most of the opposition of the CUTTERS.

Chemists should therefore support
DR. SCOTT’S PILLS

By showing them, and by using handbills sent free on receipt of card to

W. LAMBERT & CO., LTD.,
SEYMOUR WORKS, 47, LIME GROVE, SHEPHERD’S BUSH, LONDON, W.


188 Anti-Cutting Record, September 1906, p. 181.
Membership of the PATA by manufacturers was announced in advertisements in the C & D. ‘Virol’, shown in Figure 4.36, was marketed as a ‘paying line for chemists’ and was noted as being on the list. Likewise, an advertisement for Scott’s Emulsion, shown in Figure 4.37, featured its PATA status prominently in its copy.


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190 C & D, 9th September 1900, p. 41.
Figure 4.36 - Advertisement for Virol - ‘a paying line for chemists’.

Source: C & D, 9th September 1900, p. 41. Wellcome Library.
In general, throughout the economic market free trade was valued over protection. However, due to a shift of power from retailers to manufacturers and wholesalers in the period many retailers pushed for protection. At the first meeting of the PATA, which included representatives from wholesalers and manufacturers, the C & D reported that ‘Evidence of marked divergence of views was forthcoming’. A cartoon (Figure 4.38) and jingle from the artist Fred Reynolds summed up the atmosphere of the time,

The PATA motor goes spinning along,
So keen on the stakes for the Cutting Race Cup,
But President Bunker sees something go wrong,
So he yells to the Imp (singing heedless his song),
‘Just leave that wheel alone or you'll smash us all up.’

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192 The story of a crusade: PATA, p. 11.
193 C & D, 2nd April 1904, p. 546.
The subject became a recurrent topic of discussion in the C & D. Christy Strong, proprietor of ‘Penny Cobweb’ Fly Papers (Figure 4.39), illustrated to readers that they backed protection in the market with an advertisement showing two figures – one was unhappy with free trade, indicated by the amount of flies around his head, and one was content with protection, shown by papers stopping the interference from flies.194

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194 C & D, 15th April 1905, p. 49.
B.W. & Co were aware of the problems facing retailers. They did not want to upset their loyal consumer base so were not against schemes that combatted price-cutting. Higher-profit margins for retailers would ultimately benefit the manufacturers, whose customer base would be satisfied, and there would be less incentive to carry out imitations. Wellcome, however, did not want to join the PATA as he was unhappy with their lack of policy surrounding substitution. Wellcome tried to combat price-cutting by implementing his own price protection policy from the 1890s. If retail chemists agreed to not sell below the listed prices they were offered twenty per cent of the sale of goods, exchange of unsaleable items, and marketing material containing the chemist’s own name. Other anti-cutting schemes had been attempted by manufacturers, with schemes from the proprietors of Hall’s Coca Wine, Powell’s Balsam, and Elliman’s Embrocation. Horlick’s Malted Milk Cocoa stated that their product was only supplied on the condition that the retail prices for their tins were maintained (6d, 9d and 1/6 for three different sizes). Edwards’ Harlene Co (Figure 4.40) announced in an

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195 Church & Tansey, Burroughs Wellcome & Co., pp. 137-139.
196 The story of a crusade: PATA, p.20.
197 C & D, 8th October 1910, p. 27.
advertisement in the C & D that from Monday 17th October 1910 Harlene was to be sold at a fixed minimum retail price of 10d for the smallest size.¹⁹⁸

**Figure 4.40 - Edwards’ Harlene Co’s minimum retail prices.**

Even smaller individual firms tried to tackle the problem with their own campaigns. A.E. Powell of Swindon devised a scheme for the sale of his Moonseed Bitters that required his customers to sign a contract agreeing that they would keep to a minimum retail price (Figure 4.41).

¹⁹⁸ C & D, 8th October 1910, p. 3.
A discussion of Powell’s scheme dominated the proceedings of a meeting in 1889 between representatives of large wholesale and manufacturing firms who were interested in the production and sale of proprietary medicines, which was reported in
the C & D. These included: Lynch & Co; Barclay & Sons; Francis Newbery; May, Roberts & Co; Sanger; Sutton; Burroughs, Wellcome & Co; Davenport; Holloway; Elliman; Chas A.Vogeler Company; Lamplough; and Steedman.\(^{199}\) Wellcome intimated that a scheme involving retailers would lead to failure, as had happened in America, where large firms could get hold of cheap bulk goods. The Campion Plan, for example, in the United States proved very unpopular with the large manufacturers and multi-nationals. As such, when Dr. Bull’s Cough Syrup was sold at cut-price to a customer at McKesson & Robbin’s wholesale store, they declared that,

> We do a business of nearly three-quarters of a million dollars every year in patent medicines, and if the league chooses to black list us for a seven-dollar purchase why we can stand it. I joined the association more for convenience sake in the first place. It is absurd to try and restrict a man from selling goods to any reputation dealer who can pay for them.\(^{200}\)

On conclusion of the meeting it was suggested that they would see how Powell’s scheme fared. The C & D intimated that ‘Our own belief is that a fairly profitable patent medicine trade can only be restored by the gradual introduction of plans carried out by individual firms such as the one in place by Powell.\(^{201}\) However, two months later it was observed by a reader that Taylor’s Drug Company of Hull were advertising Powell’s Moonseed Bitters at lower than the minimum retail price agreed to. A reader also wrote in to the C & D to inform them that there were two cutting chemists in London selling Moonseed preparations at reduced rates.\(^{202}\) The scheme ultimately failed.

In order to gauge the impact of resale price maintenance on the market as a form of branding a quantitative analysis of references to PATA was undertaken on advertisements in the C & D. The first sample from the data collection (Graph 4.7) is taken from 8\(^{th}\) April 1899.\(^{203}\) This issue included just two advertisements that indicated they were on the PATA list; Peacock’s Ovaline Soap Company’s noted that Ovaline Soap

\(^{199}\) C & D, 23\(^{rd}\) March 1889, p. 390.
\(^{201}\) C & D, 23\(^{rd}\) March 1889, p. 401.
\(^{202}\) C & D, 18\(^{th}\) May 1889, p. 710.
\(^{203}\) PATA was first introduced in 1896.
was ‘under the PATA’ and similarly Thierry’s Marvellous Balsam & Ointment stated it was ‘on the protected list of the P.A.TA.’ In the sample from 1900 only three advertisements referred to the PATA. The scheme, however, as it gained a momentum within the trade, began to be featured more prominently within advertising copy.

Graph 4.7 - Advertisements referring to PATA in the Chemist and Druggist.

By April 1920 the total advertisements citing PATA would rise to twenty-six, and although this only accounts for 8.6 per cent of the total advertisements, its significance should not be brushed over. Discussion of price-cutting has not formed part of any extended discussion by historians and has not been mentioned at all in relation to branding. This section shows that the explicit mention of price cutting schemes in promotional materials formed part of the firm’s branding. Firms actively highlighted their co-operation with schemes like the PATA or announced their own individual plans (an aspect not included in the data collection). Other firms, who were against price-cutting schemes, like Boots and Beechams, also used their oppositional stance within

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204 C & D, 8th April 1899, p. 26, 41.
advertising copy as a form of branding. Boots’ market strategy was to provide cheap products to the lay consumer; as such they actively campaigned against the PATA. As price-cutting schemes gained support some products could not be obtained unless the minimum resale price was maintained, which induced Boots to declare on labels why the prices were higher for some products; they exclaimed that ‘The makers of these Pills have joined a RING to force up prices, they will not allow them to be sold under 1s. per box, otherwise BOOTS strongly urge the public not to give 1s. for them.’\textsuperscript{205} This stance from Boots, who were not selling to retailers, highlights how different direct-to-consumer branding was to that aimed at the trade.

References to price-cutting schemes as well as purity both evidence that manufacturers and advertisers were seeking to communicate with an informed readership who were aware of wider market issues. These types of branding imply that market participants were not seen as passive or credulous, but were instead valued as consumers.

4.6 Conclusion
The wholesaler W.R. Warner and Co’s tagline in the early twentieth century was ‘Reach the consumer through the retail chemist only,’\textsuperscript{206} signifying the importance of the supply side of the marketplace. The retail chemist as a consumer in the chain of pharmaceutical product distribution has hitherto not been analysed as part of any scholarly study of the medical marketplace, thus this chapter has help fill an identified gap in the literature. Whilst demand from the lay-consumer and direct-to-consumer advertising was no doubt an important part of ensuring chemists were stocking products, prompting retail chemists to stock certain products was more complex than simply pushing from the supply-side. The second key gap identified in section 4.1.2 was that of the limited discussion surrounding techniques away from those intended to deceive. This chapter has attempted to fill this lacuna in the literature by looking at promotional techniques employed in the trade press. This chapter began with a \textit{micro} approach by looking at the trade mark. As commercial legislation developed trade marks became powerful business assets used by proprietors to combat imitation,

\textsuperscript{206} C & D, 24\textsuperscript{th} October 1903, list of advertisements page.
control competition, and keep a hold on the market, as evidenced by the use of court cases in advertisements. Trade marks became valued as a device that could manage the changing economic landscape. Proprietors used trade marks as a mechanism in which to create authority and combat imitation within a capitalist competitive market. The data collection in this chapter highlights the impact of commercial legislation on marketing, with a high number of advertisements using the newly registered status of their products either as a direct promotional strategy or through the use of logos as a visual aid to sell their products. The inclusion of paratext has helped to further understand how pharmaceutical products were sold in the period and shown that non-textual aspects of advertisements cannot be ignored. The use of logos implies that firms were focusing on product-driven sales to push business, which links in with narratives of consumer culture from the period.

A meso analysis was undertaken in this chapter and looked at who was producing advertising. This has shown that whilst advertising agents were important to the development of pharmaceutical product advertising in the period, the in-house direction and production of advertising was also significant. Business archives have illuminated how advertising was produced, which has furthered understanding of the processes involved in promoting pharmaceutical products. Significantly it has been found that wholesalers and manufacturers announced to retailers when a large product ‘push’ was coming in the lay press, so that they could prompt retailers to stock their items. This implies that the ‘supply’ side of the marketplace was more complex than previously accounted for.

A discussion of the impact of macro factors on branding was also undertaken. Two common claims relating to ‘purity’ and the ‘PATA’ made in advertisements in the trade press shows that branding in promotional material cannot be analysed in isolation of its wider context. Advertisements from the period can inform historians about broader socio-economic contexts: in this case, the ‘purity’ references indicate that promotional tactics were socially embedded; and the ‘PATA’ advertisements evidence the shift of power towards manufacturers and away from retailers. The existence of schemes like the PATA show that retailers had to make concerted efforts to maintain their standing in a competitive marketplace. Reference to the PATA by manufacturers and wholesalers evidences that they did not want to alienate their consumers. This also
shows, contrary to other literature, that price maintenance rather than price competition was a key aspect of the buying and selling of pharmaceutical products.\textsuperscript{207} It has been discussed that the lay consumer was looking for cut-price health care, yet by broadening the consumer to include other market participants shows a move away from a sales approach towards longer-term brand relationships between proprietors and the consumer chain. This tactic would become the basis of brand management in the twentieth century.\textsuperscript{208}

By using trade advertisements this chapter has allowed for a discussion of branding techniques that have not been explored by historians of the medical marketplace and implies that branding of pharmaceutical products were more complex than has previously been accounted for. This chapter has moved away from spatially framed studies like Brown’s on Bath and Bristol by using periodicals and journals that had a national reach. The C & D also issued special Colonial and American issues, an aspect that will be discussed in the next chapter, on global branding.


\textsuperscript{208} Schwarzkopf, ‘Turning Trade Marks into Brands’, pp. 1-38.
5.1 Introduction
The previous chapters have highlighted the importance of local economies gauged from the prominence of local products and the continuance of local brands in the market. This chapter, however, will consider how brands became global and were sold together with local products. This chapter reconsiders how pharmaceutical products were understood and sold by market participants in a domestic market that was part of a global economy by considering one of the key questions that runs through this thesis, though in an overseas context - how significant were brands for British firms seeking to expand their trade in pharmaceutical products? Two other questions are explored as part of this chapter: how did British pharmaceutical firms deal with substitution in overseas markets? And, how was the trade mark asset used and managed abroad?

Foreign firms trading in the British market will also be discussed. The selling of pharmaceutical products was situated in a global market, with the use of foreign ingredients, imperialistic imagery and the expansion of home markets. It is important to explore four contextual themes in order to understand the domestic marketplace within its global context: firstly, the nature of the world market; secondly, the navigation of an expanding world market; thirdly, the protection, regulation and standardisation of products in an expanding medical market; and lastly, the branding and advertising of pharmaceutical products in a global medical marketplace.

Firstly, drugs were among the first commodities to be marketed on the world stage, with the likes of Theraic from the second century BC, whose success rested in part on its specific packaging and reputation.\textsuperscript{1} However, it was not until the sixteenth century that the global mass market of drugs became a phenomenon, with the increased use of imported drugs in domestic remedies as a result of the world-wide spice and exotic ingredients trade.\textsuperscript{2} Wallis has shown that the growth in the consumption of drugs in Britain over the coming centuries was linked to access to these

\textsuperscript{1} B. Hudson, ‘Theraic: an ancient brand?’ \textit{Wellcome Collection} (October 2017), <https://wellcomecollection.org/articles/Wc5IPScAACgANNYO> [accessed 22.10.2017].

imported ingredients.³ Traditionally, access to exotic materials in pre-industrial England was guarded by apothecaries and physicians.⁴ Prior to the late nineteenth century overseas trade in bulk drugs was predominantly the territory of the Apothecaries’ Hall, whose large manufacturing facilities could accommodate large orders, and whose high prices were synonymous with high quality. Pre-packaged drugs formed the remit of large exporters like Bow Churchyard Warehouse and Francis Newbery of St. Paul’s Churchyard, who supplied English remedies to colonial markets. The history of branded medicines in global markets extends back to this earlier period. Popular packaged medicines, like Daffy’s Elixir, Godfrey’s Cordial and Anderson’s Scot Pills were exported to the colonial market. The demand for these remedies was so great that colonists were able to counterfeit these medicines by filling used bottles with their own concoctions.⁵ Statutory protection was increasingly sought for proprietors trading overseas. Griffenhagen and Young argued that it was ‘competition, the constant bane of the medicine proprietor’s life, that drove him to seek governmental protection,’ and point to the use of patents to facilitate protection, particularly in eighteenth-century overseas markets.⁶ Moving into the nineteenth century to the period in question, the American market for English patent medicines retained its importance, and concerns about imitation were still rife. The proprietors of Dr. John Hooper’s Pills (Figure 5.1) cautioned buyers to see that they got the genuine product by looking out the name of the inventor on the government stamp, stating that ‘American Buyers are particularly Cautioned!!’.⁷

³ P. Wallis, ‘Exotic Drugs and English Medicine’; Overseas exploration also led to new diseases, ‘by furthering the industrialism that created new problems and required new solutions,’ see: C.F. Mullett, ‘Overseas Expansion and English Medicine to 1800’, Bulletin of the History of Medicine (January 1948), p. 673; Trading Companies sought to give adequate medical care and prevention, leading to contact with drugs, herbs, and medical practices from other cultures, see: R.S. Allison, Sea Diseases, The Story of Great Natural Experiment in Preventive Medicine in the Royal Navy (London, 1943), p. 667; The creation of Physic Gardens reflects the use of plants from across the globe in domestic drug markets. For example, in 1673 the Worshipful Society of Apothecaries established the Chelsea Physic Garden to teach apothecaries identification of medicinal plants from across the globe.

⁴ Access to drugs was a key issue in the early modern marketplace. Popular herbals of the period, like Gerard’s Herbal (1597), included imported plants; making remedies inaccessible and expensive for ordinary citizens. By contrast, Culpeper extensively described over 500 native plants and informed readers’ where they could be collected in the English countryside, see: B. Wooley, The Herbalist: Nicholas Culpeper and the Fight for Medical Freedom (London, 2004).


⁶ Ibid, p. 205.

Other studies have discussed the protection of products in the global pharmaceutical market but as part of studies looking at the relationship between chemistry and industry. Bud and Roberts stated that ‘the total number of foreign patentees was not trivial’ for the chemical class, with 587 chemical patents registered in 1875 alone. An excerpt from the C & D shows the impact of legislation on encouraging protection in the market and also highlights the high number of foreign patentees in the market,

The number of patents taken out in 1884 in the United Kingdom under the new Act was 17,110. The average of the two years 1882-83 was 6,100. Of the 17,110, residents in the United Kingdom applied for 13,511, while 1,181 applications came from the United States, 890 from Germany, 788 from France, 151 from Austria, and 114 from Belgium; Canadians applied for 61, and Australasians for 54.

Competitive activity on a global scale can be measured by the introduction of new products and services in the market. In this period, when ‘the five continents were opened up by railway and steamboat’ Britain, with its status as the world’s first industrial nation, had the highest number of business operations overseas, with Germany and the United States following behind. Business historians attest to Britain’s

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8 Bud and Roberts asserted that the increase of patents in society reflected chemical breakthroughs, see: R. Bud, G.K. Roberts, *Science Versus Practice: Chemistry in Victorian Britain* (Manchester, 1984).
unique position as an industrial power, accounting for around one third of the world’s trade before 1914, although this was not true across all industries. Towards the end of the nineteenth century developments in scientific knowledge meant there was more scope for product breakthroughs. Large wholesalers and manufacturers like May & Baker and Burroughs Wellcome & Co were able to invest in product development and promoted their wares in overseas markets. Studies of the pharmaceutical market in its global context have tended to be part of narratives of high technology; for example, Godley has noted that foreign investment in manufacturing and retailing led to greater innovation. Foreign investment was attractive to the British, in part due the adoption of English as an international language and the networks and trade agreements made possible through its Empire. Yet, the pharmaceutical industry and British chemists were increasingly seen as working in the shadow of chemical breakthroughs on the continent. The reality was that most British drug wholesalers tended to act more as brokers than producers. Advanced drugs were predominately imported from Germany, who had excelled in physiological chemistry. Notably, Salvarsan, the first synthetic anti-syphilitic drug, was discovered in 1909 and sold by German firm Hoechst. German multinational enterprises also dominated the wider chemical and electrical industries.

Moving onto the second contextual theme - about how firms navigated the expanding global market - it becomes apparent that the trade mark was an important mechanism. Trademarked consumer goods like soap, textiles and medicine formed a large part of British overseas trade. In the wake of the Great Exhibition of 1851 numerous overseas firms imitated British products by copying brand names, and unfortunately for British companies prosecuting rivals under common law for imitating brand names was costly and ineffective. The increased importance of trade marks for pharmaceutical products as a valuable asset is linked to the inception of clearer trade mark legislation, as indicated by chapter three of this thesis. Foreign Trade Mark

11 T.A.B. Corley, ‘The British pharmaceutical industry since 1851’, p. 16.
13 Agents were gradually replaced by firm-controlled subsidiaries due to the high cost of exporting goods see: G. Jones, ‘British multinationals and British business since 1850’ in M.W. Kirby and M.B. Rose (eds), Business Enterprise in Modern Britain: From the Eighteenth to the Twentieth Century (London, 1994), p. 183.
14 Bud and Roberts, Science versus practice’.
15 Ibid, p. x.
legislation developed in much the same way in countries throughout the world, which points to the importance of statutory protection in distinct home markets. Legislation was also passed in several countries, including Britain, with the global marketplace in mind; reciprocal trading arrangements were made and, in 1907, the Patent and Designs Act stated that,

with the government of any foreign state for mutual protection of inventions, or designs, or trade marks, then any person who has applied for protection for any invention, design, or trade mark in that state shall be entitled to a patent for his invention or to registration of his design or trade mark under this Act or the Trade Marks Act, 1905, in priority to other applicants; and the patent or registration shall have the same date as the date of the application in the foreign state.\(^17\)

The Act also encouraged investment in the domestic market by protecting patents worked in Britain. Previously patents could be taken out by foreign firms who had no intention of developing them in Britain, thereby acting as a block to British innovation. The Act combated the issue by inducing foreign firms to set up manufacturing in Britain. Thus, foreign pharmaceutical firms who operated in the British market, like Parke Davies (USA), Hoffman La Roche (Swiss), and Hoechst (German), had to develop headquarters in Britain in order to protect their patents.\(^18\)

Thirdly, further to the globalisation of trade during the period there was also increasing international co-operation and standardisation across the scientific and medical professions.\(^19\) The introduction of a national pharmacopeia in 1864, for instance, set national pharmaceutical standards, which played a key role in stabilising the preparation of medicinal concoctions on a macro-scale.\(^20\) Cartwright has

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19 Other moves to standardise impacted international trade: in 1875, the International Bureau of Weights and Measures was created by 17 European countries.
20 Published by the College of Physicians in 1618, the *Pharmacopoeia Londinensis*, listing a total of 680 ingredients, was circulated and used on a national basis. There were, however, alternate versions used by the profession in the UK with the presence of Edinburgh and Dublin pharmacopeias: A. Cartwright, *The British Pharmacopoeia, 1864 to 2014: Medicines, International Standards and the State* (Oxford, 2016), p. 8 and pp. 16-17.
conceptualised the *Pharmacopeia* as an instrument for imperialism, calling it ‘an essential global reference tool’. It influenced other pharmacopeias and homogenised drug preparations on a world-wide scale. The text in the *Pharmacopeia* also points to the rise of foreign ingredients, with transcontinental mineral and chemical drugs increasingly making up the content. Large pharmaceutical firms also emerged in this period, with the likes of Allen & Hanburys and B.W. & Co in Britain, Bayer and Merck in Germany, Poulenc Freres in France, and Parke Davies and E.R. Squibb & Sons in the USA. These large firms expanded into overseas markets using agents or set up production abroad. Wilkins has identified the end of the nineteenth and early twentieth centuries as the first period to see meaningful cooperation and control between overseas enterprises due to developments in transport and communication. Co-operation developed between firms, with trade agreements giving them international scope; May & Baker, for example, in the early 1900s manufactured and sold products for the French firm Poulenc Freres, and later members from both firms obtained shares and sat on the board of the other firm. Cross-national trade agreements would lead to the mergers that would later define the modern pharmaceutical industry. The period, however, was still characterised predominately by family-run firms, although studies have confirmed the increasingly complex arrangement of firms in the pharmacy industry; for example, Tweedale has recognised the popularity of partnerships from the start of the nineteenth century. Locally-based firms and independent chemists, however, were still part of the international marketplace. As channels of distribution developed at home and overseas retailers, wholesalers, and manufacturers could exploit these new standardised markets. Chemists’ windows are one source that shows retailers were not

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23 V. Quirke, ‘Foreign influences, national styles, and the creation of a modern pharmaceutical industry in Britain and France’ *Pharmacy in History*, 52, No.3 & 4 (2010), p. 137.

24 A significant early merger was that of British Drug Houses (1908) who were formed out of several prominent firms. These included Barron, Harveys and Co (formed in 1750), Hodgkinson, Clarke and Ward (1762), Hearon, Squire and Francis (1714) and Davy, Hill and Co (1755) see: Anon., ‘British Drug Houses’, *Grace’s Guide* (November 2015), <http://www.gracesguide.co.uk/British_Drug_Houses_(BDH)> [accessed 03.11.2017].

removed from this global market – Figures 5.2 and 5.3 show the use of windows to advertise the exotic nature of the ingredients found in their products.²⁶

*Figure 5.2 - A Chemist's Window highlighting the global origins of a displayed product.*

The global market also impacted the selling of pharmaceutical products in other ways. The final theme, concerning the nature of branding and advertising in a global medical marketplace, has been explored by a number of scholars. Anne McClintock’s study of soap, an item that was sold in chemists’ shops, in the late nineteenth and early twentieth centuries showed that imagery of empire was used to sell products. Pears Soap, for example, was claimed to be a ‘potent factor in brightening the dark corners of the earth as civilisation advances.’ Products were promoted as having a civilising impact and were linked with ideas of social progression. Marcellus has shown that groups restricted in society were utilised in consumer culture to create an exotic lore around the product. Native Americans, for example, were used in North American marketing campaigns for pharmaceutical products: Dr. Morse’s Indian Root Pills and Lydia E. Pinkham’s Vegetable Compound both romanticised the ‘other’. Other firms took an imperialistic stance: McKesson and Robbin’s pills were ‘with Stanley through


27 A. McClintock, Imperial Leather: Race, Gender and Sexuality in the Colonial Contest (London, 2005).
‘Darkest Africa,’ see Figure 5.4; and the Middlesex company Virol Ltd, who sold malt extract as a pharmaceutical product, released a series of postcards in the 1910s entitled ‘Virol Children of All Nations’. This used images of children from all around the world to highlight the global reach of their product and to play on the motif of imperialism (Figure 5.5). According to Johnson, B.W. & Co marketed their Tabloid First Aid Kits within a ‘familiar’ discourse of Empire that was present in the market. The ‘Tabloid’ brand became linked to imperial exploration as a result of Henry Wellcome providing Henry Stanley, the explorer, with Tabloid medicine chests for his African explorations, and creating displays at congresses to link his products to empire. Tabloids, as compressed drugs, were promoted as being transportable over long and perilous journeys. This imagery was further implemented in advertising material (Figure 5.6). The brand even appeared in books and lectures by famous explorers, linking the firm itself to an idealistic imperialistic cause. Further to this, B.W. & Co advertised in the Medical Missionary, Journal of Tropical Medicine, Tropical Life, and the British and Colonial Druggist and produced two versions of their Diary, one for the home market and one for colonial market.

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31 C & D, 30th August 1890, p. i.
Figure 5.4 - McKesson & Robbin’s pills were ‘With Stanley through Darkest Africa.’

Source: C & D, 30th April 1890, p. i. Wellcome Library.
Figure 5.5 - One of the postcards belonging to the series ‘Virol Children of All Nations’.


Figure 5.6 - Advertisement showing situations in which a Tabloid medicine chest made by Burroughs Wellcome would be useful.

Source: Colour process print, c. 1909, Wellcome Collection, Creative Commons Attribution.
These four themes have been discussed at length in order to highlight some core gaps that will be explored in the next section.

5.1.2 Gaps and Methodology
Against the backdrop of these four thematic contexts a number of core gaps are made obvious. Firstly, the branding of goods in overseas markets have not been discussed at length by historians of medicines. Porter’s analysis of Thomas Corbyn, the eighteenth-century pharmaceutical manufacturer highlighted the mechanisms involved for firms wishing to expand overseas, like labour intensive manufacturing, suitable packaging, bidding of raw materials at drug auctions, and deft communications with overseas agents, and, in Corbyn’s case, his link to Quaker networks. However, there was no discussion of the marketing or branding of goods. Likewise, Godley downplayed the importance of branding, stating that distribution channels were of more importance as a competitive strategy for standardised consumer goods like pharmaceutical products. Church and Tansey similarly highlighted the importance of branches and depots for B.W. & Co. Studies of this firm form part of the second gap in the current literature. Church and Tansey point to the importance of trade marks for B.W. & Co, but due to the nature of their extensive business archives, there is more scope to expand on their findings. Whilst B.W. & Co’s internationalisation has also been part of previous studies, it has tended to be part of trends exploring the rise of medical science and high technology; for instance Quirke focused on B.W. & Co’s development of scientific research and experimental medicine. There has been limited discussion with regards to trade marks despite business historian Mira Wilkins noting that the trade mark formed an important aspect of the overseas high-technology trade, for example, the German company Bayer used the trade mark to advertise Aspirin to the medical profession and the trade, rather than to the lay consumer. Scholars tracing the rise of high-technology have marked out the outbreak of the First World War

36 Church and Tansey, Burroughs Wellcome & Co, pp. 229-230.
37 Quirke, ‘Foreign influences’, pp. 137-141.
as a turning point for therapeutics. The third gap focuses on this period. The War’s impact on the import and export of certain drugs, such as Salvarsan and Novocain, has been well-documented by scholars, but its influence on branding in the domestic market has not been part of any major scholarly work. The fourth gap found in the literature is that of sources. William Stead remarked that ‘one of the most interesting chapters in the history of the nineteenth century when it comes to be written will be that describing the services of advertising agents as empire builders. Commerce even more than sentiment binds the ocean-sundered portions of the Empire together.’ The C & D acted as advertising agents for colonial and American markets. The trade and medical press as important advertising mediums for aiding the exportation of branded medicines on a global scale has not been significantly explored by historians of medicine. Moreover, whilst the significance of branded consumer products has been discussed by business historians as part of wider studies of overseas markets focusing on trends, there has been no study within the history of medicine concerning trade mark legislation as a significant mechanism which facilitated the overseas trade in pharmaceutical products.

Marketing studies have suggested that brands allowed for the expansion of consumer bases, acting as a common denominator to market across cultures. This chapter will expand on this literature by investigating how efforts to regulate trade marks and packaging were implemented in the global pharmaceutical product market, focusing on the influence of trade marks as regulatory tools. Section 5.2 looks at the development of trade mark legislation overseas, showing that it was used to navigate global markets. This section will explore how trust was transmitted in a global medical marketplace. It will look at the role that the C & D played in the global marketplace and imply that they played a key role in encouraging trade. Looking also to patent and trade mark agents suggests another mechanism by which the expanding market operated. Correspondence between trade mark attorneys and firms found in business archives

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allows scholars to disentangle a medical marketplace characterised by competition. **Section 5.3** involves an extended case study of B.W. & Co, a British-based firm founded by Americans in 1880. They initially acted as agents to American companies in Britain, taking out their own trade marks for foreign manufactured products. From the outset they were present in overseas market via agents, travellers, advertisements, and later via branches and research laboratories. The use of trade marks in their overseas markets needs to be explored further in order to understand the significance of branding for pharmaceutical firms in this period. **Section 5.4** rounds off an exploration of a global marketplace by looking at war-time Britain. Between 1914 and 1919 trade marks and patents from German and allied countries were suspended, creating an artificial marketing environment. This presents historians with a unique opportunity to assess the workings of the medical marketplace when it was faced with extraordinary conditions. This section asks how war-time trade embargo affected the marketing of pharmaceutical products. As an aside, some trade marks in the wider market were directly influenced by the War – a cotton manufacturer registered an image of a British and French soldier shaking hands in April 1915, see: I. Efthimiadou, ‘Trade marks during the Great War’, *Innovation and enterprise blog*, (British Library, 2014), <http://blogs.bl.uk/business/2014/09/this-year-we-commemorate-a-turning-point-in-world-history-with-100-years-of-the-outbreak-of-the-first-world-war-also-known-a.html> [accessed 20 July 2017]

5.2 The Importance of Trade Mark Legislation and Advertising for the Overseas Market

In 1903 a retail chemist wrote into the *C & D* reflecting on ‘the fiscal question’ asking, ‘How would our manufacturers have kept their feet, if it had not been for the splendid increase in our colonial exports during the last thirty years?’ International distributors were increasingly common throughout the nineteenth century with firms like Barclay & Sons and Evans leading the way. Advertising agents like C. Mitchell & Co began promoting the overseas market as a way to boost profits (Figure 5.7).

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43 As an aside, some trade marks in the wider market were directly influenced by the War – a cotton manufacturer registered an image of a British and French soldier shaking hands in April 1915, see: I. Efthimiadou, ‘Trade marks during the Great War’, *Innovation and enterprise blog*, (British Library, 2014), <http://blogs.bl.uk/business/2014/09/this-year-we-commemorate-a-turning-point-in-world-history-with-100-years-of-the-outbreak-of-the-first-world-war-also-known-a.html> [accessed 20 July 2017]


Advertisements in the medical and trade press attest to the global nature of the pharmaceutical product market, Symes & Co as ‘His Excellency the Viceroy’s Chemists’ provided a testimony for J.T. Davenport’s product Dr. J. Collis Browne’s Chlorodyne from ‘Medical Hall, Simla’ in India:
We embrace this opportunity of congratulating you upon this widespread reputation this justly esteemed medicine has earned itself, not only in Hindostan, but all over the East... We shall be glad to hear of its finding a place in every Anglo-Indian home. The other brands, we are happy to say, are now relegated to native bazaars...  

Firms announced in advertisements that their products were available from all over the world. The Leicester based firm Wand asserted in advertisements that Wand’s Pills had ‘world wide fame’ (Figure 5.8).  

Figure 5.8 - ‘Wand’s Pills are shipped all over the world’.  

Source: C & D, 28th July 1905, p. 162. Wellcome Library.
Postal orders direct to the consumer also aided the selling of products overseas; St Jacob’s Oil was available by post and advertisements asserted that,

Throughout America and Australia it is pronounced by the people and the press a blessing to humanity, and the term ‘It Conquers Pain’ has become a household saying in millions of homes. Sold by Chemists and Druggists in Great Britain at 2s. 6d. Directions in eleven languages. Beware of worthless imitations. 48

From the mid-nineteenth century the telegraph cable, and later the telephone also aided the deployment of orders. 49

Godley found that goods sold by retail chemists formed a significant market share for foreign multinationals from the late nineteenth century. 50 Yet, as detailed in the last section, we know little about how branding of pharmaceutical products was implemented in the overseas pharmaceutical market, in part due to concentration on other business strategies. John Attfield, during his address to the British Pharmaceutical Conference in 1883, pondered,

No doubt druggists who are manufacturers as well as retailers of the preparations on their shelves, may readily enough be found, but it is a fact that many druggists scarcely make even their own pills, but purchase them of wholesale makers (or even only of dealer) who reside, it may be, in quite another county, possibly in another country or in another continent altogether. What can such a druggist know of the quality of such articles? He urges the respectability of their maker. But how much can he know the characters of makers separated from him by an ocean? 51

With the export trade forming a significant part of firms’ business it is important to consider how was trust transmitted to overseas markets. Advertising allowed for the spread of brands across the globe. The Trade Marks Journal, for example, was ‘registered for transmission abroad’. 52 The Medical Press and Circular produced an

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50 Godley, ‘Foreign Multinationals’, p.86.
52 See the front matter of the journal, e.g. TMJ, 6th September 1876.
annual ‘double number’ and promoted it by noting that advertisers will have ‘an
exceptional opportunity of appealing to a much wider section of the educated
community than is guaranteed by any other journal.’ They boasted that it would be sent
to ‘the reading rooms of all Hospitals, Infirmarys, Colleges, Public Institutions, Clubs,
and large Hotels throughout the United Kingdom, and to the Public Institutions,
Hospitals, and Colleges in the United States, India, Australia, France, Germany, and
Canada, in addition to its ordinary Subscription List.’53 The Morgan Brothers were the
proprietors behind the C & D; when the last surviving brother of Morgan Brothers, Sir
Walter Vaughan Morgan, passed away The Newspaper Directory stated that the Morgan
Brothers ‘as druggists, sundriesmen, hardware merchants, Colonial agents, and
bankers, had so much to do with starting trade journalism in the British Empire.’54 The
C & D was established in Australasia in 1885 and was regularly supplied to Societies
overseas, including to the: Pharmaceutical Society of Ireland; South African
Pharmaceutical Association; Pharmaceutical Society of Natal; Central Pharmaceutical
Association of New Zealand; Otago Pharmaceutical Association; Pharmaceutical Society
of Queensland; Pharmaceutical Society of South Australia; Pharmaceutical Society of
Tasmania; and the Pharmaceutical Society of Western Australia.55 The C & D’s
advertising competitions, mentioned in the previous chapter, gave insight into foreign
markets, which is worth quoting at length to highlight the nature of the commentary:

there is more interest in noting how advertisements strike strangers in distant parts
than there is in getting a consensus of opinion grown in the uniform environment of
our insular home. The largest section of the colonial and foreign coupons is
contributed by Australasians, and South Africans also contribute their share, and from
Yokohama in the East to Vancouver in the West we have had a searching of the
advertisements which cannot fail to be instructive to subscribers and beneficial to
advertisers. Comparing the two sets of replies (home with colonial and foreign), we
first note the startling unanimity of the vote which places Burroughs, Wellcome & Co
at the head of advertisements which deserve the best results. With the exception of
Ambrecht, Nelson & Co, Allen & Hanburys (Limited), and Bowers Brothers none of the

53 The Medical Press & Circular, 4th September 1895, p. i.
55 C & D, 10th October 1896, p. 535.
firms who were placed in the front in this section by home subscribers get into the running. The Indian vote, with one exception, is cast for the leaders; Yokohama and Shanghai go the same way; the West Indies divide their favours amongst Allen & Hanburys, Burroughs, Wellcome & Co, and John Richardson & Co, (Limited). The European continental vote is much divided; the American and Canadian is for the leaders and May, Roberts & Co and two-thirds of the Australians cast their votes towards Snow Hill. The lesson which we draw from this vote is that illustrations and prices together are the thing which catch the colonial eye. Nothing speaks better, nothing pays better. We have frequently urged this, especially in regard to East Indian trade, and the vote unanimously supports the view, only those firms being mentioned who appeal to the eye as well as to the commercial sense.  

They reminded their readers of the segmented nature of these diverse countries, ”The vote is exceedingly diverse, for it must be remembered that we are dealing with the opinions of traders in such varied places as the towns of Australasia and South Africa, where climatic conditions, if not the customers, call for particular popular articles.” The journal also had a unique reach in some markets, for example:

It is well known that the Australian Commonwealth has recently placed a duty upon business circulars entering the Colonies. This has given home firms a great deal of bother owing to returns. We have arranged, through our branch offices in Melbourne, Sydney, and Adelaide, to have this issue promptly cleared and delivered without delay to the retail and wholesale chemists of the Colonies. We think we may say that this issue is a striking proof of the pre-eminence of THE CHEMIST AND DRUGGIST as an advertising medium to the drug and chemical trades in all parts of the world, especially in the British Empire at home and abroad. 

In 1900 the C & D reminded their readers of the significance of overseas trade for the chemist:

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56 C & D, 20th April 1895, p. 554.
57 Ibid.
58 C & D, 29th July 1905, p. 177.
If there is one thing more certain than another regarding the future export trade of the United Kingdom, it is that the population of our Empire beyond the seas will be our best customers. The national statistics prove this, the imperialistic spirit maintains it, and it behoves manufacturers and merchants to encourage it. The encouragement of colonial trade has been one of THE CHEMIST AND DRUGGIST’S strong points from the outset. Through our annual Colonial issue we give an exceptional opportunity for advertisers to increase their business with the colonies... and, in addition to those who receive it weekly, it will be sent to all buyers of druggists' goods in India, Burmah, Straits Settlements, South Africa, China, Japan, and the West Indies. 59

Further to the publication of special issues, the C & D’s regular ‘Colonial and Foreign News’ column would frequently report on trade news from abroad, including on patent and trade mark issues. For example, in 1905 it was reported that the Sultan of Turkey had doubled the annual taxes on patents and trade marks. Messrs William P. Thompson & Co, however, employed their agent based in Constantinople to negotiate the terms to newly registered articles only. 60

Having agents abroad or depots and branches were a significant way in which to control overseas trade. Imported goods were distributed through these established retail outlets in order to create loyal distribution channels. A product with high consumer demand could easily transcend borders and a protected trade mark was not integral to overseas branding success; for example before the passing of the Trade Marks Registration Act in 1875 Nestlé had sold over 1.6 million tins of their product Farine Lactée in eighteen countries. 61 Their success has been attributed to their operation of a successful agent system made up mainly of pharmacists acting on commission. 62 It was not until the 1910s that Nestle took legal proceedings against imitation, despite other brands imitating their products and advertisements throughout the latter part of the nineteenth century. 63 However, for many firms operating within the medical marketplace substitution of their products could significantly impact their

59 C & D, 24th March 1900, p. 491.
60 C & D, 28th October 1905, p.680.
firm and cost them dearly. Prior to the inception of trade mark legislation the law surrounding protection for marks was expensive and confusing and concerns over counterfeiting marred developments for overseas expansion. Thomas Holloway, the largest advertiser in Britain, began to encroach on the American market from the early 1850s, but after numerous law-suits involving substitution and imitation he began to wind down operations. British trade mark legislation did not help his cause as three firms based in New York were running businesses successfully counterfeiting his goods.\textsuperscript{64} International trade agreements and legislation would thus become integral to development of the overseas commodity market. Trade mark legislation passed in foreign countries began to help matters, in fact it was implemented under similar systems and costs almost concurrently in numerous countries. For example, registration of trade marks began in the Argentine Republic in August 1876, costing an average £18. In Chile the system was in place from November 1874, with an average cost of registration £15. Japan was slightly later than the bulk of countries, beginning registration in 1889 at an average cost of £10. In 1877 it was noted in \textit{Chambers’s Journal of Popular Literature, Science, and Art} that,

\begin{quote}
In some instances, the foreigners have given the go-by to us with an almost superb audacity: imitating the very notification on English wrappers that to imitate that particular trade-mark is felony! Print what they may, stamp what they may, English manufacturers of high-class goods find that they cannot ward off this kind of cheatery--cheatery, not of money direct, but of the good reputation which possesses money's worth. However, international trade-mark laws are doing something to lessen this unfairness--of English towards foreigners as well as of foreigners towards English.\textsuperscript{65}
\end{quote}

Arrangements were facilitated by the passing of British trade mark legislation. In 1883 trade mark legislation was passed that allowed for mutual protection to be agreed with foreign countries for inventions, designs and registered trade marks. From 1887 the USA and Britain formed a formal agreement. Thomas Beecham registered his first U.S. trade

\textsuperscript{65} \textit{Chambers’s Journal of Popular Literature, Science, and Art}, No.710, 4\textsuperscript{th} August 1877.
mark shortly after it was passed and began to target infringers in the courts; subsequently using the press to declare his victories. However, there were inherent problems with the agreement due to the differing systems involved. The secretary to the Trade Marks Defence Union reported on the issue:

> I have received numerous complaints from my United States correspondents that whereas the mutual protection treated and imposed by The International Convention is fully afforded to British applicants for trade marks in America, such privilege is refused to citizens of their country applying here. Upon discussing the matter with the Registrar of Trade Marks was informed that although in the opinion of the Comptroller such mutual protection under the Convention ought to be afforded, he was bound by a certain decision of Mr Justice Sterling who refused to allow an application by an American citizen under the Convention the sole ground that the proposed trade mark did not comply with the requirements of our law and therefore could not be registered.

In countries where trade agreements did not cover trade marks proprietors had to register each mark individually in each country. Business archives attest to the mass of registrations that British companies had to take out in this period to cover their export trade. Figure 5.9 shows registrations that Thomas Beecham took out for his ‘garter’ mark in an array of nations, including Japan, Nicaragua, the Irish Free State, and Western Australia; and Figure 5.10 shows B.W. & Co’s registrations for their ‘Wyeth’s Compressed Pills’ mark throughout Europe and Australia.

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68 St Helen’s Library, Beecham’s Archive, BP/3/5/1. ‘Register of Trade Marks’.
Figure 5.9 - A page from Beecham’s book of registered trade marks.

Source: St Helen’s Archive Service, Beecham’s Archive, BP/3/5/1. ‘Register of Trade Marks’. Credit: St Helens Archive Service and GlaxoSmithKline plc.
In general, trade was made simpler with the existence of the British Empire. It has been established by business historians that countries ‘politically’, ‘culturally’, and ‘linguistically’, close to a home country could have more importance for business relations than geographical nearness. Indeed, many colonial out-posts, such as Australia, developed their own trade mark legislation out of British legislation. Duguid, however, reminds us that scholars have looked at trade mark law from an Anglo-Saxon Common Law tradition, and states that ‘arguments that assume a distinctly national gene in a country’s law leave little room for any idea of interbreeding between different systems’. In fact, he found that trade mark laws in the United Kingdom and United

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States were preceded by lobbying as a result of French trade mark law (which had been formed in 1857) and that ‘governments felt increasingly obliged to initiate or at least respond to international initiations.’\(^73\) As the development of trade mark legislation was a result of global conversations between exporting and importing countries, an exploration of the overseas trade of pharmaceutical products is necessitated as part of this thesis.

Chapter three documented the rise of patent and trade mark agents as a profession. They were called upon to help with tackling the substitution of British products in overseas markets. Reginald Barker, for example, was used as an agent by prominent patent medicine vendors. Barker’s stamp can be found on correspondence concerning the Power of Attorney for Thomas Holloway’s trade mark for trade in Calcutta in 1901 (see Figure 5.13 later on in this chapter).\(^74\) Similarly B.W. & Co consulted Barker’s firm in 1909 when attempting to register a patent in Canada.\(^75\) An advertisement for his services listing a high number of countries where trade marks could be registered is shown in Figure 5.11.\(^76\) Likewise, International Patent and Trade Mark Agents J.E. Evans & Jackson & Co produced an advertisement listing numerous countries (Figure 5.12).\(^77\) Other companies like T.B. Browne Ltd of 163 Queen Victoria Street advertised for searches, reports and designs for Trade Mark Registrations, home, foreign and colonial for ‘moderate inclusive fees;’\(^78\) and the Trade Mark Protection Society, based in London, posted advertisements in the *C & D* for their services: ‘patents, designs and trade marks, searched effected through the Classified Volumes of the Society at reasonable charges. Advice as to infringements preliminary to litigation.’\(^79\)

\(^{73}\) Ibid, p. 6.
\(^{74}\) GlaxoSmithKline archives, *Holloway’s Pills 4/HP/4 Box 1. ‘Power of Attorney for Trade Marks in India, 1901’.*
\(^{75}\) GSK Archives, *Burroughs Wellcome & Co 1/4/2 ‘Letter from Reginald Barker to Mr Barnes and Mr Jowett, Re: Canadian Patents, 25th February 1909’.*
\(^{76}\) Note that the advertisement was advised to be kept for reference. WL, *WF/L/06/102. ‘Memos and lists re trade marks abroad, Reginald Barker advertisement’.*
\(^{77}\) J.E. Evans & Jackson & Co also provided large volumes for firms to record their registrations in, GSK Archives, *A.J. White Ltd, 4/AW/4/11, Loose. ‘Trade Mark Register’.*
\(^{78}\) *C & D*, 24\(^\text{th}\) August 1895, p. 320.
\(^{79}\) *C & D*, 14\(^\text{th}\) April 1900, p. 626.
Figure 5.11 - Advertisement for Reginald Barker’s patent agent services.

Source: Wellcome Library, WF/L/06/102. Wellcome Collection.
It was also common for firms to relinquish control of trade marks to agents positioned overseas, to make it an easier process to combat substitution abroad where eyes and ears from Britain could not reach. In 1901 Thomas Holloway gave Henry Hamilton Remfry and Maurice Remfry the Power of Attorney for ‘the purpose of applying for, search, searching, and applying for and obtaining copies of any Declarations of
Ownership in Trade Marks made by me.’ They registered three of his trade marks in the Calcutta Registry Office on 27th March 1901.\textsuperscript{80}

*Figure 5.13 - Holloway’s Trade Mark registered in Calcutta, see the left hand side for Reginald Barker’s stamp (at the top of the page).*


Companies were also selling off rights to sell and market products using their brand name in overseas markets, further signifying that trade marks could be used to expand a firm’s reach. In 1902 William Cooper & Nephews of Chicago purchased the sole rights to sell ‘Kemp’s Patent Sheep Branding Liquid’ in USA and Canada for £500 from The Kemp Sheep Branding Liquid Co Proprietary Ltd of Melbourne; this included the full particulars of the process and the trade mark, and an agreement to not sell in the latter’s established markets in the UK, Ireland, Australia or New Zealand.\textsuperscript{81} Likewise, A.J.

\textsuperscript{80} GSK Archives, Holloway’s Pills 4/HP/4. ‘Power of Attorney for Trade Marks in India, 1901’.

\textsuperscript{81} WL, WF/C/E/04/066. ‘Agreement between The Kemp Sheep Branding Liquid Co Proprietary Ltd and William Cooper & Nephews, 24th March 1902’.
White Limited obtained the exclusive use of the trade mark ‘SHAKERS’ from an American religious community for use in numerous countries excluding the USA.  

The community wrote to him stating that,

we hereby authorise you to use the word ‘SHAKER’ on your labels in connection with your medicinal preparations, and we further authorise you to register as your exclusive Trade Marks any such labels bearing the name ‘SHAKERS’ and also the word ‘SHAKERS’ in Great Britain and all other countries except the United States of America, and we agree to execute from time to time papers as may be necessary to secure the registration of the word ‘SHAKER’ as your exclusive mark in these countries.

Allen and Hanburys had multiple agents across the globe. They sold their product Tonga, registered as a trade mark in the 1880s, on the international stage, citing in an advertisement in the C & D that their agents were Smith Stanistreet & Co for India, E. Merck for Germany, Austria, Holland, and Scandinavia, H. Sugden Evans & Co for Canada, W.H. Shieffelin for the United States of America, Ed. Schaer for Switzerland, and J.A Gubian for Portugal. Their United States agent W.H. Shieffelin took out a case against Parke Davies & Co for using the term ‘tonga’. However, Parke Davies asserted that there was no other name to describe ‘tonga,’ as was the name of a traditional Fijian remedy used for chronic pain, and as such it was a common name. They remarked that it ‘cannot be appropriated by any one individual to his own sole and exclusive use.’

Parke Davies & Co wrote directly to Allen & Hanbury’s stating that,

while we were not positively aware that the name was thus claimed by you in England we were aware that you had made application for a similar protection to the United States Government and that said application had been refused on the ground that the name was that of a geographical locality and therefore not patentable under the United States rulings. With this authority we had no hesitancy in advertising the

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article, especially as we are opposed to any protection of medical compounds as contrary to Pharmaceutical Science and Ethics and bordering on charlatanism.\textsuperscript{84}

After a lengthy battle Allen and Hanburys withdrew the mark and Parke-Davies proudly announced that 'Tonga is free to science.'\textsuperscript{85} Having an agent on the ground in foreign countries, however, was an important mechanism for how this market operated. Foreign companies also used British manufacturers and wholesalers to enter the British market. In the early twentieth century May & Baker entered into an agreement with the French pharmaceutical company, Poulenc Frères, selling their products in the British marketplace\textsuperscript{86}, as did Duncan, Flockhart & Co for the German Companies, Bayer and Meister Lucius & Brüning Ltd, see Figure 5.14.\textsuperscript{87}

\textsuperscript{84} GSK Archives, Allen & Hanbury’s 2/AH/4/6. ‘Letter from Parke Davies to Allen & Hanburys, 31\textsuperscript{st} March 1881’.
\textsuperscript{87} Meister Lucius & Brüning would later become known as Hoechst AG.
This section has found that trade mark legislation facilitated the use of trade marks and branding overseas, making it easier for firms to protect their brand, and to conceptualise their brand as an authoritative and trustworthy mark in the marketplace. The following section will show how one firm, Burroughs Wellcome and Co, using their business archives to demonstrate the intricacy of targeting overseas markets, implemented their branding strategy abroad.

5.3 Burroughs Wellcome & Co’s Trade Marks in an Expanding Market
The Wellcome Foundation Archives at the Wellcome Library are an important source for historians of the medical marketplace. The copious amount of records relating to their branding strategies overseas offers an insight into this market operated, and
significantly for this thesis, show that trade marks were a significant promotional device used by the firm. Silas Burroughs and Henry Wellcome, the American founders of B.W. & Co, both began their careers in the USA. In 1878, Burroughs worked for John Wyeth & Brother, a Philadelphia based drug-manufacturing firm. He came to England as a salesman for the company and later set up as their overseas agent.\textsuperscript{88} Overseas agency agreements were a successful business strategy for Burroughs in his early career. He became the sole agent for multiple American products and registered trade marks for them in the United Kingdom. These included ‘Nubian Waterproof Blacking’, ‘Professor Horsford’s Acid Phosphate’, and ‘Starr’s Extract of Beef’.\textsuperscript{89} In 1881, B.W. & Co acquired the rights to the ownership of patents and trade marks relating to the Kepler Malt Extract Company. B.W. & Co marketed Kepler products heavily throughout the late nineteenth century, advertising the company’s products in medical journals as well as via detailmen and agents. Burroughs’ promotional efforts helped to turn ‘Kepler’ into a prominent international brand and gave the Kepler Company a lead in the dietetic market.\textsuperscript{90} Church cites the marketing prowess of B.W. & Co as a main component of their success, noting the significance of their travelling salesmen as an influential strategy in the British market. Their salesmen engaged with prospective customers (i.e. doctors in hospitals) by directly approaching them, a method known as ‘detailing.’ Burroughs wrote to Wellcome in 1879 that ‘Our house is the only one in the kingdom calling on doctors with samples of new things.’\textsuperscript{91} Contrasted with other leading pharmaceutical firms of the period B.W. & Co were leading the way; direct sales approaches to medical practitioners were not made by Allen & Hanbury’s or Glaxo before the 1910s. B.W. & Co’s salesmen were also effective in carrying out market surveys, giving the firm a unique view of the British market from a local, regional and national point, enabling management to form a skilled marketing strategy.\textsuperscript{92} This novel ‘Americanisation’ of marketing medical products shows the influence of transatlantic market participants on the British pharmaceutical market.\textsuperscript{93}

\textsuperscript{89} Ibid.
\textsuperscript{90} Ibid, p. 292.
\textsuperscript{91} Letter from S.M. Burroughs to H. Wellcome, August 1879, quoted in op. cit. Church, ‘The British Market for Medicine’, p. 293.
\textsuperscript{92} Ibid, p. 295.
\textsuperscript{93} See, Quirke, ‘Foreign Influences’.
B.W. & Co promoted their products in overseas markets from their inception, with a vast network of depots, agents and travellers; for example, Fairchild Brothers acted as an agent for B.W. & Co goods in the United States at the end of the nineteenth century. B.W. & Co actively sought out overseas networks; in 1894 they sent a letter to eight-six export houses stating that compressed tea Tabloids and their trade mark were ‘now becoming known all over the world, and we believe that quite a large business could be done in them by your good selves with each of the various houses abroad with whom you are in correspondence in the various markets you receive indents from.’ Twenty-nine export houses replied, and a total of 247 samples were sent out. These included: thirty-six samples to the Imperial Britain East Africa Company of 4 Pall Mall, London; thirty-six samples to Dakin Brothers of 2 Cree Church Lane, London; twenty samples to G. Atherton & Co. of Liverpool; sixteen samples to Bradley James at 12 Laurence Pountney Lane, London; and twelve to Barclay & Sons of 96 Farringdon Street, London; with others requesting smaller quantities. The portability of the tea was a core selling point.94 Chapter two highlighted the significance of packaging within the evolving medical marketplace, and advances in packaging made the exportation of goods more viable with extended shelf-life and better protection. However, with successful sales came problems. Wellcome lamented that ‘In every part of the world medical men prescribe “Tabloid” preparations more and more. The penalty of this success is constantly increasing imitation.’95 In 1899 Henry Wellcome went after William Wilson, a druggist and importer in New York City who was selling ‘Rheum Tabuloids’. Forbes & Haviland, Counsellors at Law in New York, informed Wellcome that ‘Wilson has four shops in the City and he has advertised “Rheum Tabuloids” very extensively, sometimes devoting an entire window to the display of this single article.’96 Correspondence with Forbes & Haviland is used here to show how Wellcome perceived the importance of his brands, and how brands were managed abroad. At every step of the proceedings Wilson was reluctant to give up his position. He argued that, ‘they are not spelled alike, one is derived from Tablet and the other from Tabule, I will however discontinue the word if

94 WL, WF/L/06/008. ‘Tea Tabloids: circular letter and list of Export Houses, 1894’.
95 WL, WF/L/06/006. ‘Printed matter relating to the use of the Tabloid trade mark’.

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you can show me that I am infringing.\textsuperscript{97} The cultural meaning behind his branding decision was explained to the firm; he stated that he could not possibly have meant to infringe on Wellcome’s brand as ‘The word Tabuloids is derived from “Tabula” a word used by Romans to indicate a smooth homogenous substance, from this I have omitted the terminal vowel and added the Greek suffix ‘oids’ from oidus.’ Wilson further argued that,

The finished package, style of wrapper print etc of my preparation is entirely dissimilar to any you have on the market, which fact should impress your firm of the sincerity of my claim and dismiss from your minds any intention on my part to deceive. I send you a carton herewith for your observation.\textsuperscript{98}

Wellcome at first tried to settle the case outside of court, a strategy that he had successfully achieved numerous times. He wrote to Wilson informing him that his attorneys Forbes & Haviland would ‘see you personally and give you an opportunity to voluntarily cease your infringement,’ before taking legal proceedings.\textsuperscript{99} At the same time this opportunity was afforded he told his attorneys to ‘very clearly and emphatically warn him of the inevitable consequence which would follow his refusal.’\textsuperscript{100} Wellcome was confident that the case could be won by using trade mark legislation. He cited the Cottoleo and Cottolene trade mark case (\textit{N.K. Fairbank & Co., v. Central Lard Company}); the Momaja and Mojava trade mark case (\textit{American Grocery Co. v. Bennett Sloan & Co}); and the Vitae-Ore and Vitalising Ore trade mark case (\textit{Noel v. Ellis}) as evidence.\textsuperscript{101} Prior to the passing of Trade Marks Acts within individual countries trade marks were protected by common law, and common law could still be implemented after this time:

Our registration and use of the Mark in the U.S.A. and elsewhere covers the whole category of medicinal preparations; However, quite apart from registration we think

\textsuperscript{97} Ibid, ‘Letter from W. Wilson to H. Wellcome, 17th April 1899’.
\textsuperscript{98} Ibid, ‘Letter from W. Wilson to H. Wellcome, 6th October 1899’.
\textsuperscript{99} Ibid, ‘Letter from H. Wellcome to W. Wilson, 21st October 1899’.
\textsuperscript{100} Ibid.
\textsuperscript{101} Ibid, ‘Letter from H. Wellcome to Forbes & Haviland, 21st October 1899, p.2’.
we can rely upon our common law rights. We have used this word very broadly in the States.

However, the fact that ‘Tabloid’ had been registered as a trade mark in the USA on 10th March 1885 (no. 11, 993) and thus had been established for eighteen years led to Wellcome winning an injunction against Wilson’s product.\(^\text{102}\) The American market was problematic for Wellcome. In 1906 a New York branch was set up, which was established, according to Church and Tansey, in order to manage substitution in the USA.\(^\text{103}\)

From 1901 B.W. & Co’s Foreign and Colonial Department was led by George E. Pearson who pushed Wellcome to establish branches rather than depots, with the reasoning that mere distributors would not be as loyal to their brand. The opening of depots and overseas subsidiaries across continental Europe and in colonial markets points to how expanding markets operated and indicated the global ambition of B.W. & Co, with main branches in Montreal, Sydney, Cape Town, New York, and Shanghai.\(^\text{104}\)

Trade mark matters were high-up in the agenda for managing the branches; a memorandum read - ‘Will you kindly arrange to advise me when any change in the trade mark or title of a product is decided upon, so that our foreign branches may be advised of the change in good time?’\(^\text{105}\) Their archives show a firm trying to access overseas expertise for foreign markets. They contacted L’Union des Fabricants in Paris, a trade union of pharmaceutical manufacturers who had formed in 1872 to stop counterfeiting in the industry.\(^\text{106}\) Wellcome gave them a list of thirty-four trade marks, nine of which were registered in France (Elixoid, Enule, Hazeline, Hemesine, Kepler, Saxin, Soloid, Tabloid, Valoid), stating,

As arranged with our representative, when he had the pleasure of calling upon you and seeing M. Chabet on the 4th instant, we enclose herewith a list of our trade marks. We shall be glad if you will advise us from time to time of any unauthorised

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\(^{102}\) WL, WF/L/06/034. ‘Henry Wellcome v William Wilson, related court papers, memorandum to judges, p.2.’

\(^{103}\) Church and Tansey, Burroughs Wellcome & Co, p.240.

\(^{104}\) Ibid, p. 227.

\(^{105}\) WL, WF/L/06/049. ‘Memoranda concerning trade marks, memorandum from Mr Warden to Mr Smith, 3rd June 1907’.

application for registration of any of these marks which come under your notice, and also of any infringements of them.\textsuperscript{107}

Guidance was also sought for Asian markets. In Siam, modern day Thailand, it was not possible to register a trade mark, however, advice was considered from the Board of Trade, which also shows the complexity of trying to protect brands in diverse systems:

\textit{it may be useful to remind British firms that for a fee of 5s 6d they may deposit, in the British Consulate-General at Bangkok, two facsimiles of their trade marks for certain goods, together with two copies of a declaration stating that those trade marks are their exclusive property. One copy of each is filed and the other exhibited in the Consular office. The deposit of the documents does not act as a legal registration of the trade mark: but it may be useful, in the event of legal proceedings, as showing that the firm exhibiting the mark have been making a prior use of it.}\textsuperscript{108}

Advice from agents and officials was thus integral for firms in an expanding medical marketplace. Wellcome was keen to extend his portfolio of ‘Registered’ goods and looked to register his products across the globe. This, however, was a costly endeavour due to the classification system in place in most countries. In England alone ‘Tabloid’ was registered in fifty classes, ‘Soloid’ was registered in four classes, ‘Hazeline’ in two classes, and ‘Kepler’ in three classes.\textsuperscript{109} Their ‘complete list of patents, trade marks, registrations, and designs’ of 1881-1885 show the significance of the global market when considering securing protection. Their registrations included Amsterdam, Austria, Russia, Hungary, France, Germany, Italy, Switzerland, Portugal, Spain, the United States, Holland, India, Canada, New Zealand, and in Australia trade marks were registered in Victoria, New South Wales, and Tasmania; although due to the costs involved not all trade marks were registered in every country they were sold in.\textsuperscript{110} An advertisement in

\textsuperscript{107}WL, WF/L/06/049. ‘Memoranda concerning trade marks, letter from B.W.& Co to L’Union des Fabricants in Paris, 21\textsuperscript{st} March 1908’.
\textsuperscript{108}WL, WF/L/06/102. ‘Memos and lists re trade marks abroad, extract from the Board of Trade Journal, 27\textsuperscript{th} February 1913’.
\textsuperscript{109}WL, WF/L/06/052. ‘Various memoranda on patents and trade marks, Mr Warden’s report on extending registration, 14\textsuperscript{th} October 1904’.
\textsuperscript{110}GSK Archives, Burroughs Wellcome and Co, 1/4/2, Box 1. ‘Burroughs Wellcome & Co, Complete List of Trade Mark Registrations and Designs’.
1892 (Figure 5.15) warned chemists across the British Empire that they had spent ‘thousands of pounds introducing Compressed Drugs to the Medical Profession and Drug Trade’ and that ‘the words are duly registered as our Trade Marks in this application only, and it is but necessary that these facts be known, when all honourable dealers will cease to employ them to apply to any other than our goods.’

Figure 5.15 - B.W. & Co addressed chemists of the British Empire in an advertisement.

Source: C & D, 30th January 1892, p. 89. Wellcome Library.
Aggressive marketing tactics concerning substitution, noted in chapter four, also extended to their overseas trade, showing that trade marks were used to protect sales on a global scale. Their successful proceedings against the Eng an Tong dispensary in Formosa, China was used in advertisements (Figure 5.16) in the domestic market in order to reiterate the rigorous nature of their prosecutions and the breadth of their power in the market.\textsuperscript{112} The copy highlighted the use of packaging for the imitation of products:

The genuine packing is closely copied – the colour and pattern of the bottle, with raised wording on the shoulder, and a metal cap. The colour and printing of the label and the carton, are almost facsimile – see illustrations which show the front of the cartons.\textsuperscript{113}

The Eng An Tong Dispensary in Formosa stated that ‘We will not in future manufacture or sell any products bearing trade marks similar to Burroughs Wellcome & Co.’s preparations.’\textsuperscript{114}

\textsuperscript{112} The Republic of Formosa is known today as Taiwan.
\textsuperscript{113} C & D, 20\textsuperscript{th} April 1918, p.31.
\textsuperscript{114} Ibid.
This advertisement also points the success of trade mark legislation for regulating substitution abroad.

Packaging and labels were part of the firm’s branding. Generally, products were sold in myriad markets with the same or similar containers; for example Figure 5.17 shows five Hazeline Snow labels for the European market.
Trade marks, however, were translated into Chinese, Bengali, Burmese, and Urdu, though, it was advised that,

the most important usage of a English trade mark in a foreign country is the English mark, as it indicates the country of origin. The mark should be registered in foreign countries as registered and used in England. The translation of an English trade mark
into a foreign tongue might advisably be given in the literature of, and labels for use in, the foreign country, but such translation should take a secondary position.\textsuperscript{115}

B.W. & Co phonetically translated trade marks for foreign languages that did not have Latin characters, although they made sure to retain their English mark alongside it so as not to open up any possibility of imitation (Figure 5.18).\textsuperscript{116}

\textit{Figure 5.18 - Soloid Trade Mark in Shanghai, China.}

Room expressed the difficulty of using brand names on an international scale, with many failing to translate well in a global market.\textsuperscript{117} Yet, these archival records point to the fact that even in this early period of global branding translation of marks were sometimes altered to better capture a foreign market.\textsuperscript{118}

One of the functions of a trade mark was to indicate the source of the commodity, and in overseas markets this could hold great weight.\textsuperscript{119} Between September 1900 and

\textsuperscript{115} WL, \textit{WF/L/6/049}, ‘Memoranda concerning trade marks, letter from Mr Warden to Henry Wellcome, 11\textsuperscript{th} January 1904’.

\textsuperscript{116} Ibid.


\textsuperscript{118} See chapter two for the translation of ‘Dr. Williams’ Pink Pills for Pale People’ to ‘weilianshi dayisheng hongse buwan’, or ‘Doctor Weilianshi Red Supplement Pills’ as evidence for segmented marketing, see also; A. Tsay, ‘Pills for Our Ills: Dr. Williams’ Pink Pills for Pale People’, Diseases of Modern Life Blog Post, November 2016, \url{<www.diseasesofmodernlife.org>} [accessed 08.03.2018].

\textsuperscript{119} The Sheffield Cutlers, for example, complained about the appropriation of ‘Made in Sheffield’ by German firms, see: D. Higgins and G. Tweedale, ‘Asset or Liability? Trade Marks in the Sheffield Cutlery and Tool Trades’, \textit{Business History}, 37, No.3 (1995), pp. 19-21.
June 1901 B.W. & Co took the firm Farmacia Centrale Dompe to court over an infringement of a trade mark. Dompe had attempted to order boxes with ‘Burroughs, W & Co, Ltd, London’ on 9th November 1897 from the box manufacturers Messrs Jahnke Limited, ‘as in Italy every one do prefer English goods.’\textsuperscript{120} Wellcome noted that through want of Italian language many English firms had been unsuccessful in their litigations in Italy, with defendants managing to escape through loopholes. Eventually the Civil and Penal Tribunal found in B.W. & Co’s favour:

> We may say that when we discovered that our rights were being invaded, we found it impossible to get any substantial information on Italian law from Counsel in London. It was necessary for us to break entirely new ground in Italy, and the success of our action has been mainly due to the thoroughness and care with which the case was prepared and laid before the Courts.\textsuperscript{121}

Throughout October, November and December 1902 B.W. & Co announced their success in the Italian Trade Mark case in the public press via forty-six diverse publications, including: Advertising World (Dec. 1902); Amateur Photographer (13\textsuperscript{th} Nov. 1902); Aberdeen Daily Journal (1\textsuperscript{st} Nov. 1902); Bakers Times (7\textsuperscript{th} Nov. 1902); Belfast Evening Telegraph (31\textsuperscript{st} Oct. 1902); Commercial Intelligence (11\textsuperscript{th} Dec. 1902); Evening Telegraph (20\textsuperscript{th} Nov. 1902); Grocer (1\textsuperscript{st} Nov. 1902); Lancet (8\textsuperscript{th} Nov. 1902); Medical News (5\textsuperscript{th} Nov. 1902); Newcastle North Mail (3\textsuperscript{rd} Nov. 1902); and Shipping World (12\textsuperscript{th} Nov. 1902). Noting in their publication that the legal points were ‘of such great commercial importance that we give a translation of the report below’ (see Figure 5.19).\textsuperscript{122}

\textsuperscript{120} WL, WF/L/6/029. ‘G.A. Dompe & Co: correspondence concerning litigation, letter from Dompe Farmacia to Messrs Jahnke, 30\textsuperscript{th} October 1897’.
\textsuperscript{121} WL, WF/L/6/023. ‘Infringement of Trade Marks in Italy, report by H. Wellcome, 27\textsuperscript{th} October 1902’.
\textsuperscript{122} Ibid, ‘(Advance Proof, 1902), p. 1.’
This section has served to show that B.W. & Co took protection of their brands very seriously in their overseas markets, as well as their domestic. This last example, emblematic of a number of B.W. & Co cases where they created precedent or opened up new ground, indicates the value they attached to their marks. The pioneering nature of their cases helped to bring protection to brands in these foreign spaces and gave
proprietors of pharmaceutical products new mechanisms with which to protect their intellectual property. Further to this it shows how trade marks could be utilised to introduce brands into expanding markets, thus filling a gap in the literature, which has heretofore not considered the trade mark as an essential mechanism by which the medical marketplace operated. The next section focuses away from the expanding market and instead looks at how the domestic market operated within a global context.

5.4 Trade Marks in the First World War
During the First World War trade marks and branding entered an entirely new paradigm of use, which will serve to highlight the significance of trade marks for the medical marketplace. When war broke out in August 1914 the TMJ of the 26th August 1914 initially took a ‘business as usual’ approach:

As regards applications for trade marks no distinction will in the first place be drawn between those made by such subjects (of any state of war with His Majesty) and those made by other persons. All proceedings there under will be carried on as usual claims to the time of acceptance, but in the case of applications by such subjects formal acceptance will not be issued.123

Yet, with an embargo in play concerning the importation of German synthetic drugs, any new applications for patent rights were abolished under the Patents, Designs and Trade Marks Act 1914 amendment. From September 1914 companies could receive government licenses for the rights to manufacture and sell certain German products. The trade marks of German drugs began to be suspended. Those that were adjourned were announced weekly in the TMJ.124

The exceptional conditions of the market have been dealt with by historians in previous studies, which are worth touching on here for context. Germany had played a dominating role in the pharmaceutical industry from the 1880s with its strong synthetic drug sector. This was as a result of the successful commercial application of synthetic


The embargo placed on German and allied drugs during the First World War has been identified by scholars as a turning point for the development of the British drugs trade, as synthetic drugs were developed to replace the missing German goods. Studies of the pharmaceutical industry during the First World War have tended to focus on corporate developments or government intervention. Robson showed how the outbreak of the War affected supply of fine chemicals inducing British companies to change their corporate structures and expand their research capacities. M. Robson, ‘The British pharmaceutical industry and the First World War’ in J. Liebenau, *The Challenge of New Technology: Innovation in British Business Since 1850* (Aldershot, 1988).

B.W. & Co, for example, developed synthetic substitutes of Aspirin, cocaine, as well as anti-syphilitic drugs, and it is well documented that in 1915 Boots set up a Fine Chemicals Department concentrating on research to fill the gap left by German pharmaceutical firms. Boots recruited a number of influential employees from B.W. & Co as part of a concerted effort to establish themselves as a research-led ethical pharmaceutical firm, with F.H. Carr heading their efforts to create British substitutes of German goods. Whilst advertisements from B.W. & Co found in *The Lancet* are used by Robson (see Figure 5.20) to show how the export prohibition gave them opportunities to exploit the German embargo commercially, the effect of this on marketing campaigns was met with no systematic discussion. This chapter offers a new approach and, building on observations made by Church, highlights that low-technology shaped how pharmaceutical products were sold in the marketplace.

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126 Ibid.
As previously asserted, the market conditions as a result of the War led to a shortage of fine chemicals, which were usually imported from Germany. A few weeks after the outbreak of the War the C & D reported on the perceived ‘Chemical Famine in U.S.A’ where only 200 vials of Salvarsan were received after a request for 2000, stating that ‘it affects our own Government already.’ As a result of this shortage B.W. & Co

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131 ‘Trade Marks of Alien Enemies’ C & D, 19th September 1914, p.50.
reported their efforts to make Kharsivan, a Salvarsan substitute, to the Board of Trade.\textsuperscript{132} Church and Tansey’s study of B.W. & Co found that the suspension of German trade marks played a pivotal role in the history of the firm for the development of their research-led laboratories.\textsuperscript{133} By January 1915 their ‘Kharsivan’ brand Salvarsan was commercially available (Figure 5.21).\textsuperscript{134} The firm’s success in producing the much-needed Salvarsan substitute led to the suspension of the German Aspirin and Utropine trade marks as way of acknowledgement for their efforts. There was initial concern over suspending trade marks and patents early on in the War, fearing commercial disarray as soon as the War ceased. Wellcome pushed for the suspension as he felt it wasn’t commercially viable to use the scientific names of the German products Aspirin or Utropine.\textsuperscript{135}

\textit{Figure 5.21 - Advertisement for B.W. & Co’s Kharsivan branded Salvarsan.}

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\end{center}

\textit{Source: C & D, 2nd January 1915, p. 33. Wellcome Library.}

\textsuperscript{132} \textit{C & D}, 19\textsuperscript{th} September 1915, p. 51.
\textsuperscript{133} Church and Tansey, \textit{Burroughs Wellcome & Co}, p. 255.
\textsuperscript{134} Ibid, p. 257; \textit{C & D}, 2\textsuperscript{nd} January 1915, p. 33.
\textsuperscript{135} Church and Tansey, \textit{Burroughs Wellcome & Co}, p. 257.
During the First World War British companies in the wider market began manufacturing substitutes of other popular German products, making use of the nationalistic market environment. An article in C. Mitchell’s *Newspaper Directory* for 1917 summed up the advertising milieu:

> the disappearance of certain extensively advertised proprietary articles of German ownership or origination have stirred up English manufacturers to make and advertise substitutes. The needs of the soldiers and sailors on active service have caused much special advertising concerned with the sale of equipment, presents, and suitable gifts of food to be put out. Any article which can be recommended as an economical substitute for something scarce or dear, is a trump card in advertising and selling, and in this class one finds new food stuffs, margarines, proprietary articles, taking the place of German remedies, fuel economisers, etc.

Many advertisements from the C & D during this time emphasised their patriotic stance, announcing they were ‘British made and British owned.’ A.H. Cox & Co offered ‘Patriotic Posters of attractive design’ stating that ‘Each Poster bears a Union Jack, in colours, and enjoins the reader to buy only British-made medicines’:

> We cannot all take up arms against our Country’s enemy; but we can each and every one of us put up a grand fight for our Country by refusing to buy German goods. All Medicines bearing this Rameses Sign are guaranteed made in England by British Workpeople, of British Materials.

National consumption of British goods became an act of patriotism. An advertisement for the disinfectant Sanitas implored ‘Patriotic Chemists’ to ‘push this BRITISH MANUFACTURE in place of German rival articles.’ The proprietor’s of Vitafir reminded readers to ‘BE PATRIOTIC AND PUSH BRITISH GOODS!’ stating that ‘The ‘ALL-

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140 C & D, 5th September 1914, p. 54.
BRITISH’ Tonic Food is a Product of BRITISH BRAINS, BRITISH CAPITAL & BRITISH LABOUR’ and ‘VITAFER, the Improved and Perfected Tonic Food is better and cheaper than any German-evolved production, and every tin sold means more EMPLOYMENT for BRITISH WORKERS.’\textsuperscript{141} Interestingly, a similar patriotic product embargo was adopted in Germany. The \textit{C & D} reported in September 1914 in their column ‘News on German Pharmacy’ that:

The German pharmaceutical papers are advising their readers to remove from their pharmacies all French and English patent medicines, the greater part of which are suddenly denounced as quack medicines. The Dresden manufacturers of mineral waters remind their compatriots that Apollinaris water is manufactured by an English firm. They warn Germans that by drinking Apollinaris water they fill the military chest of the enemy. A warning of the same kind has been uttered against Apenta water. The Apollinaris Co Ltd has put at the disposal of the German Red Cross organisation two wagonloads of Apollinaris water; this is denounced as ‘English Geschäftsklugheit.’\textsuperscript{142}

In the same issue an advertisement for mineral water from Camwral Limited who asserted to its English readers that:

Chemists should impress upon their Customers that not only is this Water purer and better than any German or other Foreign brands, but that in using ‘AQUAPERIENT’ they are keeping money in this Country, are assisting a Home Industry, and giving employment to Britishers — the best form of Patriotism.\textsuperscript{143}

Branding of pharmaceutical products, as part of a wider context of ‘patriotic’ goods, was being utilised in this period to express loyalty to not only a firm, but to the country. This implies that trade marks were powerful conveyors of meaning in the medical marketplace, and as such need to have been afforded more attention by historians of medicine.

\textsuperscript{141} \textit{C & D}, 13\textsuperscript{th} September 1914, p. 15.
\textsuperscript{142} \textit{C & D}, 19\textsuperscript{th} September 1914, p. 37; Geschäftsklugheit is translated as ‘business astuteness.’
\textsuperscript{143} \textit{C & D}, 19\textsuperscript{th} September 1914, p. 4.
There was no official objection to British firms trading with enemy firms that were established in Britain as subsidiaries. This was the case for the Sanatogen Company, a subsidiary company of Wülffing AG in Germany. From 1906 they had been established in Chenis Street in London. They continued trading during the War, relying on demand for the popular brain tonic product. At the end of the War the Sanatogen Company registered as ‘Genatosan Limited’ to remove themselves from their German origins.\textsuperscript{144}

An advertisement for Genasprin from 1919 in \textit{The Illustrated London News} read:

We Britons will have to stave off the malady known as swelled head. There has been our victory in arms over the Huns as one possible cause: there is our progressive victory in arms over the vaunted German skill in chemistry as another. We were all Aspirinites before the war. When pain or anguish wrung our brows, it was our ministering angel. What recked we that it was alien? Early in the war, owing to its good offices to our dear sufferers in the trenches, the Hun supply ran short. Britons to the front, however! At first we were not successful in replacing it – the substitutes had drawbacks. Now we have produced a far better thing – ‘Genasprin,’ which is purer than the German variety, therefore safer for habitual use, and more effectual and reliable in its remedial effect. We owe it to Genatosan Ltd, which also provides us with British Sanatogen and Formamint; so Bravi British chemists and à bas Hun medicaments.\textsuperscript{145}

Other advertisements stated the firm were the ‘British Purchasers of The Sanatogen Co’ and noted that their chairman was Lady Mackworth, presumably in an attempt to rebrand themselves in as much British light as possible.\textsuperscript{146}

Appropriating trade names was one way in which firms could attempt to control the market. During the War substitutes of Sanatogen became commercially available from British firms. Trade marks were subtly altered to capture the same market already in motion for the established product. As such, ‘Sanaphos’ from the British Milk Products Company and ‘Sanagen’ by the Casein Limited Company were advertised as an ideal alternative to the German ‘brain tonic’ Sanatogen. Brands could also be


\textsuperscript{145} “Ladies’ News’, \textit{The Illustrated London News}, 5\textsuperscript{th} April 1919, p. 492.

\textsuperscript{146} ‘Lady Mackworth’ \textit{The British Journal of Nursing}, 27\textsuperscript{th} February 1917, p. 125.
deployed in one-upmanship strategies. Boots took advantage of the patent block on Germany for their nerve products, noting that they would metaphorically ‘haul down the German flag’, and evoked a nationalistic tone. Military rhetoric was used - Sanatogen was ‘defeated’ by their Regesan Nerve Tonic Food and the advertisement goes on to state that six other German products were ‘defeated’ with Boots’ own versions, with the likes of Toxol replacing Lysol, and Regypyrin replacing Aspirin.147

The disinfectant ‘Lysol’ was a popular German product in the early twentieth century, and the onset of the War led to it being substituted by numerous firms, many of them imitating the original package in order to tap into the market share. B.W. & Co, however, took a different route for their version of the product:

The original ‘Lysol’ bottle is wider at the shoulder than the base, and, as far as I have seen, the competing preparations on the market more or less follow the same lines. The bottle I suggest would be exactly opposite to the conventional style for ‘Lysol’, and would have the added advantage that it would not be very easily upset. It might be ribbed on two sides, but as I take it that our product would not fall within the Poisons’ Schedule, there is no necessity to put it in a bottle distinguishable to touch.148

The decision-making process to develop a trade mark involved suggestions from the B.W. & Co board which played on the ‘Lysol’ word as well as other word plays associated with disinfectants. They wrote to Henry Wellcome urging him to consider the trade mark ‘VALUSOL’ for a disinfectant, noting,

the adoption of ‘VALUSOL’ would be much more dignified than that of a word obviously descriptive such as many which have been considered. Further examples of this type I have thought of this morning are:- TISEP, suggesting antiseptic; FECTOSEP, suggesting disinfectant and antiseptic...

147 *Punch*, 16th December 1914, p. xiii.
148 WL, WF/L/06/098, ‘Treatment of trade marks in BW&Co’s literature and labels, memorandum re Lysol from Mr Linstead to Mr Edwinson, 22nd June 1915’.
Furthermore, it was argued that ‘Valusol’ was ‘euphonious and easily remembered,’ and the association ‘with a Lysol substitute suggests a valued or valuable Lysol’. The word ‘Velysol’ was also suggested but it found that it had already been registered by the Society of Apothecaries (Figure 5.22). Registration of marks in the overseas market was also considered,

Another argument in favour of the word ‘VALUSOL’ is that it would be characteristic of the firm having regard to our prior adoption, registration and use of the words ‘VALOID’ (registered here, in France, Switzerland, Spain and U.S.A. in the year 1884) and ‘VALULE’ (registered here in 1895 and in Canada and U.S.A in 1903 and 1904 respectively).

And,

The suggestion ‘DISFEC’ has, however, set me thinking on other lines. There are so many difficulties in the way of getting a trade mark registrable in all countries and there may be in this particular case so little real value to us in using a monopoly title that we may afford to adopt a word in which we could have no exclusive use. If we are prepared to do this I think the word ‘COEF’ would answer the purpose. There are only four words in the English language beginning in that way and as they all relate to ‘coefficiency’ ‘COEF’ could carry but one significance. It was also noted that ‘Coef’ ‘would probably be more easily remembered than - Lycresol of Southall, Lycryl of Eucryl Ltd, Zinyl of Stevenson, Toxol of Boot, Celtol of the C. Supply Co, or Jeysol of Jeyes.

149 Ibid, ‘memo from Mr Warden to H. Wellcome, 5th June 1915’.
150 This example also points to the fact that a medical corporation was registering trade marks and exploited the connection to the word ‘Lysol’, see chapter three, section 3.5.
151 WL, WF/L/06/098. ‘Letter from Mr Warden to Wellcome, 17th June 1915’.
These brain-storming sessions show how existing trade marks for popular products were exploited to form new names, again pointing to the significance of brand names for the selling of pharmaceutical products. In fact, the market during the War was littered with Lysol substitutes that played on its name. Quibell Bros from Newark asserted in an advertisement (Figure 5.23), ‘If you have used Lysol you should now use British-made and British-owned Novol.’ Likewise, Duncan, Flockhart & Co registered a ‘British made Lysol’ called ‘Typhol’ (Figure 5.24), and Evans Sons Lescher & Webb reported in an advertisement (Figure 5.25) that ‘As the foreign right in the word ‘Lysol’ has now been voided by the Board of Trade, we offer a British-made ‘Lysol’ to replace

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the former foreign article. We will co-operate with Chemists in providing Free Samples for their Medical Men.’ Lysol Ltd exclaimed, ‘We beg to state that we are a BRITISH FIRM with BRITISH CAPITAL and BRITISH SHAREHOLDERS. There are no Aliens, naturalised or otherwise, connected with our business.’

Figure 5.23 - Advertisement for Novol.


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154 Č & D, 29th July 1916, p. 86.
Figure 5.24 - Typhol - A British Made Lysol by Duncan, Flockhart & Co.

Source: GSK Archives, Miscellaneous Edinburgh Box. 'Duncan, Flockhart & Co scrapbook, 1908'.
The unusual market conditions of war-time Britain have allowed a survey of products that would not have been in the market under usual circumstances. The influx of Lysol substitutes with similar sounding names serves to show the value that firms and consumers considered brands to have in the marketplace. This section also signifies that the marketing of pharmaceutical products cannot be studied in isolation from its wider context – in this case advertisements were being influenced by feelings of war-time patriotism.
5.5 Conclusion
The introduction (section 5.1) identified four main gaps in the literature regarding brands in an expanding overseas marketplace between 1870 and 1920. There has been limited discussion of how trade marks were used by firms selling pharmaceutical products to transmit ideas of credibility and ownership to overseas consumers. Further to this, even for firms like B.W. & Co, whose trade marks have been shown to be significant, the amount of archival material relating to branding means that more case studies can be undertaken in order to enhance our understanding of how the medical marketplace operated, not just in its home markets but across the globe. Wider literature on the overseas medical marketplace has failed to review how integral branding was for the operation of sales in differing markets. Concentration on high-technology, the development of drugs, corporate development, and the growth of in-house research and development have formed much of the scholarship from the early twentieth century, particularly for studies concentrating on the First World War, as well as during the inter-war period (which goes beyond this thesis). Moreover, the trade press has been an understudied resource for overseas markets. The C & D’s reach and content both point to how domestic firms could expand into a global market and signifies the role that trade marks played in this growth.

This chapter has bought in a new conversation about this period and sought to identify how and why firms were taking out trade marks. The use of the trade mark as an asset to protect their rights in overseas markets was important for firms, particularly as prior to trade mark legislation the costs involved in tackling substitutions were expensive. Section 5.2 showed that British pharmaceutical firms dealt with substitution in overseas markets by registering trade marks. The significance of trade marks for the global economy is indicated by the fact that legislation was developed almost concurrently around the world, and that by the early twentieth century there were mutual protection trade agreements in place. The overseas market was shown to be profitable by the trade and medical press, and these types of publications were a mechanism by which brands could infiltrate foreign markets. Looking at business

155 The First World War is also been used to show the emergence of large research powered firms who are typically seen as the precursors to the pharmaceutical giants of the modern era, see: Corley, ‘British Pharmaceutical Industry Since 1851’, p. 12.
archives of the likes of Beechams, Thomas Holloway and A.J. White as well as the case study involving B.W. & Co went some way in answering the question ‘how was the trade mark asset used and managed abroad?’ – showing that patent agents as well as subsidiaries, and in the latter case, branches, all aided brand management. B.W. & Co’s extensive business archives, 196 at piece record level, include hundreds of memoranda involving their trade marks in the overseas market. Whilst space does not permit an extended study in this thesis, there is scope for future research on the records, most rewardingly on specific regions and for comparative studies.

The final section of this chapter looked at branding of pharmaceutical products during the First World War. This was a unique period of time for product branding due to the patent and trade mark embargo in place. The resulting advertisements and commentary about products in this period show the importance of brands on the pharmaceutical market, with proprietors exploiting existing popular trade marks to sell their own goods. The fact that German trade marks were so well established in the marketplace at this time also signifies the global nature of market.

This chapter has opened the conversation about trade marks in the overseas medical marketplace for the first time, away from a focus on high-technology and corporate development. Not only does this chapter show one mechanism by which pharmaceutical products traversed into foreign markets, it also highlights the influence of a global market on the home trade, affirming the role that trade marks and branding played in the domestic market. The fact that trade mark legislation, a key gap in the literature concerning branding in the medical marketplace, was part of a complex global conversation meant that a look at the overseas market was required as part of this thesis.
Chapter 6 - Thesis Conclusion

6.1 Overview
The purpose of this study has been to assess the significance of branding as a mechanism for the selling of pharmaceutical products between 1870 and 1920 by examining a neglected aspect of the medical marketplace, that of packaging and trade marks. The thesis was located between c.1870 and c.1920 for two main reasons. Firstly, branding has been discussed for earlier medical marketplaces, but this period saw the development of trade marks legislation, which changed the nature of branding. For this reason, the period starts shortly before 1876 as discussions of trade marks and the protection of brands (starting with the 1862 Merchandise Marks specifically) were coming to the fore. The unique market conditions of the period have been explored in the thesis. Secondly, by the end of the period advertising mechanisms for pharmaceutical products were beginning to be transformed; discussion of which would have taken us way beyond the space constraints of this thesis. For example, innovative mediums like the motion picture and radio were being utilised for advertising. Moreover, new regulatory bodies were introduced to the market. Significantly, in 1919 the Proprietary Association of Great Britain was founded (hereafter PAGB). In order to become a member of the association firms had to send in their advertising literature, including that of the label and packaging, for review. One of the first actions for the PAGB was to limit the use of the word ‘cure’ within text for labels and advertising copy by seeking a ban on it if it referred to ‘infallibility, certainty or guarantee.’ Membership rested on the content of a firm’s packaging and advertising material. Only three firms out of a total of eighteen applications were accepted into the Association at the first committee meeting, with those rejected informed that they had to alter their

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156 Figure 3.1 showed the frequency of terms relating to commodity branding from 1701 to the present day, highlighting the distinctive nature of the period in question.
157 For example, The Ucal Advertising Service prompted the pharmaceutical trade to consider cinema advertising from the 1920s, see: C & D, 10th April 1920, p. 43.
159 PAGB, ‘Celebrating 90 years of Self Care’ PAGB Annual Review (2009), p. 12.
promotional material before any re-considerations could be made.¹⁶¹ For the first-time membership of a pharmaceutical association rested solely on the claims made on the material surrounding the product and this ushered in a new era of design and advertising that requires a study in its own right.

Focusing on the end of the long-nineteenth century and the thematic area of selling pharmaceutical products has meant the employment of a strong cross-disciplinary approach, and means that the thesis has had to engage with an extensive corpus of scholarship from the history of retail, marketing, advertising and consumption, as well business history. Against this backdrop, the introduction to the thesis, as well as its individual chapters, have identified a multitude of gaps in the current literature.¹⁶² Three run particularly strongly through this work. The first of these concerns the identification of commercial legislation, in the form of trade mark acts, and the impact of this legislation on the branding, advertising and packaging of products. Whilst numerous historians have pointed to the importance for brands - Church, for instance, found that ‘The growth of experience goods was facilitated and reinforced by packaging and branding’¹⁶³ - trade mark legislation is only mentioned in passing or not at all. The lack of commentary by medical historians is curious considering that trade marks have been celebrated as ‘footnotes to social history’ by social historians¹⁶⁴ and have been celebrated for being aesthetically pleasing by commentators of the materiality of pharmaceutical products.¹⁶⁵ Secondly, the packaging of pharmaceutical products and its multiple layers have only been given limited discussion in relation to marketing and branding. The importance of the container has been recognised for its functional role as well as its aesthetic role, but the impact of commercial legislation, as well as branding from a range of market participants, on the materiality of the product had not been explored in this period.

Thirdly, the use of the trade, medical and pharmaceutical press as a source to analyse

¹⁶¹ Ibid.
¹⁶² This literature has been discussed in-depth in chapter one.
¹⁶⁵ Rance observed that ‘the most striking thing’ about the marketing of Barrett’s Mandrake Embrocation bottle was the ‘registered trade mark, a visual pun on the word “mandrake” that showed likeness of Barrett’s head, complete with top hat, attached to the body of a drake...which was also embossed on the side of the bottles.’ See: C. Rance, What the Apothecary Ordered: Questionable Cures Through the Ages (London, 2015), p. 68.
the supply side of the medical market has the potential to be used in novel ways. Whilst work has been undertaken on medicine vendors, this has tended to focus on quacks or fringe practitioners. This thesis has constructed an alternative narrative, one in which the retail chemist has been identified as a key consumer in the chain of distribution, something that has not until now featured in the historiography. Using archives and advertisements from the trade has shown that significant processes of marketing - packaging and trade marks - were part of core marketing strategies for pharmaceutical products.

Other historiographical gaps were also, of course, identified. In chapter four, a focus on advertising techniques that used trade marks, logos, and references to ‘purity’ and membership of the ‘PATA’ (Proprietary Articles Trade Association), highlighted a considerable gap in our understanding of branding in the medical marketplace of the later nineteenth century. A focus on the overseas marketplace in chapter five was developed against the backdrop of a historiography in which most studies had tended to concentrate on questions such as quackery, the trading of raw materials, the rise of high-technology, and the nature of marketing in war-time Britain. The significance of branding and trade marks for British firms wanting to expand into overseas medical markets had thus not been explored by historians of medicine until this thesis.

Addressing these broad lacunae required a considerable analysis of material in trade journals and of individual advertisements, on a scale not seen before for this particular period. The reach of the publications used in this study, with the likes of the C & D, The Medical Press and Circular, The Pharmaceutical Journal, and The Anti-Cutting Record, to name a few, has meant that the use of branding can be discussed on a national level for the first time and in contrast to other studies of medical advertising, which have focused on limited and defined geographical areas. Other key sources used for this study were the business archives of B.W. & Co, the Apothecaries’ Hall, James Woolley Sons & Co, J.C. Eno, and Thomas Beecham. Whilst many of these archives have been accessed by previous historians, the material involving trade marks

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166 Church has dispelled the importance of high-technology for the development of marketing, see: R. Church, ‘The British Market for Medicine in the late Nineteenth Century: The Innovative Impact of S.M. Burroughs & Co’, Medical History, 49, No.3 (July 2005), pp. 281-298.

and branding has received only scant attention. The huge number of additional records dealing with trade marks held at the Wellcome Library (and also used in this study) suggests that there is scope for an even more detailed research project in the future.\textsuperscript{168} For now, and in order to understand how branding and trade marks were used in the marketplace six key questions were identified in the Introduction: who were the market participants? How did they understand the market? How were people engaging with the market? How did this market operate? How was this market regulated? And how significant were brands for British firms seeking to expand their trade in pharmaceutical products?

6.2 Contribution
All five chapters tackled the research question ‘who were the market participants?’ to varying degrees. Chapter one, by conceptualising the retail chemist and the profession as consumers in the chain, expanded the definition of consumer away from the narrowly described lay public. Focusing on the layers of branding surrounding the product, through its advertising and packaging, has enhanced our understanding of the complexity of the chain of distribution. The use of the trade press in this study also emphasised the range of participants involved in a product’s manufacture and dissemination, pointing to the importance of the advertiser, as well as the patent and trade mark agent, bringing to light one mechanism by which the market operated. Advertisements found in the C & D from manufacturers, wholesalers, distributors, packaging manufacturers, advertising agents, and trade mark and patent agents evidence the participation of these myriad groups. The Apothecaries’ Hall, however, did not engage in advertising and have generally been shown to be in opposition to the rising commodity culture of the nineteenth century.\textsuperscript{169} In order to include them in this study their business archives had to be accessed. In contrast to the perspective of the existing literature, this study has found that branded medicines formed a small part of the Apothecaries’ Hall business; they introduced ‘Apothecaries’ Hall Specialities’ and

\textsuperscript{168} Doherty and Steel’s overview of the Wellcome Foundation archive points to the amount of material on trade mark matters, see: T. Doherty and A. Steel, ‘Wellcome Home to the Wellcome Foundation Archive’, \textit{Medical History}, 48, No.1 (January 2004), pp. 95-111.

trade marks into their trade whilst continuing to sell raw and generic drugs. Looking at the Society’s commercial activities thus suggests that they had attempted to adapt to the changing medical marketplace and become active participants. The discovery of trade mark certificates and relationships with patent inventors in the archives goes against their traditional narrative and signifies they were involved in branding pharmaceutical products. Previous to this study it was not apparent who in the medical marketplace was registering trade marks. In chapter three the names of those who had taken out a registration for trade marks was cross-referenced with practitioner directories. This highlighted that a third of those who registered a trade mark in classes relating to health care were medical practitioners found in official directories. Moreover, Figure 6.1 shows trade marks that belonged to qualified practitioners; there was no clear difference to marks submitted by unqualified medical practitioners.

*Figure 6.1 - Trade marks registered between 1876 and 1880 by practitioners found in The Registers of Pharmaceutical Chemists and Chemist and Druggists. Top left, clockwise: Francis Jonathan Clark, Lincoln; Thomas Boulton Allkins, Tamworth; Richard Woods, Nottingham; James Wheeler, Ilfracombe; Alfred and William Southall, Birmingham; John Knowles Andrews, Worcester.*

*Source: Price and Swift, Catalogue, By the kind permission of the Trustees of the Science Museum Group; and The Registers of Pharmaceutical Chemists and Chemists and Druggists.*
The use of sources from professional publications, such as the British Medical Association’s *Secret Remedies*, have obscured the way historians of medicine have interpreted the period. The reality was that many branded medicines were registered and sold by those with medical qualifications, a fact that is made more apparent by surveying advertisements and commentary in the trade and medical press.

The questions relating to how these market participants understood and engaged with the market have also featured centrally in the chapters. This thesis is not a history of advertising but has used advertisements to map out how trade marks and packaging were utilised for branding in the medical marketplace. Chapter four focused on the importance of print advertising for the selling of pharmaceutical products, using quantitative analysis of advertisements to highlight the significance of trade marks, logos and other devices (‘purity’ and ‘PATA’) as branding techniques. These practices, however, could not be analysed in isolation as this leads to the assumption that consumers were passively taking in medical information. Chapter four, in particular, showed the ways in which consumers could engage with the market. Order forms, puzzles, and songs might be incorporated into advertisements. Competitions held in the *C & D* also implies that readers were actively assessing the success of advertisements. The wider phenomenon of window-dressing competitions, addressed in chapter two, highlights a market where branded goods were being engaged with to win prizes and reputation. Further to these activities, retail chemists might cut-out advertisements for branded medicines to refer to within their prescription books. In addition, the discovery of a late-nineteenth-century commonplace book owned by Lady Burton gives an indication that lay consumers similarly engaged with the marketplace in this way. The act of cutting-out advertisements for branded medicines shows that advertisements were not just passed over at a glance but taken into serious consideration as a way to manage health.

This thesis has shown that branding was used as a selling mechanism by market participants, which points to how the market operated. Historians have typically addressed the market by looking at the relationship between the vendor and the lay consumer. Richards asserted that patent medicine vendors lacked ‘any precise notion of who it was they were addressing, they promised anything and everything to anyone and everyone, vying with one another to see who could produce the most
comprehensive cure-all.'\textsuperscript{170} Broadening the conceptualisation of market participants, however, highlights the complexity of the marketplace and allows us to draw discussion away from a supply and demand dichotomy. The evidence that medicine vendors knew who they were addressing and were using marks to address each other, has been made clear in this thesis. Packaging from the Royal Pharmaceutical Society’s archives as well as those depicted advertisements show that paratexts gave market participants an opportunity to communicate with each other within a depersonalised marketplace, conveying intangible notions of authority, credibility, and knowledge within a consumer exchange. A court case at the Old Bailey was used in chapter two as an emblematic example to show that the multitude of marks found on a product’s package were formed at different stages of the product’s life-cycle, and that these marks were used to communicate meaning throughout the consumer chain. The proliferation of advertisements depicting packaging found in publications aimed at the trade and the profession implies that, as a source, it should be given more import by historians. The multifaceted nature of branding and packaging has been highlighted, with the former taking on varying definitions across the period, and the latter communicating different messages with the physical presence of stamps, brands, logos, signatures, labels, dosage information, and provenance marks.

These messages, however, were part of a marketplace which operated in increasingly complex ways and they themselves were subject to increasing regulation. The presence and discussion of paratexts in publications like the \textit{C & D} would no doubt have influenced how market participants viewed them. Information and advice relating to trade marks, for example, would have associated them as being a valued means to protect products. Regulation was identified in the Introduction (section 1.3.1) as encompassing a wide definition, not just confined to institutional or state control.\textsuperscript{171} Thereby, this thesis has shown that trade mark legislation was used by market participants to control and regulate the selling of pharmaceutical products. Trade marks, from the enactment of the Trade Marks Registration Act, could be employed as

\textsuperscript{171} These findings build on the broad definitions of regulation of Hess and Gaudillièrè, as well as Holloway, see: J.P. Gaudillièrè and V. Hess (eds), \textit{Ways of Regulating Drugs in the 19th and 20th Centuries} (Basingstoke and New York, 2012), pp. 1-14; S.W.F Holloway, ‘The regulation of the supply of drugs in Britain before 1868’ in Porter, R. and Teich, M. (eds), \textit{Drugs and Narcotics in History} (Cambridge, 1995), pp. 77-96.
a powerful device within their branding strategy particularly with regards to dissuading imitation through the use of threats and court actions. Court cases referred to in advertisements in the C & D point to the use of brands to regulate the selling of pharmaceutical products. Firms like B.W. & Co used trade mark legislation to ensure that chemists were dispensing the written prescription and not substituting for items they already had in stock or wanted to push. The issue of substitution was rife in the marketplace and there are copious instances of trade mark legislation successfully protecting the sale of medicinal items.\textsuperscript{172}

The extensive commentary on trade mark legislation in the C & D implies that it had a significant impact on the retailing of medicine in the home and overseas markets. Trade marks were used to maintain and build markets on a local, national and international level, which points to the significance of brands for British firms seeking to expand their trade in pharmaceutical products. Chapter five highlighted the value of trade marks to facilitate branding overseas, which ultimately influenced the consumption and distribution habits of the retail trade. This thesis has also expanded understanding about the role that the C & D played in developing a national and international market for pharmaceutical products. The establishment of an office in Australasia from 1885 and the publication of special colonial issues, as well as frequent commentary in the editorial on how to expand into overseas markets, shows they were a key mechanism by which the market operated. Advertisements and editorial also both signify how trade marks were used in these foreign markets. Modern scholars have shown that branding acts to ‘dislodge local consumers from local products’.\textsuperscript{173} Historians have also included discussions of branding to narrate the rise of a national and global market and the decline of localism. Bringing packaging and labels into an analysis of pharmaceutical products, however, sheds new light on the subject. The materiality of the product indicates that large companies were sensitive to the traditional paradigm of locally produced drugs and many offered labels with the name and address of the chemist on. This popular practice meant that the local shop was

\textsuperscript{172} The use of trade mark legislation for controlling markets has been explored for other trades but not for the medical market. Duguid, in his study of the alcohol chain, showed that ‘the firm that could brand the chain could control it’ see: P. Duguid., ‘Developing the Brand: The Case of Alcohol, 1800-1880’, \textit{Enterprise & Society: The International Journal of Business History}, 4, No.3 (September 2003), p. 437.

always represented heavily in its own retail space, regardless of where its stock may have come from. This highlights the regional nature of the market and shows how manufacturing and design innovations in packaging did not negate the local nature of the market. Ultimately this thesis has begun to fill the identified gaps in the literature by bringing in business archives and advertisements directed at the trade and profession into an analysis of branding. Using these sources has made it apparent that trade marks and packaging were integral to the marketing of pharmaceutical products.

6.3 Implications of the Thesis

Overall, this thesis has contributed to four key areas of knowledge – that of material culture, regulation, economic history and medical history. In terms of the history of medicine, it has dismantled the myth of the ‘gullible’ consumer. Conceptualising chemists and doctors as consumers within the chain of distribution also brings to light the fact that chemists were stocking branded items in shops, and doctors were prescribing them – meaning that the lay consumer was not always initiating the demand. If consumers of the period are to be characterised as gullible, chemists and doctors need to be included within this narrative. In addition, looking back at this period from our evidence-based viewpoint of medicine today transforms our perception of the knowledge claims of medicine vendors. Although the exaggerated claims of the products have been retrospectively mocked, many of these vendors were skilled manufacturers and deft at marketing their goods and services. Moreover, lay consumers, whilst aware of the issues with patent medicine through reports of poison scandals, were not as well informed on the issues of substitution as readers of the medical and trade press. Publications aimed at the trade and medical profession gave more detailed reports of such matters. Historians have tended to show that vendors of branded medicines were trying to fool the populace and evade the law. Richards, for instance, remarked that ‘patent medicine men were wizards when it came to staying one step ahead of the law.’

The reality of the marketplace was more complex. This thesis has shown that brands were used by manufacturers to regulate the market.

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174 Richards, *Commodity Culture*, p. 175.
The redefinition of trade marks as an economic asset in the late nineteenth century (something not previously observed in the economic history of the medical market) played a significant role in the development of commodity branding. The use of legally protected brands gave proprietors novel ways to evoke credibility in the market, imbuing a sense of ownership and traceable origins, which appealed to consumers throughout the buying and selling chain. Yet, scholarship of pharmaceutical products has not generally been concerned with commercial legislation and its impact on the market, instead focusing on poison and professional regulation.

This study has contributed to the field of business history. Resale price maintenance can be seen as means by which the retail chemist sought to regulate the sale of goods in the market, using it as a way to control the ever-increasing power of large manufacturers. The prominence of references to the PATA in advertisements, used to brand a multitude of pharmaceutical products after 1896, infers that, contrary to capitalist readings of the marketplace, price maintenance as opposed to price competition was an important feature of the medical marketplace. This has implications for scholarship on the economic context of medicine, which has tended to define the marketplace solely in competitive terms. Furthermore, scholars have been inclined to focus on large firms, who were at the forefront of competitive activity. Indeed, Fraser claimed that it was ‘the most successful firms’ who ‘pioneered branding and wrapping,’ whereas this study has highlighted the practice was undertaken by a diverse range of market participants, with many not achieving longevity in the market. The fact that some local brands and wrappers were considered important by the likes of multi-nationals, as is evident from surviving labels and packaging in the Boots’ archives, signifies that the value of popular branding that was already in place in localities. A firm that was bought out by Boots would not be considered ‘successful’ within traditional notions of the marketplace. This discovery thus has implications for wider business history.

In contrast to competitive views of the marketplace, Wallis has explored how cooperation and collaboration featured in the early modern marketplace, see: P. Wallis, ‘Competition and Cooperation in the Early Modern Medical Economy’ in M.S.R. Jenner and P. Wallis (eds), Medicine and the Market in England and its Colonies, c.1450–c.1850 (Basingstoke, 2007), pp. 47-68.

Including the material product throughout this analysis has presented many obstacles. Pharmaceutical products were discarded after use, and of those surviving products the supplementary paraphernalia found on the product, like the government medicine tax stamp, handbill or wrapper, have limited survival rates. Using print advertisements as a way to access the material product evidences one way in which future researchers can best utilise the ubiquitous but overlooked source. Chapter two has contributed to the field of material culture by bringing together material and statistical evidence to gauge packaging’s significance for the medical marketplace. Addressing paratext as a form of branding demonstrated how participants identified genuine products in the marketplace and suggests that these were important mechanisms for how participants communicated credibility and authority throughout the supply chain. The importance of layers of the package, from the trade mark to the government medicine tax stamp, builds on studies of material culture and signifies the increasing value of commodities in Victorian society. Another important contribution to the field of material culture emerging from this study regards trade marks. Chapter four showed that focusing on the text of an advertisement ignores the importance of the graphic device that was connected to the word mark or was used solely as the trade mark. Graphic devices, as shown in chapter five, could also be used to communicate with consumers on a global level easier than a word mark. Hudson identified that logos are still important for today’s medical marketplace, stating that ‘design continues to play a part in establishing authority and reliability.’ The Medicines and Healthcare Products Regulatory Agency, for example, developed a graphic logo to be displayed on websites that demonstrates the legitimacy of online vendors of medicines. The inclusion of the graphic device in studies regarding the branding, advertising, and regulation of pharmaceutical products is thereby of great value to the historian.

It has thus been established that trade marks impacted the materiality of pharmaceutical products but this thesis has also assessed how trade mark legislation

178 B. Hudson, ‘Graphic Battles in Pharmacy’ Wellcome Collection (November 2018), <https://wellcomecollection.org/articles/We2tNyQAAN1inWWD> [accessed 18.11.2017].
179 Health care products are now sold online and are regulated by an online register that lists authorised sellers of medicines, see: ‘Register of authorised online sellers of medicines’, MHRA (September 2018) <https://medicine-seller-register.mhra.gov.uk/> [accessed 18.11.2018].
affected the nomenclature of commercial as well as professional medicine. Trade mark and commercial legislation defined the linguistic description of pharmaceutical products between 1870 and 1920 and continued to do so. In the 1950s the J.C. Eno company, as discussed in chapter three, looked to historic trade mark cases to inform their decision-making for the design and branding of product literature. Trade marks’ influence on the naming of medicines also had a further impact on the marketplace. Doctors prescribed branded medicines despite the fact that the profession’s official stance was against commercialised medicine.\textsuperscript{180} B.W. & Co, for example, targeted medical men in marketing efforts, persuading them to prescribe Tabloids for their patients, who would then need to procure that particular drug from the pharmacist.\textsuperscript{181} This is similar to today’s ‘ethical marketing,’ where drug firms market only to the profession, with the ultimate goal of ensuring the patient consumes the drug.\textsuperscript{182} In direct-to-consumer advertising the figure of the doctor was often utilised as a motif and consumers were warned of the dangers of self-medicating. Advertisements conceptualised doctors as expert intermediaries in an attempt to legitimise their products in the medical marketplace. ‘Ethical’ firms branded themselves as professional establishments rooted in research. These tactics were taken up in earnest by large firms like E.R. Squibb and Parke, Davies & Son from the 1920s.\textsuperscript{183} Chapter three also showed how trade marks or ‘fancy names’ could come to dominate how medicines were referred to, thus extending our understanding of how commercial medicine interacted with professional and lay sensibilities.

6.4 Moving Forward
The relationship between branded medicines and the medical profession is a prominent issue for modern society; today the British Medical Association’s \textit{Concise Guide to Medicine and Drugs} includes the brand names of drugs, highlighting that brands have been integrated into the modern health care economy.\textsuperscript{184} Ben Goldacre has

\begin{itemize}
    \item \textsuperscript{181} R. Church, ‘Salesmen and the Transformation of Selling in Britain and the US in the Nineteenth and Early Twentieth Centuries’, \textit{The Economic History Review}, 61, No.3 (August 2008), p. 717.
    \item \textsuperscript{182} J.P. Gaudilliere and U. Thomas, \textit{The Development of Scientific Marketing in the Twentieth Century} (London, 2015)
    \item \textsuperscript{183} J.A. Greene, ‘Hidden in Plain Sight, Marketing Prescription Drugs to Consumers in the Twentieth Century’ \textit{American Journal of Public Health}, 100, No.5 (May 2010), pp.794-795.
    \item \textsuperscript{184} British Medical Association, \textit{Concise Guide to Medicine and Drugs} (London, 2015).
\end{itemize}
convincingly shown that drug companies have significant influence over doctors’ prescription decisions, persuading them to prescribe branded medicines.\textsuperscript{185} The National Health Service now encourages doctors to prescribe generic medicines as they can cost up to eighty per cent less than trademarked versions.\textsuperscript{186} The branded medicine v. generic medicine debate has seen controversy. Klein has found that companies have blocked publications that have expounded the similarity of generics. In the 1990s a medical researcher was hired by Boots to compare Synthroid, their branded medicine used to treat thyroid problems, against a generic from a competitor. The study found that the generic version was biologically equivalent to the branded product and there was no substantial difference between the two. Boots then stopped the publication of the research to avoid losing revenue.\textsuperscript{187} The effect of trademarked products on the nomenclature of health care is also profound, with many medicines being known by their trademarked name rather than their chemical name.\textsuperscript{188}

The importance of a good brand name for success in the medical market has been assessed; marketing scholars have found that ‘The commercial value of any given product may be diminished, increased, or maximized depending upon naming choices made early during the development process.’\textsuperscript{189} Nick Bassil, a modern patent and trademark attorney, pointed out with regards to the sale of medicines, that consumers are very loyal to strong brands – e.g. ‘Nurofen’ and ‘Anadin’ are still on the market and selling well at a premium when the generic versions of ibuprofen and aspirin are available everywhere. There are no patents now on the basic ordinary tablet forms of ibuprofen and aspirin – so the ability to charge a premium for a product can sometimes also be affected by other factors such as a strong brand.\textsuperscript{190}

\textsuperscript{185} See chapter six, B. Goldacre, \textit{Bad Pharma: How medicine is broken and how we can fix it} (London, 2013), pp. 242-343
\textsuperscript{187} The findings were eventually published after an exposé from \textit{The Wall Street Journal}, see, N. Klein, \textit{No Logo} (London, 2000), p. 99.
Some recognisable brands of pharmaceutical products today were formed out of trade marks from the late nineteenth and early twentieth centuries, with the likes of Vaseline, sold originally by the Cheseborough Company, and Phillips’ Milk of Magnesia. Similarly, nomenclature of medicine still used today arose from the time period, such as Adrenalin, initially trade marked by Parke Davies & Co, and Aspirin, sold by Bayer. Yet, branding goes beyond products; medical conditions can be branded, re-branded, or created. For example, pessimism in the winter months has been medicalised and branded by pharmaceutical companies under a new disease aetiology called Seasonal Affective Disorder (SAD).

Branding of medical conditions has its roots in earlier branding practices. In the 1920s Warner-Lambert, an American pharmaceutical company and the owners of the product ‘Listerine’, reframed bad-breath as a medical condition and dubbed it ‘halitosis’ – a term still used today. This branding altered consumers’ perceptions of a normal body function. In just six years sales increased ten-fold. Similarly, Wright’s Coal Tar Soap sought to combat ‘skin constipation’, an ailment not recognised by medical science. Vince Parry, a marketing scholar, noted that whilst branding gives the opportunity to reduce stigma through the reframing of embarrassing conditions and helps to raise awareness of conditions it also has the ability to control markets. It is thus important for the understanding of today’s health care market to historicise the selling of branded drugs.

This thesis has raised important questions concerning the impact of brands on market participants, using trade marks, packaging, and advertising as a lens to further understand the economic relationship between consumers (including the medical profession and retail chemist) and manufacturers of pharmaceutical products. With no prior attempt to establish the extent of the influence that trade mark legislation had on the medical marketplace in the late-nineteenth and early-twentieth century, this has been the first scholarly work to attempt to understand it. This thesis will thus be an important resource for further study in the areas of economic and business history, material culture, and the history of medicine, as well for researchers considering the interplay between brands and the medical profession today.

192 Ibid, p.44.
194 Parry, ‘The Art of Branding a Condition’, p.44.
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