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Protection of the American Consumer: The Congressional Battle for the Enactment of the First Federal Food and Drug Law in the United States

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In 1906 Congress passed legislation to prevent the manufacture, sale, or transportation of adulterated, misbranded, poisonous, or deleterious foods, drugs, medicines, and liquors, to regulate the traffic therein, and for other purposes. This law, although repealed and replaced in 1938, was America's first comprehensive federal statute regulating interstate and foreign commerce in adulterated and misbranded foods and drugs. By the end of the nineteenth century many Americans were aware that government had often failed to protect ordinary consumers of foods and drugs from the perils of the marketplace. In the 1870s the trusts in this country had grown so large and powerful that in the late 1880s the government had to enact legislation to control them. An example was the sweeping Sherman Act of 1890, directed against combinations in restraint of trade.

In this context Congress passed the Pure Food and Drug Act of 1906 to protect the consumer, promote public health, and regulate businesses by prohibiting certain unfair methods of competition in the food and drug industry. Even though food and drug legislation is a form of commodity control legislation—a departure from a laissez-faire economy—the 1906 Act was considered necessary government regulation of business in order to protect the consumer's freedom of choice, which had become impaired because of a lack of disclosed ingredient information. Ingredient information provided a number of previously unattainable benefits. For example, the partial formula disclosure requirement enabled consumers to avoid ingredients in food to which they were allergic. The same provision was important when patent medicines got into children's hands, since a knowledge of the contents made possible a more correct treatment for overdoses. The disclosure of the presence of habit-forming drugs in patent medicines prevented the consumer from unconsciously becoming addicted to them. Finally, the establishment of reliable standards of identity, purity, and potency of drugs enabled physicians across the

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country to obtain more reliable and uniform results from the drugs they prescribed.

The Pure Food and Drug Act of 1906 increased the protection of public health, decreased the incidence of illness, and lengthened the life span. Increased supervision of sanitary conditions in factories that produced and processed food minimized food poisoning and did much to prevent the spread of epidemics through food channels. The control of the natural and added toxic constituents of foods reduced the incidence of ailments caused by the cumulative action of small amounts of substances ingested over a long period of time. The 1906 Act encouraged honesty and fair dealing in food and drug products and discouraged the fraud and swindling which had injured the American people economically and threatened their lives, health, and happiness.

During the nineteenth century there was no federal law governing the adulteration or misbranding of food, so the marketing of food was a state and local matter. With no attempt at uniformity or cooperation, the enormous diversity of laws and regulations that emerged in the states impeded the growth of American enterprise and adversely affected the public health. The prevalent attitude of the nineteenth-century industrialist manufacturer was to restrict competition, keep profit margins high, and protect his pocketbook by cutthroat competition.

The 1906 Act was one of the major measures enacted to rectify these conditions—it increased government control of business; contributed to the elimination of the foreign trade deficit; decreased economic waste; made easier the introduction of safe new drugs, devices, and processes; and contributed to a safer food supply.

It would be impossible to survey briefly the total effort which led to the enactment of the Pure Food and Drug Act of 1906. The problem of food and drug adulteration had been under consideration in the United States Congress for more than a century. At nearly every session since the Forty-Fifth Congress a bill having to do with food and drugs had been introduced. Not until there was support from state boards of health and departments of agriculture, muckraking reports in the press, and investigations of adulterants by the United States Department of Agriculture (USDA) did Congress begin to respond to the public demand for a federal food and drug law. Much of that public awareness resulted from the work of a single crusader for consumer protection—Chief USDA Chemist Harvey Washington Wiley, M.D., who published USDA Bulletins 13, 25, and 84.

The 1906 Act was a product of centuries of evolution and of a twenty-seven-year period of congressional consideration. It was enacted in response to public demand for federal legislation on the subject. This demand stemmed partly from the excessively high prices of foods and drugs resulting from the inconsistent state laws which raised the costs of production and processing. Consumers sought a national law which would decrease prices by eliminating the burden of complying with inconsistent state laws.

The consumer protection sought by the public did not conflict with the goals sought by honest commercial interests. Moreover, congressional proponents of the measure, although representing big industrial states, believed that the country needed a federal law regulating foods and drugs in order to change the negative

image abroad of America's food and drug industry, which had caused some countries to prohibit imports of many goods from this country. Since neither consumers nor industry had an adequate private or public protection from deceptive trade practices, the 1906 Act provided a public remedy that protected consumers indirectly by protecting industry from deceptive trade practices, such as adulteration of food and drugs.

The struggle to enact the Pure Food and Drug Act of 1906 was long and would not have succeeded without leaders—men like Roosevelt, Wiley, Heyburn, and Hepburn, and the General Federation of Women's Clubs—who responded to the needs of the people and united to enact the 1906 Act.

THE DEVELOPMENT OF THE 1906 ACT

Congressional consideration of federal legislation regulating interstate commerce in food and drugs began on January 20, 1879. The Wright Bill, designed to prevent adulteration of food and drink, was proposed during the third session of the Forty-Fifth Congress. It did not distinguish between the types of commerce regulated and applied only to manufacture within a state. Neither "food" nor "adulteration" was defined in this measure, although it implied that ingredients injurious to human health or untrue representations as to purity or lack of adulteration were prohibited. Enforcement of the law was not delegated to any federal department. Instead, responsibility for detection of food adulteration was placed on consumers. A person with reasonable cause to believe that an article violated the Act could demand a sample from the vendor and have it privately analyzed by an analytical chemist. The law did not indicate the amount of sample the consumer could demand nor did it mention whether the consumer was required to compensate the vendor for the sample. Refusals to furnish samples and knowing violations were to be enforced by federal judges. The bill was referred to the House Committee on Manufacturers, and was not reported back.

During the Forty-Sixth Congress, numerous petitions, memorials, and resolutions asked Congress to enact legislation. In response to this demand, Mr. Beale of the Committee on Manufacturers reintroduced the Wright Bill on May 23, 1879. The bill was again referred to the Committee on Manufacturers, which reported back a substitute that they recommended for passage. The committee stated:

> The bill presented, without attempting to follow the more elaborate enactments which have been adopted in other countries, embodies only a few simple provisions, of easy enforcement and whilst your committee are not satisfied that it will fully meet and remedy the evils of adulteration, yet, as the foundation for fuller legislation, as experience may demonstrate to be necessary, they recommend its adoption.

The substitute bill attempted to further delineate the scope of the proposed regulation. Interstate commerce, commerce within the District of Columbia, and the importation of "human food or drink" was prohibited if "knowingly" adulterated with any substance poisonous to life or of less commercial value unless each package was distinctly labeled with a statement of each substance and the percentage of each. The bill retained the sample collection procedure, the "knowing"

violation requirement, and the misdemeanor penalty of the Wright Bill. The House did not consider the measure further.

The Young Bill, introduced during the third session on January 24, 1881, was referred to the House Committee on Epidemic Diseases. It proposed to authorize the President to form a three-member commission to study the injurious and poisonous substances used in the preparation of food, drugs, liquors, articles of clothing, wallpaper, and other articles likely to pose the same dangerous hazard. The report recommending passage of the bill contained detailed data supplied to the committee by George T. Angell, a prominent Boston Attorney. He had stimulated publicity about the problem during the late 1870s. This publicity caused the National Board of Trade to sponsor a contest for drafting a proposed food and drug law.

The proposal of Dr. G. W. Wigner, a public analyst in England knowledgeable about the English law, won the contest's first prize of 500 dollars. His proposal was embodied in the Hawley Bill, which was introduced seven days after the Young Bill. Even though the Hawley Bill was not reported back from the House Committee on Commerce, it requires close examination. It was the first measure applicable to both food and drugs. It was also the first measure to define "adulteration," as well as "food" and "drug."

Section 1 of the Hawley Bill prohibited the interstate commerce or the importation of articles of food or drug adulterated within the meaning of the Act. This section and section 2 of the bill relating to commerce in the District of Columbia and the Territories are similar to sections 1 and 2 of the 1906 law.

Sections 3, 4, and 5 of the bill discussed importation procedures, Treasury Department jurisdiction, examination, denial of entry, destruction, and bond requirements for reexporting. These sections are similar to section 11 of the 1906 law. Sections 6 and 7 of the Hawley Bill are similar to sections 4 and 5 of the 1906 law relating to examinations and legal proceedings. Three major differences do exist: first, examinations were proposed to be made by the National Board of Health, established in 1880, instead of the Bureau of Chemistry of the USDA; second, the Board of Health was authorized to fix standards of purity; and third, the Board of Health had an affirmative duty to publish weekly the results of its analyses.

Section 8 of the Hawley Bill is almost identical to section 7 of the 1906 law which defines "adulteration" for food and drugs. Also, section 8 exempted noninjurious mixtures distinctly labeled as such. A provision similar to this is found in the misbranding provisions of the 1906 law. Also exempted by the Hawley Bill were articles or compounds which the National Board of Health, with the approval of the Secretary of the Treasury, found to be permissible within variable limits. Publication of these acceptable tolerances was required.

Section 10 of the bill defined "food" to "include every article to be used for food or drink by man" and "drug" to "include all medicines for internal or external use."

Section 11 of the bill required "that all regulations and declarations of the National Board of Health . . . shall be printed in the statutes at large." Perhaps the congressional intent was to give policy statements and specific standards the force

and effect of law in order to counteract the Hawley Bill's intent requirement retained from earlier bills.

Wigner's prize-winning proposal did not include section 11, nor did it require proof of intent. Wigner believed that proving intent would severely weaken the measure and that a strict liability law was needed. He thought that the only ones who would suffer because of the elimination of the intent requirement would be innocent retailers. Therefore, he proposed a method by which a retailer could obtain protection from prosecution, i.e., by a written guarantee from the manufacturer. Section 9 of the 1906 law provides such protection for retailers.

By the early 1880s, sections 1, 2, 3, 4, 5, 7, 9, and 11 of the 1906 law had either been incorporated in legislative proposals or known by proponents of the law. The definitions of "food" and "drug" in section 6 of the 1906 Act follow Wigner's definitions to some extent, and the definition of "misbranding" in section 8 of the law incorporates one type of food adulteration which Wigner's proposal prohibited—"imitation of or be sold under the name of another article." The remainder of the misbranding definition and the seizure authority contained in section 10 of the enacted law were contained in bills introduced during the decade to follow.

The first Senate bill on the subject was introduced by Miller of New York in the first session of the Forty-Seventh Congress in December 1881. Its provisions were similar to the Hawley Bill of the prior session, as was its fate. In the lower chamber, the Flower Bill, introduced in the House during the same session, was reported back from the Committee on Commerce. Its provisions, also similar to the Hawley Bill, were evaluated by the Committee and a substitute bill was reported. The substitute included "cosmetics" within the definition of "drug" and omitted any requirement that knowledge of adulteration be proved. Although the National Board of Trade endorsed this bill, it was not acted upon by the full House.

The Forty-Eighth Congress saw more versions of the Hawley Bill. The O'Neill Bill, identical to the Commerce Committee's bill of the prior session, was perhaps the first food and drug bill referred to the House's Committee on Agriculture. It was not reported back. The reason for this referral to a new committee is not apparent, but it is possible that the first efforts to use parliamentary tactics to block the passage of the law began during this congressional session (circa 1884).

Also during this congressional session the so-called Green Resolution was introduced. It proposed to authorize the Committee on Public Health to investigate the adulteration problem. The resolution was not passed by the House because federal legislation on the subject was thought to be unconstitutional.

A taxation bill enacted into law during the Forty-Ninth Congress, on August 2, 1886, imposed a tax upon and regulation of the manufacture, sale, importation, and exportation of oleomargarine. This law vested enforcement authority in the Commissioner of Internal Revenue in the Treasury Department. It was enacted in response to the demands of consumers and of the dairy interests. The fraud in selling oleomargarine as butter was a worldwide problem, which prior to this time had been relieved to a certain extent in the United States through state enactments. The comprehensive federal law obtained, in effect, a discriminatory tax

designed to foreclose completely any competition between the butter and oleomargarine interests by driving the latter out of business.

During the same session of Congress, the Taylor Resolution, similar to the Green Resolution of the prior Congress, was not referred to the Committee on Public Health, but to the Committee on the Judiciary and was not heard from again.

The Committee on the Judiciary was also referred four bills during this session. Of these, one was a general food and drug bill. The McComas Bill, patterned after the Hawley Bill, was stated to be not a regulation of commerce but a provision for the destruction of all commerce in certain condemned articles.

Also during the same session, the first in a series of Edmund's Bills was introduced to prohibit knowing importation of adulterated food and drink and to establish an inspection system for exported meat. France and Germany had refused to accept meat shipped from the United States because it was of inferior quality. This measure was designed to provide an inspection system to prevent the export of diseased meat. The exportation into other countries of uninspected meat was not prohibited unless the country to which the meat was shipped required inspection. The import control system authorizing the President to suspend the importation of any article of human food was a regulatory weapon that could be used if foreign countries refused to accept shipments from the United States after the enactment of the law. The bill, enacted into law two years later, is evidence of the belief by proponents of a federal pure food law that meat should be the subject of a separate piece of legislation.

During the late 1880s Congress incorporated the British Merchandising Marks Act of 1887 into the general food and drug bills under consideration. This law provided that:

> Every person is subject to the provisions of the Act who applies any false trade description to goods, and the Act defines "trade description" as follows:
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> The expression "trade description" means any description, statement, or other indication, direct or indirect:
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> (a) as to the number, gauge, or weight of any goods, or
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> (b) as to the place or country in which any goods were made or produced, or
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> (c) as to the mode of manufacturing or producing any goods, or
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> (d) as to the material of which any goods are composed, or
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> (e) as to any goods being the subject of an existing patent privilege or copyright, and the use of any figure, word, or mark which, according to the custom of the trade is commonly taken to be an indication of any of the above matters, shall be deemed to be a trade description within the meaning of the Act. The expression "False Trade Description" means a trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement, or otherwise, where that alteration makes the description false in a material respect, and the fact that a trade description is a trademark, or part of a trademark, shall not prevent such trade description being a false description within the meaning of this Act.
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> The provisions of this Act respecting the application of a false description to goods shall extend to the application to goods of any such figures, words, or marks, or arrangement or combination thereof, whether including a trademark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are.

The Lee Bill of 1888 prohibited what was called "misbranding," which was, in essence, another name for "false trade description," prohibited by the British Act. The purpose for the inclusion of this concept was to prevent the passing off of foods or drugs falsely labeled or branded or otherwise represented to be of standard quality, strength, or purity. The first paragraph of section 8 of the 1906 law defined misbranding in a similar manner.

The next significant change in the Hawley Bill occurred in 1892 when Congress decided to add a second method of enforcement—"seizure"—to the Paddock Bill then under consideration. The Senate debate on its inclusion was short because there was a general agreement that seizure would be a more effective regulatory weapon than criminal prosecution.

The discussion in the Senate was as follows:

> Mr. Morgan: Mr. President, in looking over the provisions of this bill in reference to its enforcement I see, at least I so understand it, that all of the penalties which are in the bill are of a criminal nature and are to be inflicted upon persons who violate the law through the agency of indictments and proceedings before petit juries. They are all criminal. . . .
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> There is a remedy, however, which is very simple, which is used by the Government of the United States in respect of the importations of obscene literature and other articles of that kind, which while it is not criminal is very effective, and that is a libel in the courts in the nature of an admiralty proceeding, when the article itself is seized. The article carries the offense with it, and it is condemned because it has been put up, and having been put up has been transported or is being transported in violation of the statute. I am surprised that this committee, if they are really in earnest in getting a law upon the statute book that can be enforced, have omitted entirely to make a provision of that kind, a proceeding of seizure and condemnation of the article itself for adulteration that is found in it.

Senator Morgan from Alabama proposed the following amendment:

> Any article of food or drink that is adulterated within the meaning of this Act, and is transported, or is being transported, from one State to another for sale, and is still in the original or unbroken packages, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel or condemnation; and if such article is condemned as being adulterated, the same shall be sold, and the proceeds therof, less the legal costs and charges, shall be paid into the Treasury of the United States. The proceedings in such libel conform as near as may be to proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such cases; and all such proceedings shall be at the suit of and in the name of the United States.

In support of his amendment, Senator Morgan argued that if the provision for seizure was not included in the proposed statute, then the statute would be ineffective because juries would not convict individuals who would manufacture products such as oleomargarine that answered the demands of a large class of people but were prohibited by the statute. He believed that the simple remedy he proposed would serve as a deterrent to the conscious adulterator of food since it would permit enforcement against the article itself.

The following action on the amendment occurred:

> Mr. Paddock: The presumption of those who have been responsible for formulating and presenting the bill has been that the ordinary statutes cover the case. But I think the amendment is a good one, and as far as I am concerned I shall very cheerfully accept it.

The amendment to the amendment was agreed to. Although the Paddock Bill passed the Senate, it was not considered by the House.

The Panic of 1893 and the Spanish–American War relegated consideration of pure food and drug legislation to a priority secondary to that of the economic and military problems facing the nation. In fact, many considered adulteration of food necessary in order to control increasing prices. It was not until 1897 that another general food and drug law was considered by Congress.

The Brosius Bill, introduced into the house during 1897, was a revised version of the Paddock Bill. "Food" was defined to include all articles used for food, drink, or condiment. "Drugs" included all medicines for internal or external use, including cosmetics. As was the case with the Paddock Bill, adulterated or misbranded products in interstate and foreign commerce were subject to seizure by a process of libel for condemnation, and their manufacturers subject to the criminal penalty of a misdemeanor.

The Paddock Bill had been modified to include the guaranty clause recommended by Wigner. This bill also provided for the Secretary of Agriculture to consult with the Association of Official Agricultural Chemists (AOAC) in establishing food standards that would have the force and effect of law.

No action was taken on the Brosius Bill nor its Senate counterpart, the Faulkner Bill. A revised version was introduced about two years later in both chambers. The bill excluded cosmetics from the definition of drugs. It was not passed by the House.

Although Brosius died shortly thereafter from hitting his head on an attic rafter, the fight for the law did not die. In December 1902, the Hepburn Bill was introduced into the House and the Hansbrough Bill was introduced into the Senate. These measures were similar to Brosius' proposal but did not apply to drugs and eliminated Wigner's guarantee clause. Enforcement was to be made by a food bureau within the USDA. Hepburn, chairman of the House Committee on Interstate and Foreign Commerce, debated those who opposed the bill on constitutional and other grounds. The bill passed the House, but the Senate bill substituted for it was not considered until the next congressional session.

The Senate measure introduced by Senator McCumber broadened Wigner's definition of drugs to include "any substance intended to be used for the cure, mitigation or prevention of disease," a phrase ultimately included in the definition of "drug" in the 1906 Act. The phrase was proposed to Senator McCumber by some manufacturers of proprietary medicines to eliminate competition caused by imitated or substituted products.

The House hearings held by Hepburn's committee during the following year is the source of two provisos of the 1906 Act: (1) the allowance of the use of preservatives in exports if it did not conflict with the laws of the country to which it was shipped; and (2) the "codfish" exception. The latter provision allowed packers of Massachusetts codfish to apply preservatives such as borax externally if it could be removed prior to consumption. The export exception providing for "national treatment" was intended to allow the manufacturers in the United States to compete in markets in countries that had no or limited import laws.

The House bill was declared by Southern Democrats to be unconstitutional

during floor debates in January 1904. An amendment which required proof of willful conduct to find a violation was added once more to the measure—it had been added and deleted from the bills throughout the years.

The debate also centered on Dr. Harvey W. Wiley, USDA's chief chemist. Food manufacturers were wary of the section of the bill authorizing Dr. Wiley to establish food standards binding on the courts. They argued that this section would authorize Dr. Wiley to dictate to the food industry what could be produced, and many objected to Dr. Wiley because of his flamboyant conduct. Dr. Wiley's twenty years of experiments on food adulteration had given him a scientific basis to support claims that preservatives were harmful even in minute amounts. He also conducted what became known as the "Poison Squad" experiments which made daily headlines nationwide. Having Dr. Wiley as the chief enforcement officer was not in the interest of many food manufacturers and proved to delay consideration of the measure.

The bill passed the House, but not the Senate. Debates were protracted because the Proprietary Association complained about the broadened drug definition, and the rectified whiskey industry complained about labeling requirements. Senator Heyburn, Chairman of the Committee of Manufacturers, reported a substitute for the Hepburn Bill. It was a revised version of the McCumber Bill, which did not incorporate the Proprietary Association's suggestions but which did eliminate the provisions objectionable to the rectified whiskey industry. Also, the intent requirement was removed. Heyburn's attempt to seek a vote on the measure was quashed in April 1904 by the unanimous-consent rule, which delayed Senate consideration until the next congressional session.

The Proprietary Association endorsed the House Hepburn Bill, since it did not apply to proprietary medicines, but thought that the Senate Heyburn Bill would subject reputable manufacturers to federal decisionmaking regarding the effects and curative properties of their medicines. The National Wholesale Liquor Dealers' Association thought that the bill discriminated against the rectifiers. Both groups mobilized campaigns to defeat the Heyburn measure, while support for it was also growing. For example, the National Association of State Dairy and Food Departments organized an alarming adulteration exhibit at the St. Louis Exposition during the summer of 1904. Other pressure groups, such as the Muckrakers and the various women's groups, were also stirring public support for the measure.

Later that year Heyburn was blocked from having his bill considered, even though he was Chairman of the Committee on Manufacturers. During the first session of the Fifty-Ninth Congress Heyburn reintroduced his measure. A few days earlier President Theodore Roosevelt recommended passage of the food and drug bill in his Annual Message to Congress. The President stated:

> I recommend that a law be enacted to regulate interstate commerce in misbranded and adulterated foods, drinks, and drugs. Such law would protect legitimate manufacture and commerce, and would tend to secure the health and welfare of the consuming public. Traffic in foodstuffs which have been debased or adulterated so as to injure health or to deceive purchasers should be forbidden.

The bill was reported back from committee with amendments on December 14, 1905. Senator Heyburn explained the way in which his bill differed from previous versions. The differences were not substantial and were claimed to accomplish what the committee thought necessary to make the bill effective in regulating the traffic in adulterated or misbranded food and drugs.

As the Pure Food and Drug Bill was being discussed on Capitol Hill, final congressional consideration had begun to enact the bill into Law. The Senate proceeded to consider the Pure Food and Drug Bill on January 10, 1906. The question that was raised was whether its provisions were fair to all of the people—consumers who use ordinary commodities of life, manufacturers who produce goods, and retailers who sell the products. It had appeared to the committee in presenting this bill that the first consideration was to prevent the manufacture of articles that were deleterious to health and to prevent the combination of articles that would deceive and defraud the American public.

Senator Heyburn explained the prohibited acts.

> [I]t shall be unlawful to manufacture forbidden or proscribed articles (within any Territory, District, or insular possession of the United States). It prescribes a fine and imprisonment against the manufacturer of such articles; it provides that for the first offense the party shall be fined not to exceed $500, or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense on conviction he shall be fined not less than $1,000 or sentenced to one year's imprisonment or both, at the discretion of the court. That applies to the manufacturer who makes and sells such articles.
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> [T]he bill provides against the introduction of forbidden articles from one State or Territory or District or insular possession into another jurisdiction, and prescribes practically the same fine for the introduction of the articles as it did for the manufacture of them.

A new feature to the bill had been included by Senator Heyburn's committee. Senator Heyburn described it as follows:

> [I]n the case of any violation of the provisions of the foregoing two sections by any corporation, the fines and penalties imposed therefor may be enforced against the officers of such corporation personally responsible for such violation, and any violation of any of the provisions of this Act by any corporation shall be deemed to be the act of the officer of such corporation directly responsible therefor, and such officer may be punished for such violation as though such violation was the personal act of such officer. The new feature was intended to prevent the possibility of escape by the officers of a corporation under a plea, which has been more than once made, that they did not know that this was being done on the credit of or on the responsibility of the corporation.

There was a new method for the collection of specimens from which to make a determination regarding the character of the article to be examined. The 1906 Act provided that the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor were to be authorized to make the uniform rules and regulations for the collection and examination of specimens of foods, drugs, medicines, and liquors manufactured or offered for sale in the District of Columbia, or in any other district, territory, or insular possession of the United States. After the specimens were collected, the determination was to be made by the USDA's Bureau of Chemistry.

Another new feature in the bill was that they had separated liquors from foods.

The committee reporting on the bill classified liquor as a luxury, and not a food necessary for the maintenance or sustenance of the human frame. The separation of liquors from foods required them to be free of *added* poisonous or deleterious ingredients and to be labeled to inform the consumer whether they were blended or rectified, consisted of different grades of the same liquor, or whether the liquors were mixed with other substances.

An amendment offered on February 19, 1906, by Senator Foraker from Ohio was supported by the "liquor interests." It proposed to strike out the word "*added.*" This represented a controversy between the "strict whiskey men" and the blenders or rectifiers, because in the bill liquor was deemed adulterated if it contained any *added* ingredient of a poisonous or deleterious character. The word "*added*" was explained: the word "added" was adopted because of the fact that there is to be found in nature's products, as she produces them, poisonous substances, to be determined by analysis. Nature has so combined them that they are not a danger or an evil—that is, so long as they are left in the chemical connection in which nature has organized them; but when they are extracted by the artificial processes of chemistry they become a poison. You can extract poison from grain or its products, and when it is extracted it is a deadly poison; but if you leave that poison as nature embodied it in the original substance it is not a dangerous poison or an active agency of poison at all.

To avoid the possibility that those who produce a perfectly legitimate article from a natural product might be held responsible because the product contained natural poison, Congress stressed their intent that the meaning of a food additive was *only* to provide against the direct addition of any new substance that was in itself a poison. Senator Heyburn stated:

> The word 'added' is a word of limitation there. The word 'added' simply means that nothing shall be added to the poisons already existing in the substance. Take any substance. Poisons may be extracted from fruit, from the kernel of the peach, from acids contained in fruits. The word 'added' is a word of limitation. In other words, after providing carefully against poisons, recognizing the fact that poisons exist independent of any human action in certain commodities, we have provided that no *added* poisonous or other ingredient which may render such article injurious to human health shall be deemed to be adulterated. That is under the definitions of adulterated articles.[1]

The law did not address hazards posed by constituents other than those added to food, and dealt inclusively with substances purposely incorporated in food or intentionally applied during processing.

The question was raised on the use of burnt caramel and various dyestuffs to give color to liquor. They discussed the use of "beading oil" and said it was a chemical that was poisonous, but it was added to alcohol to cause bubbles to form when the whiskey was poured into a glass. If pure alcohol was poured from one glass into another, no bubbles would appear in the glass. If pure whiskey was poured into a glass, a nice bead would always appear, and anyone who added beading oil or burnt caramel to the poorest form of alcohol could make it appear like pure whiskey with a similar bead in the liquor. Thus, those who wanted to take out

[1] 40 CONG. REC. 1131, 1133 (Jan. 16, 1906) (emphasis added).

the word "added" would completely destroy the chance to punish the adulterator for adding coloring, sweetening matter, and bead oil to alcohol and selling it for fine whiskey.

Senator Money introduced an amendment prepared by the National Food Manufacturers' Association:

> There is a proportion, a percentage, that can be used of certain preservatives, and the best chemists in the world say that they are not injurious. There is also a method by which it can be decided whether or not the manufacturer or producer or deliverer of these goods has done anything which would be deleterious to the general health. In the first place, the officer of the law will take three samples, which he is authorized to purchase. In that matter it follows the laws of pretty nearly every State in the Union, as well as those of Great Britain. Massachusetts and other States have such a law. Three samples shall be taken, one of which shall be analyzed by the chemist, not an agricultural chemist, but a hygienic chemist, the chemist in the division of chemistry of the hygienic laboratory of the Public Health and Marine-Hospital Service, whose business it is to analyze things concerning health and life, and not an agricultural chemist merely, nor any analytical chemist merely. Before any action can be taken against a man the analysis must be shown him. He is permitted then by his own chemist to make an analysis, and then he can go to court and appeal, and there he has his hearing; and the third package is there for analysis, if it is deemed necessary by the court, the reports being submitted from the two other chemists—the Government chemist and the chemist of the manufacturer or the preparer of these foods. So there is no danger of a man's business being broken up before he has had a hearing, as there was under the original bill, which I am glad to see has been amended in that particular.
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> It is not necessary to go into any general statement about the desirability of something being done. The only thing is to do it so as to protect the rights of everybody. Heretofore there has been an indifference manifested as to proprietary drugs, medicines, food products, etc. . . . Drugs, medicines, etc., according to the standard of the National Pharmacopoeia and the United States Formulary. They are the authorities to fix standards in this country. I do not know of any other, and I do not presume anybody else knows of any other. The standards are to be so fixed. We must go to them to learn exactly what is pure and what is impure. You cannot expect the proprietor of a medicine that is proprietary—that means an exclusive use and monopoly, a patent, etc.—to put on a label, tag, or anything else what is going to disclose the secret of the composition, in which he is secured by the patent laws. Those laws do not simply grant a monopoly, but, to use the language of the Constitution, they are to secure the right of his invention. It is the granting of a monopoly to secure the right which already inheres in the discovery, or invention, or whatever it is, that he may have invented, discovered, or compounded, and is not in any strict sense a monopoly; but the exclusive right is secured for the purpose of encouraging invention.

Senator Money also said that one of the principal objects of his amendment was to draw up a bill that would have a uniform system of pure food laws throughout the United States: "The States getting together around the national legislation as a sort of nucleus, or being supplemental to it, for convenience of local administration and having the right of local administration."

Hernando DeSoto Money of Mississippi was the main voice for the food interests opposing the Heyburn Bill. His major complaints about the bill were that it infringed upon the rights of state legislatures to enact laws under their police power, and he believed that the USDA's Bureau of Chemistry would establish a one-man arbitrary rule.

Senator Heyburn said that they could not accept the substitute measure offered by Senator Money of Mississippi, because it undertook to fix standards and prescribed what percentage of this or what percentage of the other may be permissi-

ble or may be forbidden. He said it would violate the underlying principle of fixing standards or authorizing someone to attempt to fix standards.

Speaking for the codfish industry of his native Massachusetts, Henry Cabot Lodge proposed this amendment:

> It simply provides that the test of food products shall be made when they are in the condition in which they are actually consumed, and not in the condition in which they are necessarily transported. The amendment was drafted by Doctor Wiley. I do not mean to say that it is his amendment in any sense, but he drafted it in order that it might be put in proper form. It simply provides that where a preservative is used, which it is necessary to remove mechanically or by maceration in water or otherwise the provisions of this act shall be construed to apply only when such products are ready for consumption. That seems to me a perfectly reasonable proposition. It does not affect the bill at all. It simply prescribes the condition as to which the terms of the bill shall apply. It relates directly to the preservatives used for meats and fish.

An amendment was offered by Senator Hemenway of Indiana. The change of phraseology proposed by Senator Hemenway's amendment made the definition of the term "misbranded" more specific, and excluded the implication that statements made in good faith pertaining to the therapeutic qualities of medicine or its ingredients can be made the basis for denying the privilege to transport drugs from state to state. Senator Hemenway said he did not believe under the bill drawn by Senator Heyburn that the courts could determine the curative power of medicines. He said all he wanted was to have legislation that would give the people pure drugs, pure medicines, and protect them against being misformed and misled by statements printed upon a bottle or box or from being misled in any other way by men who had medicines to sell.

Senator Heyburn had modified his bill to meet most of the objections, but he failed to eliminate the word "knowingly," to meet the objection which was urged against innocent people being made the victims of legislation. The distinction was clearly drawn between the person whom the law presumed to know, and the person who might be imposed upon as seen in this provision:

> And any person, association of persons, or corporation who shall ship or deliver for shipment from any State, Territory, district, or insular possession to any other State, Territory, district, or insular possession, or shall export—There is no 'knowingly' there. A man is bound to what he himself does. The word 'knowingly' is not used. The responsibility is upon every man to know that he is not going to injure his neighbor. But take the next sentence:—or offer to export the same to a foreign country, or who shall knowingly receive in any State, Territory, district, or insular possession of the United States from any other State, Territory, district, or insular possession of the United States, or from any foreign country, or who, having received shall deliver in original, unbroken packages, or shall offer to deliver to any other person, persons, or corporation any such article, shall be guilty of a misdemeanor and upon conviction for such offense shall be fined, etc.

Powerful interests were meeting secretly to discuss how they could defeat the bill during the hearings, and indifference was being manifested by the food manufacturers. Outstanding among the opponents were the rectifiers, represented by the National Wholesale Liquor Dealers' Association, and the Proprietary Association of America. Angry by the attack on its remedies, the Proprietary Association of America displayed an attitude of injured dignity.

On February 20, 1906, Mr. Gallinger introduced his amendment:

> That the examination of specimens of foods, drugs, medicines, and liquors shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such article is adulterated or misbranded, or contains *any* poisonous or other substance in sufficient quantity to be deleterious to the health of human beings or domestic animals, etc.

Mr. Gallinger's concern related to the question of what is deleterious to human health. As an illustration of allowing scientists to exercise discretion in establishing tolerance levels for certain drugs used in food, there was the case of Lea & Perrin's Worcestershire Sauce, in which there is found salicylic acid. No harm was said to have been caused by this drug when it was used to treat rheumatism. The average dosage prescribed was said by Mr. Gallinger to be fifteen grains daily. This daily dosage is the same amount that had been contained in one gallon of the sauce, yet Mr. Gallinger claimed that it would make every teaspoon of the Worcestershire Sauce contraband without his proposed amendment. He summarized his argument as follows:

> I feel sure that we do not mean to legislate so as to make a man who uses in the preparation of any article of food a quantity of drug so small that it has no appreciable effect on the human system amenable to the law and that his goods shall be placed under the ban and denied the privilege of interstate commerce. I do not think there will be the least earthly difficulty in the matter if the bill is amended as I suggest. Of course the scientists who will have charge, in the first place, of the administration of this proposed law and in determining these questions will be fully competent to determine whether or not the quantity of adulterant, if it may be so called, is sufficient to do any harm. On the other hand, if they are not given the privilege of so determining the question, they will be held to a determination adverse to the manufacture of the goods if the least possible portion is found in the goods.

Senator Heyburn did not agree with Mr. Gallinger, and thought Mr. Gallinger's proposed amendment would be no danger if confined to drugs, but if meant to include preservatives used in the embalming process of meats, it posed a greater danger. Heyburn further stated that substances like the fifteen grains of salicylic acid would not be considered "injurious to human health when used in the prescribed or usual manner of use of such articles." It was the character of the article which determined its use, he stated. To obviate the objection he had to the breadth of Gallinger's amendment, Heyburn asked Gallinger to limit his amendment to drugs. Gallinger, satisfied with Heyburn's explanation, withdrew his amendment.

Mr. Spooner changed the topic to that of exportation of meats in which borax and other substances were used as preservatives. His position was:

> I should like to have this language made so clear that when this bill shall have passed there cannot be predicated upon it the imputation that the Congress of the United States has deliberately authorized the export of food products for sale among the unsuspecting people of other lands. . . . It is inconsistent with much legislation of Congress—the filled-cheese legislation, and the legislation as to the inspection on this side of meats and dairy products, as I recollect, which legislation was intended to commend the exports of the United States to foreign countries.

The language Mr. Spooner referred to was contained in a proviso to the fourth subdivision of the definition of food adulteration:

> Fourth. If it contain any *added* poisonous or other ingredient which may render such article injurious to human health: Provided, That goods intended for export shall not be deemed misbranded or adulterated when prepared and packed in accordance with specifications of the foreign purchaser, provided no substance is used that is in conflict with laws of the country to which the goods are to be shipped, when such country having laws upon the subject does not prohibit such process of preparation.

The purpose of this proviso was to allow the use of adulterants, specifically preservatives, in exported products in order to prevent spoilage of these products while in transit and to allow American manufacturers to be competitive with manufacturers from other nations who export adulterated or misbranded products into other foreign countries that have no import laws or limited ones. Spooner believed that the food and drug law should provide the same protection for foreign consumers as it does for domestic ones. Heyburn was of the opinion that the United States should not protect citizens of another country when that country did not protect its own citizens, and told Spooner that the different standard for that class of merchandise was considered necessary by the packers. Though Heyburn's committee prepared the measure, he personally agreed with Mr. Spooner that it was, perhaps, a measure lacking in wisdom.

Mr. Spooner also believed that the definitions of adulteration would lead inevitably to the statutory characterization of certain articles as adulterated when, in actuality, they were healthful and in many respects an improvement in the diet. He proceeded to question Senators McCumber and Heyburn about some of the definitions. Senator McCumber explained: "Adulterations are intended to cover those cases where you change the quality of the particular thing, by additions, etc., and misbranding is where you give to a food article a name entirely different from its own."

After this explanation, Mr. Spooner learned that substances would be classified as adulterated or misbranded regardless of whether they contain any poisonous or other substance deleterious to the health of human beings. The chemist who would be required to pass judgment upon the question of whether a violation exists would not consider the physiological effects of an article, Senator McCumber explained, but would consider whether a food or drug measured up to the standards established in the bill. Senator McCumber explained: "In the case of drugs, that they shall conform to the standard provided in the Pharmacopoeia or National Formulary. In the case of foods, simply that they shall not be misbranded, or they shall not be adulterated under these definitions."

Voting in Congress on the amendments occurred on February 21, 1906. Senator Heyburn's committee recommended passage of those amendments that the committee inserted in the bill and also of the amendment proposed by Senator Lodge having to do with the codfish exception. Both the Hemenway and Foraker Amendments were rejected.

Food standards were also the subject of discussion. Two amendments were proposed on this day. The first, proposed by Senator Piles, asked for a specific food standard for evaporated milk. The second, proposed by Senator Alger, requested that the Secretary of Agriculture be authorized to fix standards for food

products, and that he be empowered to appoint a commission of five experts to provide him with scientific advice. Both amendments were rejected.

Another amendment considered involved falsely branded packages or labels. The amendment to the fourth subdivision of the food misbranding definition requested that its present prohibition relating to articles falsely branded regarding their state or territory of origin be expanded to include country or place of origin. The amendment was accepted.

The National Food Manufacturer's Bill, called the Money substitute, was rejected on February 21, 1906.

President Roosevelt was reported to have made a personal appeal to Senator Nelson W. Aldrich of Rhode Island, the key man in the Senate, to withdraw his opposition to the passage of the bill, and Senator Aldrich withdrew his objections. The Pure Food and Drug Bill passed the Senate on February 21, 1906, by a vote of sixty-three to four. Twenty-two Senators did not vote, and Senator Aldrich of Rhode Island was one of the twenty-two.

The pure food bill met opposition in the House of Representatives, and it appeared as though the bill would never reach the floor. On May 7, 1906, Representative Hepburn of Iowa, chairman of the committee in charge of the bill, used a shrewd parliamentary device. He moved to suspend the rules and grant to three bills the same privilege given to bills reported by committees having the right to report at any time. The three bills were the pure food bill, an immigration bill, and a penal code bill. Hepburn's scheme worked, as most of the members in the House were interested in at least one of these bills. The motion passed and the bills became privileged.

At this time President Roosevelt was concerned about the reflections cast on the government inspection service by Upton Sinclair's charges about conditions in the stockyards. When meat was packed and shipped an official inspector was to examine each package, and then affix a numbered paper stamp on it. The stamp was to be canceled after the meat was in the box and not before. Sinclair said there was never any inspection of the meat after it left the killing floor, except the meat intended for export to Germany, France, and England, where laws were enforced.

USDA conducted an investigation and President Roosevelt sent a commission of his own to bring in a report on the packing houses. Roosevelt took the suggestion of the Secretary of Agriculture to have the independent investigation conducted by Commissioner of Labor Charles Neill and by James Reynolds, a lawyer turned social worker in New York. They were sent to Chicago by the President to investigate the charges on the preparations of meats. Meanwhile, the USDA investigators submitted their report on April 3, 1906. They found serious defects in the existing inspection system. The federal inspectors had no authority to destroy animals rejected at the antemortem inspection; the packers' compliance with the 1891 law was voluntary; USDA had no legal authority to enforce sanitary regulations in the packing houses; the existing inspection system was limited to having a federal inspector pass on the healthfulness of the carcass at the time of slaughter and not the conditions in which the finished products were prepared; and the USDA was forced to turn down requests from packing houses for inspection

because they did not have enough men or money. Because of this condition the packing houses were left unguarded at night so that the packers could operate unobserved by federal inspectors. Early in May the Neill–Reynolds report made much the same recommendations as did the experts from the USDA. The solution was to authorize the inspectors to supervise all stages in the production of meat and meat products; give the USDA the power to lay down and enforce rules and regulations governing sanitation; and prohibit the shipment in interstate commerce of all meats not government inspected and approved.

Newspapers were filled with alarming stories involving foreign actions to bar American meats and the sharp drop in meat sales within the United States. When the Neill–Reynolds report came back with the information that conditions were bad, Senator Albert Beveridge of Indiana wrote a Meat Inspection Bill. On Monday, May 21, 1906, he introduced his bill in the Senate. In drafting the bill he consulted with Neill and Reynolds and with the USDA. On May 25, 1906, Beveridge forced the issue by presenting his bill as an amendment to the pending Agricultural Appropriation Bill. When he refused to postpone his demand for a vote on his amendment—and Roosevelt was warning that he would make public the Neill–Reynolds report unless satisfactory legislation was passed—the livestock interests panicked and agreed to offer no opposition. The bill passed the Senate without a dissenting vote and without debate.

Roosevelt hoped for swift House approval and told the chairman of the House Committee on Agriculture that he would not release the feared Neill–Reynolds report if the House approved the Senate Amendment. The President also warned the packers that if they made any attempt to defeat the bill in the House the Neill–Reynolds report would be published. A snag developed when the packers' flooded both Houses with protesting telegrams from all over the country. On June 4, 1906, President Roosevelt made good his threat. He sent a message to Congress urging adoption of the Beveridge Amendment and included a copy of the Neill–Reynolds report. It was immediately published by the press. Because this report revealed the methods of the packers to the whole country, the sale of meat and meat products was cut in half; and after the Neill–Reynolds report was published in the newspapers, the packers favored government inspection as a way to restore the public's confidence.

Events were moving rapidly to a climax. In the House the livestock interests had successfully pressured the rejection of the Beveridge Bill and substituted a less pervasive bill. The Senate then voted overwhelmingly to reject the House substitute bill and to stand by the Beveridge Amendment. With no resolve, on Friday, June 29, with the congressional session drawing rapidly to a close, Senator Proctor of Vermont, chairman of the Committee on Agriculture advised the Senate conferees to quickly act to vote for the House bill rather than have no law enacted in the session. Swift action by the Senate followed, and the next day Roosevelt signed the Agricultural Appropriation Bill with the Meat Inspection amendment into law.

The excitement over the meat scandal spurred Congress into passing the long-blocked pure food and drug bill. Also, President Roosevelt's support of the Meat

Inspection Bill aided the passage of the pure food and drug bill. The pressure of public opinion which forced the Meat Inspection Bill through Congress carried the Pure Food and Drugs Bill with it.

On June 21, 1906, the House food and drugs bill was debated. For three days, the Senate bill was closely compared with the House bill. Both the Senate and the House bills were similar in scope. The prohibited acts relating to manufacture, sale, or transportation of adulterated or misbranded food and drugs and the penalty of fine and imprisonment for violations were the same for both bills. They were also similar in that officers of corporations were responsible for violations by their organizations and were personally liable for penalties, and both measures were to be enforced by the Secretaries of Treasury, Agriculture, and Commerce and Labor.

The House bill included the three terms "food," "drugs," and "liquor," which were defined separately in the Senate bill under the two terms "drug" and "food."

> "Food" included all articles used for food, drink, confectionary, or condiment by human beings or domestic animals, whether simple, mixed, or compound. "Drugs" included all medicines and preparations recognized in the Pharmacopoeia or National Formulary for internal or external use, and also any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animal.

The misbranding section of the House bill included provisions relating to narcotics.

> [A] drug shall be deemed misbranded if . . . it fails to bear a statement on the label of the quantity or proportion of any alcohol therein, or of any opium, cocaine, or other poisonous substance which may be contained therein.

The House consideration of the two measures involved many of the same arguments that Senator Heyburn had encountered before the passage of his bill by the Senate. Manufacturers of rectified whiskey, pitted against manufacturers of straight whiskey, objected to the requirement that their product be labeled "imitation, compounded, or blended." The Alger Amendment, which was rejected by the Senate, was included in the House bill. Although the standards were to be merely "for information of the courts," it caused heated debates. Neither the whiskey interests nor the food manufacturers were able to convince the House to remove those provisions they considered objectionable.

On the last day of debate, June 23, the canning industry raised strong objections to a section that the House Committee included in the Hepburn Bill. The provision required food packages to correctly state their contents in terms of weight and measure. It was argued that there would be no consumer benefit from such a provision and that enforcement of the provision would be hindered because "package" was not defined in the act, nor had Congress ever established a standard of weights and measures. This provision was prepared by Congressman Sherman, a canner. The Sherman Amendment, accepted by the House, required that contents be stated correctly only if the contents were stated on the package. There was no requirement that they be stated.

The House passed the bill on June 23 by a vote of 241 to 17. Many of those

seventeen voted against the measure because they believed it was unconstitutional. The passed measure was returned to the Senate and a conference between the two chambers was arranged.

The Conference committee deleted from the compromise the "knowingly" requirement contained in both the Senate and House Bills. It also deleted section 9 of the House measure which authorized the Secretary of Agriculture to fix standards of foods for the information of the courts. The House provision requiring labeling of habit-forming drugs was retained. With the exception of these changes and a few language corrections, the conferees agreed to a bill containing those provisions that were substantially the same in both the Senate and House bills.

Both chambers passed the compromise measure on June 29, 1906, and it was signed by President Theodore Roosevelt on June 30, 1906. The law went into effect on January 1, 1907.

CONCLUSION

The modifications of the Wigner proposal by the United States Congress meant the start of federal control of the food and drug industry. The Industrial Revolution resulted in the growth of cities and increased problems in public health. Consumers looked to the federal government to solve the problems that had grown beyond the capacity of the individual states to handle. The bitter struggle over the pure food and drug bill aroused the public consciousness and secured increasing appropriations for enforcement in many states. During the publicity created by Dr. Wiley's Poison Squad and Upton Sinclair's *The Jungle*, the federal government stepped forward as the defender of the public wellbeing.

Dr. G. W. Wigner, an English public analyst, gave the Congress the best draft of a national law on the subject of adulteration of food. Congress modified the Wigner proposal but the provisions of the measure introduced by Senator Heyburn were substantially the same as those Dr. Wigner thought suitable for inclusion in a national law. The first major modification occurred in 1888, when the Lee Bill added the prohibited act of "misbranding." The "British Merchandising Marks Act of 1887" was the source of this prohibition. The next modification occurred in 1892, when the Paddock Bill was amended to include the method of enforcement called "seizure." The origin of this prohibition is the "Importation of Obscene Literature Act," originally enacted in 1842.

The next major modification occurred in 1903, when the McCumber Bill expanded Wigner's definition of "drug" to include "any substance intended to be used for the cure, mitigation or prevention of disease." The Senate Committee on Manufacturers' amendment to the bill introduced by Senator Heyburn is the source of the provision of the 1906 law that provides for the strict criminal liability of corporate officers.

Minor amendments made by Congress throughout the twenty-seven years of consideration were unsuccessful in getting a national pure food and drug bill out of committee on Capitol Hill. The consumers were the impetus that got the process for enactment moving. The work of the muckrakers, women's clubs, and Dr.

Wiley made the times receptive to the descriptions in *The Jungle*. The furor over the book justified the creation of a presidential commission and the cry for a law to protect American consumers from unwholesome and unhealthful meat. The public support which already existed for a pure food law could not move the Heyburn Bill out of the House and to the President for his signature, but the surge of additional public support generated by the Upton Sinclair novel carried both the Pure Food and Drug Bill and the Meat Inspection Bill to the President for signature of both bills at the same ceremony.

It is evident from the way this legislation developed that the objective of the law was primarily to protect public health and welfare. The 1906 Act protected the public health from the same fraudulent and deceptive practices that it protected honest manufacturers of food, drugs, and liquors from competing against. The problems that came to the producers of food for America's industrial society during the nineteenth century were not dealt with until the twentieth century was well on its way. Although business interests initially supported a national law, during the last quarter of the nineteenth century business interests organized to fight any federal legislation. The growth of the mass media during this period led to the beginning of muckraking reports about the problems of food adulteration. Congress had been working for years to enact such a law, but it took the surge of public support at the beginning of the twentieth century to enable Congress to overcome the federal lawmakers who were allies of the interests the Act was against.

By 1906 the question of whether or not a Federal Pure Food and Drug law would be passed by Congress was the dominant challenge to the Progressive Movement and to Congress. The year 1906 thus saw the Progressive Movement, President Theodore Roosevelt, and the United States Congress in a momentous battle over achieving a national food and drug law. Because of the efforts of President Roosevelt, the public, and the Congress, the twentieth century looked brighter for American society. The gradual process of getting the Pure Food and Drug Act of 1906 into law represented a distinct step forward in the policy of government intervention to protect the welfare of the public. The assurance of a safe food supply was a contributing factor in the growth of cities.

In many respects our lives today have been enhanced by the Pure Food and Drug Act of 1906.

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