Chapter One: 'If the packaging is right, the pills are right'[1]: proprietary branding on patent medicines[2]

Fig. 1.1, Sherds of 'Ramsay's Bituminous Fluid' bottle[3]

In 1806, adverts began appearing in the press for 'a most wonderful and important discovery in medicine': the Cumberland Bituminous Fluid, a cure for rheumatism, and the invention of Penrith-based George Ramsay, 'many Years of Apothecary's Hall, London'.[4] A regular series of notices for the medicine ran in the provincial newspapers of the early to mid nineteenth century, with the efficacy of the Cumberland Bituminous Fluid being confirmed by a variety of people of different social standing. One notice alone provided recommendations from a gardener, a schoolmaster, a road surveyor and churchwardens: the medicine was advocated

[1] John Johnson Collection (hereafter JJC), Patent Medicines 8 (49), 'Carter's Little Liver Pills Cure All Liver Ills' advertisement (1890-1900).
[2] The terms 'patent' and 'proprietary' medicines are used interchangeably throughout this chapter to describe pre-packaged medicines claiming to be the exclusive property of one or more individuals or companies, in order to avoid excessive use of the word 'proprietary', in terms of branding.
[3] York Archaeological Trust (hereafter YAT), Project 5000 (Hungate), SF2613, 'Ramsay's Bituminous Fluid', (late C18-early C19).
[4] *Newcastle Courant*, 27 December 1806, issue 6794.

throughout the social hierarchy, from ordinary labourers to respected pillars of the community.[5] As the lists of distributors that were appended to the notices demonstrate, Ramsay's Bituminous Fluid was sold nationally. In York, it could be purchased of Francis Theakston, who traded from Micklegate.[6] Figure 1.1 illustrates three sherds of a bottle embossed with the product's name, which were excavated at Hungate. An intact example kept at York Castle Museum reveals that the container's full text would have read: 'CUMBERLAND // BITUMINOUS / FLUID // PREPARED ONLY / BY THE / ORIGINAL DISCOVERER // G. RAMSAY / PENRITH'.[7] In embossing such information upon his bottle, Ramsay was typical of his medicine-manufacturing contemporaries, who used various methods of proprietary branding to encourage purchases and engender trust in his product.

Medical products, predominantly sold by newspaper and book printers, became the most heavily advertised branded good throughout the seventeenth and eighteenth centuries.[8] This fact, combined with the new availability of digitised newspapers, has generated important work upon their advertisement and distribution. These studies have considerably enriched our understanding of the market for medicine between 1650 and 1900.[9] Advertisements for proprietary medicines often provided detailed

[5] *Newcastle Courant,* 17 May 1806, issue 6762.
[6] *Leeds Mercury,* 7 March 1807, issue 2169; Theakston can be found in Pigot and Co.'s *National Commercial Directory for 1828-9; comprising ... Cheshire, Cumberland, Derbyshire, Durham, Lancashire, Leicestershire, Lincolnshire, Northumberland, Nottinghamshire, Rutlandshire, Shropshire, Staffordshire, Warwickshire, Westmoreland, Worcestershire, Yorkshire ... North Wales ... [Part 2: Notts - Yorks & N Wales]* (London and Manchester, 1828-9), p.1136.
[7] York Castle Museum (hereafter YCM), YORCM:AA10217, 'Bituminous Fluid bottle' (c.1830-c.1850).
[8] John Styles, 'Product innovation in early modern London', *Past & Present* 168 (2000), p.150.
[9] For example: R.B. Walker, 'Advertising in London newspapers, 1650-1750', *Business History* 15 (1973), 112-130; Roy Porter, *Health for Sale. Quackery in England 1660-1850* (Manchester, 1989); Lisa Forman Cody, '"No Cure, No Money," or the invisible hand of quackery: the language of commerce, credit, and cash in eighteenth-century British medical advertisements', *Studies in*

descriptions of the material character of the product and the personal marks found on the object. Proprietary medicines were big business and therefore counterfeits were rife; protecting the brand name was of the utmost importance. As such, the descriptions supplied in adverts often warned consumers of 'spurious Preparations' and advised them how best to recognise an 'authentic' from a copy.[10] These adverts often degenerated into long-running spats between squabbling proprietors, who filled inches of the newspapers with their feuds and in some cases even went to the extent of publishing pamphlets attacking the credibility and reputation of their opponents.[11] Tracing the course of some of these occasionally deeply complicated rivalries highlights the importance of proprietorial credibility to those involved in the market for patent medicines.

Fundamentally, however, most of the historiography of medicine has been concerned with how medicines were described in newspapers, rather than focusing upon the products themselves. These discussions have tended to use the phrase 'brand name product' to describe these goods, which has put eighteenth- and nineteenth-century medicine within a teleology by which eighteenth-century consumption has been presented as moving towards the twenty-first-century brand, beloved of marketing

---

Eighteenth-Century Culture 28 (1999), 103-130; Hannah Barker, 'Medical advertising and trust in late Georgian England', *Urban History* 36:3 (2009), 379-398.

[10] Advertisement for 'The Medicine for the Cure of the Bite of a Mad Dog, prepared by Mess. Hill and Berry', *York Courant*, 13 April 1779, issue 2793.

[11] For example, see: John Burrows, *Remark on a Certain Passage Contained in a Scurrilous Pamphlet Published by Henry Saffory in Refutation of the Arguments therein Advanced; With a Plain Demonstration of its Numerous Absurdities. And a Minute Discussion of Several Contested Points Vindicating the Author from Divers Illiberal Attacks and Groundless Charges, Exhibited Against Him in that Production* (London, 1773).

culture. For example, John Strachan has presented the nineteenth-century advertising of branded medicines as an early form of present day marketing strategies.[12]

If analysis begins with a focus on the packaging or container of patent medicines, however, the spectrum of marks found upon them, as well as the form and design of its packaging, can be seen as part of their branding. Proprietors of medicines invested a great deal of time and effort in the design of the physical form of their product. Packaging encompassed a broad range of media: it included the design and colour scheme of bottles, pots and boxes, the material wrapped around these objects, as well as the marks embossed, stamped or handwritten upon these surfaces. In some cases, even the colour of the remedy itself – sold in a transparent container in order to allow customers to see within – could be a crucial element of the medicine's identity. The construction of this identity aimed to convince consumers of the medicine's authenticity, its reliability, and on occasions, its safety and efficacy. As this chapter will highlight, these aims were in part achieved in the physical fabric of the product and its packaging, as well as through controlled distribution and marketing of the medicine.

Many of the techniques used by patent medicine proprietors in the seventeenth, eighteenth and nineteenth centuries resembled twentieth-century practices. However, the chapter will illustrate how the longue durée approach adopted throughout the thesis explicates the way in which branding has changed over the period. New

[12] John Strachan, *Advertising and Satirical Culture in the Romantic Period* (Cambridge, 2007), pp.29-30.

technologies emerged and became popular – some as a result of the factory age, others the outcome of proprietors deliberately designing new forms of packaging. Consequently, the ways in which branding was deployed were not static, but evolved. Although the extant medicines and containers analysed in the chapter date predominantly from the late eighteenth and early nineteenth centuries, the objects, images and documentary sources examined provide evidence of the changing ways in which medicines were packaged across the period 1650 to 1900.

Such a methodology is crucial in exploring ideas about branding. It is curious that historians who have used a present-day definition of 'brands' and 'branding' have overlooked how far modern branding is performed through the material fabric of the product and its packaging. For example, in 2011 luxury shoe designer Christian Louboutin filed for legal recognition and protection of the concept of its red-soled shoes, considered the signature of every pair of Louboutins.[13] The subsequent (and on-going) lawsuit between Louboutin and Yves Saint Laurent – which prompted jewellers Tiffany & Co (whose packaging is a distinctive shade of turquoise) to lodge an amicus curiae in support of the notion that a colour can represent a brand – further illustrates the relevance of integrating material culture into this analysis.[14]

[13] The distinctive red sole, however, can be dated back to the court of Louis XIV and possibly earlier: see Giorgio Riello, *A Foot in the Past. Consumers, Producers and Footwear in the Long Eighteenth Century* (Oxford, 2006), p.63.
[14] Belinda White, 'Tiffany lends support to Christian Louboutin', *The Telegraph,* 25 October 2011 http://fashion.telegraph.co.uk/columns/belinda-white/TMG8847770/Tiffany-lends-support-to-Christian-Louboutin.html (accessed October 2011).

This neglect of material culture in the history of medicine has begun to be redressed by important work by John Styles and Patrick Wallis.[15] Both have highlighted the importance of sources that – though encountered regularly by museum curators – are 'new' to historians, such as medicine containers, pharmaceutical preparation tools and even exotic objects such as stuffed alligators. The chapter aims to complement these analyses through a reinterpretation of the single-sheet handbills and pamphlets for patent medicines that originated in the late seventeenth century, sources that have already extensively been used by social, cultural and medical historians. These sources had additional uses beyond promotion or directions for use: they were also wrapping material for medicines that were either already contained in bottles or boxes, or, when folded around powders or pills, formed packets or sachets.

This chapter therefore develops these discussions with an analysis of the myriad ways in which proprietary branding was used to sell patent medicines, incorporating both material and documentary sources. As we will see, branding was a more complex process than has been implied. Patent medicines were marked in a variety of ways, which created layers of branding upon one object. By taking a broad view of the ways in which these marks were placed on the product, multiple identities are revealed to have been involved in the branding of medicines. This included not only manufacturers and retailers, but as we will see they also comprised patients, medical experts and members of the nobility and royal family. Furthermore, proprietors used branding for two purposes: as a mechanism for establishing the authenticity of a medicine, as well as reassuring consumers of the efficacy and safety of a nostrum.

[15] John Styles, 'Product innovation in early modern London'; Patrick Wallis, 'Consumption, retailing, and medicine in early-modern London', *Economic History Review* 61:1 (2008), 26-53.

Both goals were achieved through the physical character of the medicine's packaging and reinforced through the advertising of these products. This chapter combines the two sources in order to explore these complex nuances of patent medical branding. The first section of the chapter will explore the variety of marking practices by different users of the bottle helped to establish the authenticity of a medicine. The second part will analyse how these varied methods of branding were implemented to reassure customers of the product's safety and quality.

1. Branding and authenticity

Branding was an important means of establishing the authenticity of a product. Presumably enticed by the relative ease with which some owners of patent medicines made fortunes – in 1901 the entrepreneur and creator of Beecham's Powders, Thomas Beecham, left a personal estate valued at £86,680, while two decades earlier his fellow medicine producer Thomas Holloway left an astonishing £596,335 – patent medicine manufacturers faced stiff competition, not to mention outright counterfeiting of their products.[16] In the late nineteenth century, Brent Good, proprietor of Carter's Little Liver Pills remarked in an interview to the *Chemist and Druggist* that '"They're a pest, these fellows [counterfeiters], both on this side and in the States… no mercy should be shown to men who try to enrich themselves by trading on another's brains and enterprise"'.[17] Medicine proprietors had complained of counterfeits from the seventeenth century. As such, it was essential for these manufacturers to differentiate

[16] T. A. B. Corley, 'Beecham, Thomas (1820–1907)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [http://www.oxforddnb.com/view/article/30669, accessed 26 Oct 2011]; T. A. B. Corley, 'Holloway, Thomas (1800–1883)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [http://www.oxforddnb.com/view/article/13577, accessed 26 Oct 2011].
[17] Quoted in Peter G. Horman, Briony Hudson, and Raymond C. Rowe, *Popular Medicines. An Illustrated History* (London, 2008) p.45.

their product from the others it would sit alongside in shops. The anti-counterfeiting mechanism that branding provided was also crucial to enabling consumer recognition of products and facilitated repeat purchases. For these reasons, early modern patent medicine manufacturers have been credited with developing the design and labelling of their products.[18] Alec Davis has presented the sixteenth century as a crucial period in the emergence of 'modern' packaging design, as it heralded 'the existence of a trading community, the ability to make containers, the ability to mark them with traders' names, and the ability (among some buyers, if not all) to identify those names'.[19] Prior to these developments, drugs had been vended largely in plain wooden boxes, leather or fabric pouches, paper wrappers or earthenware or pewter jars.[20] However, despite Davis' clear-cut distinction between the early modern period and the 'birth' of modern package design, some of these methods continued alongside the flourishing of the pre-packaged patent medicine market throughout the eighteenth and into the nineteenth century. Unmarked drug jars that date from this period are frequently excavated in archaeological digs, with two such examples recovered from Hungate demonstrating this longevity.[21] Analysis of the Museum of London's Ceramics and Glass Database reveals that of 666 mass-produced drug jars from 1650-1900, the vast majority were either entirely unmarked or adorned with simple decoration such as splashes of colour.[22]

[18] George B. Griffenhagen and Mary Bogard, *A History of Drug Containers and Their Labels* (Madison, WI, 1999), p.71.
[19] Alec Davis, *Package and Print. The Development of Container and Label Design* (London, 1967), p.23.
[20] Griffenhagen and Bogard, *A History of Drug Containers* pp.11-14.
[21] YAT, Project 5000, SF6501 and SF6502, 'tin-glazed drug jars'; see also reports by the Museum of London Archaeological Service, for example Sadie Watson, Jacqueline Pearce, Anne Davis, Geoff Egan and Alan Pipe, 'Taverns and other entertainments in the City of London? Seventeenth- and 18th-century finds from excavations at Paternoster Square', *Post-Medieval Archaeology* 44:1 (2010), p.184.
[22] See Appendix 6, 'Marked ceramics 1650 – 1900 from various London sites', for details of the marked jars only.

Packaging was an integral means of reassuring consumers about the authenticity of medicinal products. Wallis's research into seventeenth-century apothecary shop design has highlighted the importance of the decorated drug jars that lined the shelves behind the counter. These not only 'rebuffed accusations of bad drugs and hidden contamination'; they also 'offered a guarantee that the ingredients were genuine.'[23] In a similar fashion, owners of patent medicines sought to transmit these values through the material character of their product. In a market rife with counterfeits, it was essential to reassure potential customers of the authenticity of the product in every manner possible.

As the advert for the Cumberland Bituminous Fluid demonstrated, specific outlets were nominated by the medicines' manufacturer as a source of the genuine medicine. This prevented unscrupulous medicine vendors from retailing imitation products. Additionally, medicines were often distributed to these authorised sellers along lengthy supply chains. As the chapter will demonstrate, on occasion, the 'legitimate' retailers would also mark the medicine to indicate the products' authenticity, and sometimes the retailer mark would become more prominent than the manufacturer's. Medicines were therefore branded by multiple identities, and complicate the established historiography of the 'branded' drug trade.

[23] Patrick Wallis, 'Consumption, retailing, and medicine', p.45; see also Wallis, 'Apothecaries and medicine in early modern London', in Louise Hill Curth (Ed.) *From Physick to Pharmacology. Five Hundred Years of British Drug Retailing* (Aldershot, 2006), 13-27.

1.1 Surface marking

Between 1650 and 1900, patent medicines were most frequently dispensed and supplied in one of three ways. Ointments were provided in small delftware pots and covered with paper; pills were boxed in small wooden cartons with lids; liquids were corked and sealed in glass bottles of varying ornateness. Very early proprietary medicines were supplied in bottles, boxes, and jars, the surfaces of which were marked by the addition of a label or were hand painted. Techniques such as the embossing of glass, stamping and transfer printing of ceramics were developed over the eighteenth century and into the nineteenth. With such methods, proprietors could deliver their branded medicine on a larger scale and to a wider range of consumers. The ability to reproduce exact copies of the marks, too, had implications for the way in which branding was appropriated and interpreted by proprietors and consumers alike.

1.1.1 Surface marking: embossing

Ramsay's Bituminous Fluid came in a relatively unprepossessing bottle; rectangular in shape, with squared, bevelled corners blown in aqua glass, its form was typical of many nineteenth-century medicine containers. Yet this bottle was differentiated from the multitude of otherwise identical generic pharmaceutical bottles by the embossing of proprietary details on every available flat surface. Such a technique was achieved through the use of 'the most radically innovative method' of product differentiation, the mould, a technique that was used from the early eighteenth century.[24] On the intact example of the Fluid in York Castle Museum, the embossed text is highly

[24] Styles, 'Product innovation in early modern London', p.153.

prominent and covers around three-quarters of each side.[25] As a form of marking, therefore, embossing was highly prominent.

Davis has stated that extensive moulding was fairly common on bottles in both Britain and the United States.[26] Only ten per cent of the pharmaceutical bottles recorded in the Museum of London's Ceramics and Glass Database were *not* embossed with some kind of marking, although this included measure marks as well as proprietary branding.[27] Museum-curated bottles also show a high level of embossing. Out of twenty patent medicine bottles in YCM, fifty per cent had embossing upon them, all of which were proprietary details.[28]

Excluding the examples with measure marks, the Museum of London bottles reveal that the majority were embossed on at least fifty per cent of the bottle (either front and back, or the sides). This complements the embossing practices of the YCM medicines. This collection reveals that embossing typically covered around at least three quarters of the container's surface. Of the marked bottles in YCM, 70% were embossed on at least three-quarters of the surface of the bottle. The remaining 30% of bottles had half of their surfaces covered. This presumably left half of the bottle's surface free for labels. The YCM collection also revealed two bottles bearing both embossing and a label, proving that proprietors used both methods on one product. These findings are corroborated by Olive Jones's detailed study of late eighteenth-century Essence of

[25] YCM, YORCM: AA10217, 'Bituminous Fluid bottle' (1830-1850).
[26] Davis, *Package and Print*, p.45.
[27] For details of the bottles marked with proprietary details, see Appendix 2, 'Marked glasswares 1650-1900 from various London sites (from Museum of London Ceramics and Glass Collection Database'.
[28] For details of the marked bottles, see Appendix 3, 'Marked medicine containers from various sites held by York Castle Museum, 1750-1900'.

Peppermint bottles, which demonstrated that embossed lettering covered every side of the phials, again with between two-thirds and three-quarters of each side being taken up with text.[29] The embossing included the name of the medicine, the owner or vendor's name (sometimes both) and often the place of production. Styles' examination of a Turlington's Balsam phial shows that this medicine also bore these details, in addition to references to Letters Patent and royal authority, and so covered every available surface of the bottle.[30]

Integrating proprietorial branding into a product's container was a powerful measure of assuring confidence in a medicine's authenticity. This was a process that needed to be planned and organised ahead of its manufacture. Labels, by contrast, could be run up fairly quickly and affixed to a standard, nondescript pharmaceutical bottle. As such there was a greater cost to potential counterfeiters in imitating medicines that had embossed branded bottles than in copying medicines that differentiated their product through labels or other wrapping materials. Embossed branding also lasted longer than labels or pamphlets used as wrappers. Unless it was broken, the consumer would be faced with the branding upon the medicine every time they encountered the bottle. Other means of marking were less likely to survive as long. Ephemeral matter such as labels could come unfixed or fade away; literature used to wrap the medicine could easily be lost, discarded or used for some other purpose. As an advertisement technique, embossing had far more longevity than other marking practices.

[29] Olive R. Jones, 'Essence of Peppermint, a history of the medicine and its bottle', *Historical Archaeology* 15:2 (1981), p.8; pp.14-20 for scale images of all sides of the bottle.
[30] Styles, 'Product innovation in early modern London', pp.152-156.

A closer look at the embossing found on medicine bottles, however, complicates our understanding of branding. The popularity of many proprietary medicines meant that multiple individuals and companies began to produce their own version of the product. In so doing, the name or mark that had formerly been associated with the name of the product – *Dalby's* Carminative, *Daffy's* Elixir or *Dr. Bateman's* Drops – lost its function as a differentiation device and means of establishing authenticity. Instead it became little more than a product *title*. Manufacturers of these genericised medicines therefore branded their own proprietary mark upon the medicine's packaging, as depicted in Figure 1.2.

Fig. 1.2, four different versions of 'Dalby's Carminative'[31]

[31] Private collection, 'four Dalby's Carminative glass bottles' (1810-60) (photo copyright: J. Kemp).

The bottle second from the left in Figure 1.2 was embossed 'Gell's // Dalby's // Carminative' and the one on the right hand side was marked 'Eves' // Dalby's // Carminative'. 'Dalby's Carminative' had become a generic product name; the brands on the bottle were the marks of Gell and Eves, and it was these marks that helped a consumer establish whether the medicine was genuine or not. Consumers were urged: 'be sure to ask for Gell's Dalby's Carminative… as counterfeits are numerous'.[32] Similarly, Figures 1.3 and 1.4 depict a bottle of 'True Daffy's Elixir', branded with the producer's mark, Dicey & Co. As Jones' work on Essence of Peppermint confirms, this process of 'genericisation' took place with a variety of patent nostrums: 'these medicines, marketed first by an individual or single firm, eventually lost their proprietorial associations and were manufactured and sold by a variety of persons or firms.'[33] They were even, as various kitchen and household books demonstrate, made at home.[34]

[32] *Leeds Mercury*, 10 July 1819, issue 2822.
[33] Jones, 'Essence of Peppermint', p.1.
[34] Elaine Leong and Sara Pennell, 'Recipe collections and the currency of medical knowledge in the early modern "medical marketplace"', in M.S.R. Jenner and Patrick Wallis (Eds.), *Medicine and the Market in England and its Colonies, c.1450-c.1850* (Basingstoke, 2007), 133-152; Elaine Leong, 'Making medicines in the early modern household', *Bulletin of the History of Medicine* 82:1 (2008), 145-168. See also the Wellcome Collection's extensive holdings of 300 recipe books, many of which have been digitised: http://library.wellcome.ac.uk/node9300909.html (accessed March 2012).

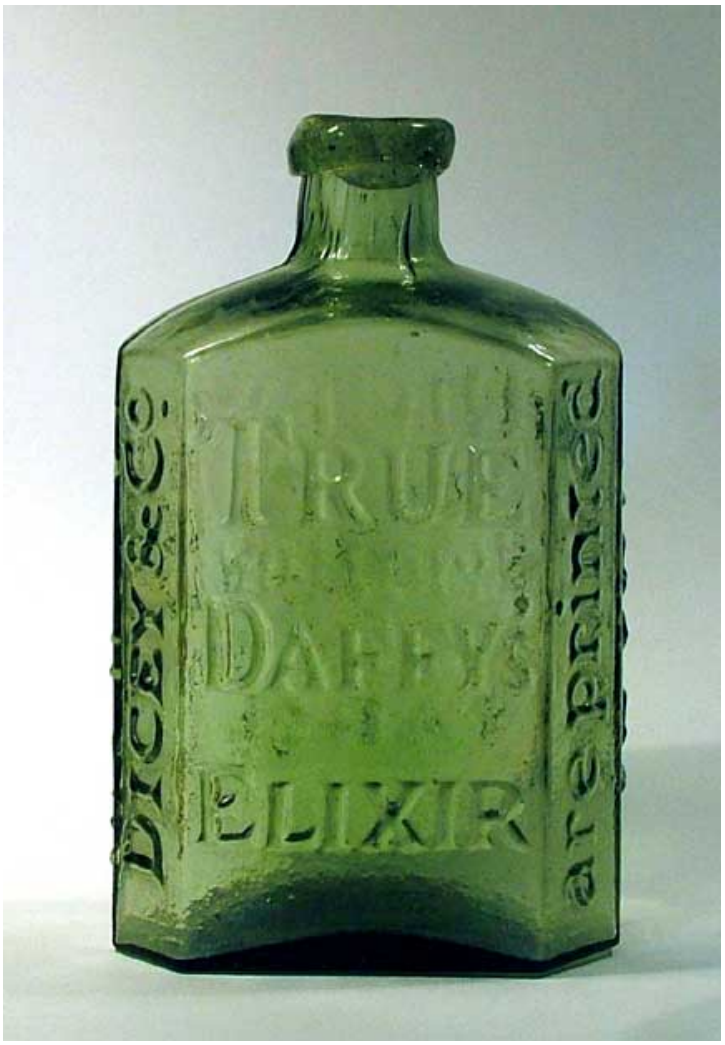


Fig. 1.3, True Daffy's Elixir bottle[35]

[35] Private collection, 'Dicey & Co Daffy's Elixir glass bottle' (1820-1840) (photo copyright: J. Kemp).

Fig. 1.4, True Daffy's Elixir bottle (opposite side to Fig. 1.3)

As an additional security device, as Figure 1.4 illustrates, Dicey and Co's mark incorporated their address: 'Dicey / & Co / N^{o} 10 Bow / Church / Yard / London'. This was the location from which Dicey and Co became known nation-wide as patent medicine suppliers from the 1720s, and from which they sold a variety of nostrums, both made in-house and sourced from other producers.[36] The inclusion of this information in their stamp performed an advertising role, but also implied an added degree of security and tangibility. This was undermined when counterfeiters imitated

[36] Griffenhagen and Bogard, *A History of Drug Containers,* p.72.

their bottles. In 1808, Dicey and Co addressed 'the Glass-Makers, Druggists, and Dealers in Medicines', and advised them that prosecutions would be brought against those who continued to produce the 'considerable quantities of Bottles, bearing on one side "True Daffy's Elixir", and on the other, "Dicey & Co. London"'.[37] Counterfeits clearly persisted however, despite the threats made by Dicey and Co, as the notice had to be repeated in subsequent years.[38] The detailed nature of the Dicey and Co branding operated as a mark of authenticity.

Other medicines similarly incorporated branding of individuals or companies that represented both retailer and producer. Figure 1.5 shows an early nineteenth-century bottle for Dr. Norris' Drops for Fevers, on which (unusually for this medicine) a retailer's name and address was embossed: 'E. Edwards / St Paul's'.[39] This branding therefore helped consumers identify that they had a genuine product, as the marks implied that the medicines were prepared for the express retail of that outlet.

[37] *York Herald,* 27 August 1808, issue 939; *Trewman's Exeter Flying Post or Plymouth and Cornish Advertiser*, 25 August 1808, issue 2312; *Derby Mercury*, 18 August 1808, issue 3978.
[38] *York Herald,* 14 January 1809, issue 959; *Derby Mercury,* 26 January 1809; *Derby Mercury,* 11 May 1809; *York Herald,* 23 June 1810, issue 1034; *York Herald,* 11 August 1810, issue 1041. It did not appear in *The Times*.
[39] J. Kemp, 'Patent medicines', http://www.diggersdiary.co.uk/Collections/Patentmedicines1.htm (accessed March 2012).

Fig. 1.5, Dr Norris Drops for Fevers bottle[40]

A careful consideration of the branding embossed upon medicines reveals that it was performed by multiple parties and could also perform multiple functions simultaneously. It featured marks of production and marks of retailership, in a manner that complicates the established historiography of the pharmaceutical consumption, for this has discussed branding with reference to the producer or identity referred to in the product's name.[41] For consumers, the trust in the medicine's authenticity was situated in the retailer's mark (Dicey and Co), rather than a producer (Daffy). Embossed marks from suppliers, as well as producers, then, represented attempts impart confidence in the product's authenticity.

[40] Private collection, 'Dr Norris' Drops for Fevers' bottle (c.1820) (Photo copyright: J. Kemp). The opposing side was embossed: 'Drops / for Fevers'.
[41] See for example: Roy Porter, 'Before the fringe: quack medicine in Georgian England', *History Today* 36:11 (1986), 16-22; Porter, 'The patient in England, c.1660-c.1800', in Andrew Wear, *Medicine in Society. Historical Essays* (Cambridge, 1992), pp.110-114; James Harvey Young, *The Toadstool Millionaires. A Social History of Patent Medicines in American before Federal Regulation* (Princeton, 1961).

1.1.2 Surface marking: printing

Fig. 1.6, Singleton's Eye Ointment pot[42]

As with medicine bottles, delftware pots containing medicine had surface marking in order to identify the product. Embossing, however, was a technique used predominantly by glassmakers. Earthenware pots were marked using different methods. Throughout the seventeenth and eighteenth centuries, they could be hand painted and then glazed as depicted in Figure 1.6. As ceramicist Derek Askey has commented, such a method was time-consuming.[43] Perhaps more importantly, it was also difficult to achieve a consistent, let alone, identical mark upon each pot.

Medicine proprietors urged consumers to look for specific details in their product's packaging to ensure they received the genuine article. In 1760, Dr Isdale, 'Surgeon

[42] Museum of the Royal Pharmaceutical Society (hereafter MRPS), No ref., 'Singleton's Eye Ointment pot' (1700-1779), reproduced with permission of the Museum of the Royal Pharmaceutical Society.
[43] Derek Askey, *Stoneware Bottles from Bellarmines to Ginger Beers 1500-1949* (Barnsley, 1998), p.103.

and Operator for the Teeth' informed customers his antiscorbutic for the gums could be identified thus: 'Dr ISDALE'S name is burnt on the Pot, to prevent Counterfeits.'[44] Each item, therefore, needed to display the same information. Uniformity of these marks helped consumers recognise if they had an authentic product: the standardisation of branding was therefore important. It was a desire to achieve this standardised medical branding that, in the early nineteenth century, drove the new proprietor of Singleton's Eye Ointment to adapt his marking technique and to move from hand painting to the style shown in Figure 1.7. This latter mark was made with a stamp that was then painted in, a process revealed by the slight imperfections in filling in the 'N' and 'I' in 'Union', as well as the faint lines over the lower case letters. Overall, however, the mark was far more uniform and precise than in the hand-painted lettering of Figure 1.6.

[44] *York Courant*, 12 August 1760, issue 1816.

Fig. 1.7, Singleton's Eye Ointment pot[45]

Analysis of the Museum of London Ceramics and Glass Database has revealed, however, that in the nineteenth century large-scale firms more commonly marked ceramic medicine pots through transfer printing.[46] This technique was developed from the 1750s and it enabled potters to reproduce marks on ceramics far more quickly and cheaply.[47] The process entailed reproducing the intended pattern or mark on transfer paper from engraved copper plates. This would then be affixed to the clay at the biscuit stage before the paper was washed off, leaving the mark painted onto the pot. The pot was then fired and glazed in order to lock the transfer into the clay.[48] It produced a standard finish, making every pot look virtually identical. As Figures 1.8

[45] MRPS, No ref., 'Singleton's Eye Ointment pot' (1825-1840), reproduced with permission of Royal Pharmaceutical Society.
[46] See Appendix 6: 'Marked ceramics 1650-1900 from various London sites (data from Museum of London Ceramics and Glass Database)'.
[47] In their study of printed ointment lids, Green and Lewis state that transfer printing originated in Liverpool in the 1790s, see: Roger Green and David Lewis, *The Advertising Art of Printed Pot Lids* (Bridgnorth, 1979), p.8; Cyril Williams-Wood suggests it was 'invented' earlier in the mid-eighteenth century, see: Cyril Williams-Wood, *English Transfer-Printed Pottery and Porcelain. A History of Over-Glaze Printing* (London, 1981), pp.40-63.
[48] Davis, *Package and Print*, p.39.

and 1.9 show, the mid-nineteenth-century Holloway's Ointment pot (one of the enormously popular products that made entrepreneur Thomas Holloway his millions) was marked in this manner.

Figs. 1.8 and 1.9, Holloway's Ointment pots[49]

However, standardisation could by undermined by faults or errors in the marking process, or even by human intervention. Long-lived patent medicines such as Holloway's Ointment went through a number of prints. Copper plates were capable of reproducing an image hundreds of times, but their softness meant that they would eventually wear, particularly if used as frequently as demand for Holloway's medicine required. This then necessitated a new engraving. Incorporating the proprietors' address on the pot was another way in which owners tried to protect their product from counterfeits, but when a proprietor moved premises, a new engraving

[49] Figure 1.8: YAT, Project 0725 (Foss Islands), No ref., 'Holloway's Ointment pot'; Figure 1.9: Museum of London Ceramics and Glass Database (hereafter MoLCGD), 85.351, 'Holloway's Ointment pot' (both c.1850s).

was required. Keeping up with changes like these was crucial to the value of the mark as a signifier of authenticity: if these details were out of date, consumers who purchased the medicine direct from the producer might inadvertently visit the wrong shop. It was not unheard of for counterfeiters to fake 'show boards' (window displays) or even entire premises, in an attempt to mislead consumers into purchasing counterfeit medicines. In the case of Barclay v Nicols (1794), the plaintiff complained that Nichols had not only manufactured and sold counterfeit Jackson & Co's Asthmatic Candy (of which Barclay was the official vendor), but he had also placed adverts in the press in imitation of Barclay's, into which Nichols inserted his own address. Nichols's fraudulent behaviour was apparently so convincing he fooled 'several persons [who] went by mistake to the defendant's shop... One of the persons who bought the medicines, conceiving he was in the plaintiff's house, said to the defendant, "You have altered your shop!" to which the other answered, "I have taken a parlour into it."'[50]

There are over twenty known transfer prints on extant Holloway's Ointment pots. Some feature text only and others integrate Holloway's 'signature' device of a woman on a throne. These many prints reveal the company's moves from Strand Street to Oxford Street and then Southwark Street, between 1842 and 1931. However, engravings of the pictorial device varied, as those depicted by Houghton and Priestley show. While fundamentally the image remained essentially the same – a classically-dressed woman sitting on a throne with a snake and a child to her left and right– some surviving examples show the figure of Hygeia bare-breasted rather than covered by

[50] Barclay v Nicholls (1794), reported *Morning Chronicle,* March 4 1794, issue 7723. See also the advert for Okell & Dicey's advert for Dr Bateman's Pectoral Drops *York Courant,* 19 October 1742, issue 888.

her toga. In other variations, her hair is drawn differently. In the two versions shown in Figures 1.8 and 1.9, the details of the latter are crisper: one can almost see individual leaves in Hygeia's laurel wreath, and the motto that the child is leaning against is much clearer (a cheerful inscription, 'Never Despair'). More crucially, the change in angle of Hygeia's head shows differences that cannot be explained as wear on the plate. The address on both examples is '533 Oxford Street London', which suggests that it was not a relocation that necessitated a new engraving.[51]

However, differences such as these are only noticeable under close scrutiny. Minor details such as differences in hairstyle did not detract considerably from the overall design, and the two pots were similar enough to suggest a great deal of continuity and standardisation between plates. In terms of branding, however, these alterations or imperfect transfers are intriguing. Did variations in the consistency of a print such as these undermine the impression of uniformity that proprietors sought to achieve through the use of branding or simply reflect a change in current tastes and aesthetics? Modern brand signs have changed over time: in the 90 years since its inception in the 1920s, Disney's Mickey Mouse, for instance, has arguably become more human and less 'mouse-like' in appearance.[52] But whereas Mickey's evolution has been deliberate, the differences in Holloway's pots were more haphazard and almost accidental. Houghton and Priestley, who have highlighted the disparities between Holloway's Ointment pot imagery from a similar period of production, have suggested that the 'crudeness [and] poor transfer quality' imply that these were 'late

[51] For a comparison of three Holloway's Ointment pots, see also: R.J. Houghton and M.R. Priestley, *Historical Guide to Delftware and Victorian Ointment Pots* (n.p., 2005), pp.86-87.
[52] Norman K. Risjord, *Giants in their Time. Representative Americans from the Jazz Age to the Cold War* (Lanham, MD, 2006), p.157.

or period imitation[s] or from another proprietor with the same surname'.[53] It is apparent, then, that throughout the nineteenth century as consumers grew used to the relative uniformity that transfer printing produced, the standardisation of marks on medicines implied authenticity of the product.

Early to mid nineteenth-century advancements in glassware production (discussed in the next section) meant that embossed marks achieved a far more standardised quality. Examining both embossed and printed marking, however, ultimately highlights one crucial element in the establishment of the authenticity of medicines: it was not the medicine producer who made these marks upon the containers, but a potter or glassblower (and as time and technology progressed, a machine). Branding represented proprietors, but these marks were placed upon the objects by other historical actors. Dicey and Co's warning to the glassmakers that were producing 'Dicey & Co' bottles for other companies or individuals other than themselves highlighted this paradox.

Unlike some of the other branding devices that will be discussed in the following sections, proprietors could not place these types of mark upon the containers themselves. This form of branding, therefore, was outsourced. Did consumers view this as less trustworthy than other marking practices in which it was apparent that the producer had made the mark? And if so, did this affect their perception of the medicine's authenticity? The fact that other methods of branding that the proprietors placed upon the medicine personally suggests that additional methods assisted in

[53] Houghton and Priestley, *Historical Guide to Delftware and Victorian Ointment Pots*, p.89.

judgements about authenticity. However, the variation of authorised versions of the Holloway's Ointment transfer print also suggested that consumers were perhaps less particular about this than they might be today; expectations for the print technology may have been lower and as a result, they may not have undermined the product's authenticity unless it contained extreme errors. In other words, the period eye had a different expectation of the print quality of the brand image.[54]

1.2 Container shape and colour

For the proprietor who sought additional modes of protection and differentiation from rivals and counterfeits, techniques such as embossing were often used in conjunction with containers in unique shapes. Some medicines became so associated with their bottle shape that in the US, even though it was decided to impose standardisation in the recipes of proprietary medicines, druggists were allowed to continue to vend medicines in the different shaped bottles; it was the opinion of the Philadelphia College of Pharmacy that 'most customers would not buy British Oil that was put up in a conical vial, nor Turlington's Balsam in a cylindrical one'.[55] Much like the red sole of Christian Louboutin shoes today, early modern patent medicine owners were aware that shape and colour could not only help consumers recognise their product when they saw it, but it could also act as a security measure against fakes. Extensive advertising notified people of their unique packaging and warned them of counterfeits.

[54] For more on contemporary expectations of print, see Adrian Johns, *The Nature of the Book. Print and Knowledge in the Making* (Chicago, 1998). Thanks to Mark Jenner for this reference.
[55] Quoted in Griffenhagen and Bogard, *History of Drug Containers*, p.77.

There were, however, a number of impediments to the development of unique-shaped glass containers. The manufacture of glass was a time-consuming and potentially dangerous process. To add to their woes, in 1695 British glassmakers fell subject to an excise duty, which although repealed a few years later, was reinstated in 1745 and doubled in 1780, only being repealed in the mid-nineteenth century. As will be discussed at length in chapter four, the Excise maintained close supervision throughout the manufacture of all goods under its remit, in order to avoid fraudulent records or other means of evading the duty. Moreover, duty was required even if the finished product was faulty or destroyed in the process.[56] This had implications for the development of proprietary branding by medicine vendors. Glassmakers were reluctant to experiment with different bottle shape and embossing, only doing this when they were commissioned to do so. Many medicines were therefore packaged in generic bottles, with labels or wrapping material used in order to display proprietorial branding.

As a result, at first only a minority of patent medicine manufacturers were willing to take on the potential costs involved in such experimental package design. These men had a keen understanding of the ways in which proprietary branding could be performed through the material fabric of their product and pioneered new shaped bottles. This helped their product stand out from others and protected it from fakes. As Styles has demonstrated, throughout the eighteenth century, new bottle shapes began to emerge as proprietors sought to differentiate their product from others. Between 1744 and 1754 Robert Turlington, manufacturer of Turlington's Balsam of

[56] H.J. Powell, *Glass-Making in England* (Cambridge, 1923), p.129; pp.153-154; L. Gittins, 'Soapmaking and the excise laws, 1711-1853', *Industrial Archaeology Review* 11 (1977), 265-275.

Life (patented 1744), commissioned several different bottle shapes in quick succession in an attempt to thwart counterfeiters between 1744 and 1754, from rectangular to violin and tablet-shaped.[57]

Once commissioned, instantly recognisable bottles were hugely important to proprietors; after all, having their name, address and product name embossed in the glass was of no use if consumers were unable to read. As Griffenhagen and James Harvey Young have commented, products needed to be 'so easily recognisable that even the most loutish illiterate could tell one from another.'[58] The trial of Mary Thompson at the Old Bailey in 1800 demonstrates that it was commonplace for people to recognise medicine by shape, rather than name. Although Thompson was employing a distraction technique in order to steal from his shop, William Corbyn's testimony suggests that interactions referring to the bottle size and shape, though perhaps somewhat tedious for the retailer, were not unusual exchanges between a shopkeeper and customer:

> WILLIAM CORBYN: ...The prisoner came into my shop to ask for a bottle of Godfrey's Cordial, on the 18th of April, at near nine o'clock in the evening; I got her a bottle, and she said that was not what she wanted; she said that was not the bottle that she wanted, it was longer; I said, this comes to seven-pence halfpenny; she said that was not it, what she wanted came to fifteen-pence; I said

[57] Styles, 'Product innovation', pp.153-158.
[58] George B. Griffenhagen and James Harvey Young, *Old English Patent Medicines in America*, http://www.gutenberg.org/files/30162/30162-h/30162-h.htm (accessed January 2012).

> perhaps she wanted Dalby's *carminative*; she said that was the name; but that was eighteen-pence; I shewed her a bottle of Dalby's, and she said that was it...'.[59]

As Mary Thompson stated and Figure 1.2 demonstrates, Dalby's Carminative was indeed sold in long, 'steeple-shaped' bottles, making it distinguishable at a glance from the generic types of bottle used by many proprietors. The name of the medicine was clearly embossed on the outside, but it was the bottle shape – and price – that Mary Thompson recognised. Nearly a century later, customers still distinguished between a genuine and a suspicious medicine through its packaging. As the *Chemist and Druggist* reported, a druggist was found to have substituted Sweet Little Liver-Pearls for Carter's Little Liver Pills, and dispensed them in 'bottles having the same general appearance as those used by [Carter's Little Liver Pills], but of course not quite like them, although sufficiently so to mislead the public.'[60]

Indeed it is possible that certain bottle shapes became linked to certain sorts of medicine. In the eighteenth and nineteenth century, Godfrey's Cordial, an infant colic remedy not dissimilar to Dalby's Carminative, was sold in similar steeple-shaped phials to Dalby's.[61] As with Turlington's Balsam, Godfrey's Cordial had undergone some changes in shape, yet retained this overall distinctive shape: 'in spite of the bottle variations, the shape of each wrapped bottle was recognised at a glance and

[59] Proceedings of the Old Bailey Online (hereafter OBO), ref. t18000528-35, 'Mary Thompson, Theft > grand larceny', 28 May 1800.
[60] 'Carter's Little Liver Pills – A Substitution Case', *Chemist and Druggist,* 12 August 1893, p.243.
[61] Griffenhagen and Young, *Old English Patent Medicines in America,* http://www.gutenberg.org/files/30162/30162-h/30162-h.htm (accessed January 2012).

came to be regarded as a guarantee of genuineness.'[62] With Dalby's and Godfrey's being dispensed in similar bottle shapes, one wonders if medicines for colicky children became associated with specific packaging shapes: both nostrums appeared in the steeple-shaped bottles.

While some proprietors made use of eye-catching, distinctive shaped bottles for their packaging, the majority of these were made of colourless flint glass. Therefore the colour of the medicine contained within could act as an element of branding. In her discussion of the marketing of Essence of Peppermint, Jones notes that contemporaries expected to see a light green product through the glass of their bottles. As Arnold J. Cooley, author of a mid-nineteenth century pharmacopeia rather caustically remarked, 'it was not conceived to be good by the ignorant unless it has a pale tint of green, which they presume is a proof of its being genuine'.[63] While Cooley's implication was that consumers conflated green with peppermint, this statement demonstrates the extent to which customers inspected their medicines for signs of authenticity. The packaging was important, but the appearance of the medicine itself was also itself a device that proprietors used in order to convince consumers about the authenticity of their product.

Using recyclable containers such as ceramic pots or glass bottles (or, as chapter three will demonstrate, stoneware bottles) was both a benefit and a risk to proprietors. Such sturdy packaging ensured that the product arrived intact, without risk of being

[62] Griffenhagen and Bogard, *History of Drug Containers*, p.73.
[63] Arnold J. Cooley, quoted in Jones, 'Essence of Peppermint', p.5.

compromised by leaks or tampering, and if a suitable system was set in place, the empty packaging could be collected from consumers and re-used. Ideally, it also encouraged repeat purchases of that proprietor's product. The mineral and soda water industry (which emerged at the beginning of the nineteenth century) organised collections of its glass and stone bottles, which were frequently embossed with the proprietor and product's name and usually the water's place of origin.[64] This was not merely an attempt to save money; manufacturers sought control over how their bottles were disposed of in order to prevent counterfeiters filling their genuine bottles with a fake water or medicine. In the US, apothecaries imported from English bottle makers the 'genuine' bottles for various patent medicines and then filled them with their own concoction. In 1834 one druggist recommended to newcomers to the business in that year that they lay in store of specific shaped bottles such as those associated with Bateman, British Oil and Godfrey's Cordial.[65]

Proprietors of mineral and soda waters in particular were watchful of the recycling and re-use of their bottles, which consumers took back to their supplier and had refilled. The Hungate excavation has unearthed two examples of soda or mineral water bottles marked with proprietary details. Emmatt's Aerated Waters of Harrogate and Hopkinson's Carbonated Soda Water from Grantham were both sold in flint glass bottles embossed with their identifying marks.[66] As has already been outlined, embossing such details into the bottle was such a permanent means of intertwining the

[64] Evidence for the collections comes from: 'Using other maker's bottles', *Chemist and Druggist,* 16 September 1893, p.453; *Chemist and Druggist,* 11 November 1893; Nigel Jeffries, 'A biography of a stoneware ginger beer bottle: the Biucchi brothers and the Ticinese community in nineteenth-century London', in C.L. White (Ed.), *The Materiality of Individuality: Archaeological Studies of Individual Lives* (London, 2009), 57-74.
[65] Griffenhagen and Bogard, *History of Drug Containers*, p.75.
[66] YAT, Project 5000, SF2651, Hopkinson's Grantham Carbonated Soda Water (nd.); Project 5000, SF2622 Emmatt's Aerated Waters Harrogate (nd.).

manufacturer's credibility and the product that there was a risk to the overall reputation of the product if the bottles were acquired by counterfeiters. Soda, mineral water and ginger beer manufacturers implied that consumers were loaned the bottles that their water came in and marked their bottles as such. A (possibly late) nineteenth-century example held by Brighton Museum, depicted in Figure 1.10, bore the caution: 'No deposit on this bottle / Any person using, detaining / or disposing of this bottle / will be prosecuted'. Similarly marked bottles were also used in the US. Bottles excavated from the site of a former brewery in Harpers Ferry, West Virginia, were marked with both proprietary details – 'James McGraw // Harpers Ferry // W. VA' – but also with 'This bottle // not to // be sold' embossed on the reverse.[67] As such, proprietors used branding not only as a commercial marking practice, but also as an attempt to assert their ownership of the containers.

[67] Deborah A. Hull-Walski and Frank L. Walski, 'There's trouble a –brewin': the brewing and bottling industries at Harpers Ferry, West Virginia', *Historical Archaeology* 28:4 (1994), pp.116-119.

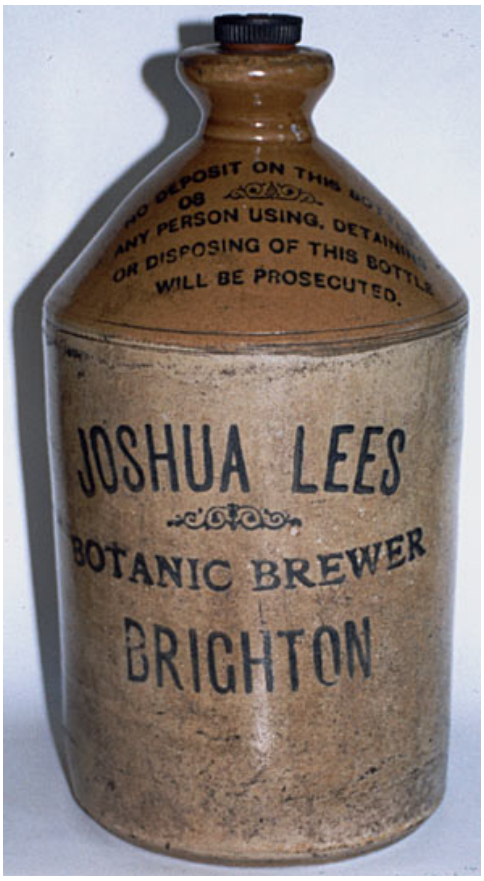


Fig. 1.10, stone ginger beer bottle[68]

However, in 1893, the power of branding to operate as marks of ownership was challenged when David Nicholl, a water manufacturer in Fleuchar Craig, Dundee, took civil action against William Samson for re-filling bottles bearing Nicholl's mark with another water. By this time, Nicholl had the advantage of legal recognition or protection of trademarks, following the 1862 Merchandise Marks Act and 1875 Trade Marks Regulation Act. He claimed that Samson had infringed his trademark by using bottles and siphons that bore Nicholl's mark.

[68] Brighton Museum & Art Gallery (hereafter BMAG), HA106951, 'ginger beer bottle' (late nineteenth century).

The court, however, decided that Nicholl's mark upon the container was not proof of ownership of the bottle. Physical custody and possession of the bottle had to be proven before the court deemed Samson's actions an appropriation.[69] For proprietors then, all the care that went into creating a unique and distinctive package design for their product in order to reassure customers about the authenticity of their product, was easily undermined through acquisition of the disposed containers or, in the case of US importers, merely by purchasing from the British glass makers the relevant designs.

The care that went into the collecting and recycling of these containers demonstrates that instantly recognisable and distinctive packaging was a medium through which proprietors attempted to reassure customers about their product's authenticity. Mineral and soda waters possessed a grey status between drink and medicine.[70] The imposition of medicine stamp duty upon waters in the late eighteenth- and early nineteenth century (discussed in chapter two) certainly indicates that waters were considered to have therapeutic properties. By the mid-nineteenth century, their exemption from the duty indicates that they were perhaps perceived more as a drink than a cure.[71] Their retail by traders that also sold medicines, and indeed the reporting of Nicholl v Samson in the *Chemist and Druggist* periodical, indicates that the recycling of packaging was an established practice in the pharmaceutical trade. This was reinforced through descriptions of the medicine's packaging in the advertisements; however, not all medicine vendors and owners had the inclination or

[69] *Chemist and Druggist*, 11 November 1893, p.696.
[70] M.D. Eddy, ' "An adept in medicine": the Reverend Dr William Laing, nervous complaints and the commodification of spa water', *Studies in History and Philosophy of Biological and Biomedical Sciences* 39 (2008), 1-13.
[71] See Appendix 8, 'Medicine stamp duty legislation, 1783-1941'.

means to alter the physical composition of their packaging through surface marking or shape and size of the container. The majority of manufacturers used generic pharmaceutical containers and instead turned to other methods of marking to help consumers identify authentic branded medicines.

1.3 Packaging: wrappers and labels

A late nineteenth-century advertisement for Carter's Little Liver Pills included the stern caution to consumers: 'if the package is right, the pills are right.'[72] Despite the increasing range of bottle shapes and sizes that were available, many medicines remained vended in standard pharmaceutical bottles or other containers. Instead, proprietors sought to protect their product from counterfeiters and provide assurances about its authenticity through additional layers of branding. These layers chiefly comprised wrappers, labels, seals and signatures, all of which were often extensively described in the advertising literature in order to train consumers to spot the authentic and to detect the fake. The external packaging, therefore, was a crucial medium through which proprietors needed to demonstrate the authenticity of their nostrum.

[72] JJC, Patent Medicines 8 (49), 'Carter's Little Liver Pills Cure All Liver Ills' (1890-1900).

Fig. 1.11, detail from 'An Address of Thanks from the Faculty to the Right Honourable, Mr Influenzy for his Kind Visit to the Country'[73]

Figure 1.11 shows a detail from an 1803 caricature by Temple West, in which a group of well-known affiliates of the Royal College of Physicians are clustered around 'Mr Influenzy', who is seated on a commode and surrounded by a plethora of remedies, marked with labels, seals and wrappers. In addition, the marks on the sachet of Dr James's Fever Powders were placed directly onto the wrapping material of the product. In the eighteenth century, Dr James's Fever Powders were supplied in smaller sachets than shown in Figure 1.11, in multi-coloured paper that was sealed

[73] British Museum (hereafter BM), Satires undescribed, 1948,0214.679, Temple West, 'An Address of Thanks from the Faculty to the Right Honourable, Mr Influenzy for his Kind Visit to the Country' (London, 20 April 1803). See also: Renate Burgess, 'A satire on the Influenza of 1803', *Medical History,* 23 (1979), 469-473.

with pre-printed labels (an example is shown in Figure 1.15).[74] Other medicines used pre-marked paper to form their sachets. One rare survival is the eighteenth-century packet of Hill and Berry's Ormskirk rabies remedy in the Wellcome Collections depicted in Figure 1.12. This popular medicine was the invention of Robert Parker and Hill, of Ormskirk. It had been marketed nationwide since the 1750s, by Parker and his wife, Elizabeth, who continued to produce it after his death for herself and her son, until her death in 1781.[75] By the 1770s, it was marketed nationally by Hill and his new partner, Berry.[76] Whether this was on Elizabeth's behalf or a rival product is unclear, as 'Ward's Ormskirk Medicine, … an infallible Cure for the BITE, &C. of MAD ANIMALS' was also advertised in the same period.[77] However, Hill and Berry added a further level of assurance of their medicine's authenticity by marking the wrapping material that held the sachets with the same wording that appeared in their adverts.[78] Figure 1.13 depicts the exterior of this wrapper, which contained the medicine and a sheet of directions.

[74] Evidence suggests that by the late nineteenth century this medicine was packaged in glass bottles, see: Wellcome Library Images Collection (hereafter WIC), L0007232, 'Fever Powder bottle, 1878'.
[75] Amanda Vickery, *The Gentleman's Daughter. Women's Lives in Georgian England* (London, 1998), pp.154-155.
[76] *Morning Chronicle and London Advertiser,* 17 October 1775, issue 1998; *London Evening post,* 4-6 June, 1778, issue 8771; *Morning Chronicle and London Advertiser,* 12 September 1778, issue 2906.
[77] *York Courant,* 23 May 1769, issue 2273.
[78] *York Courant,* 13 April 1779, issue 2793.

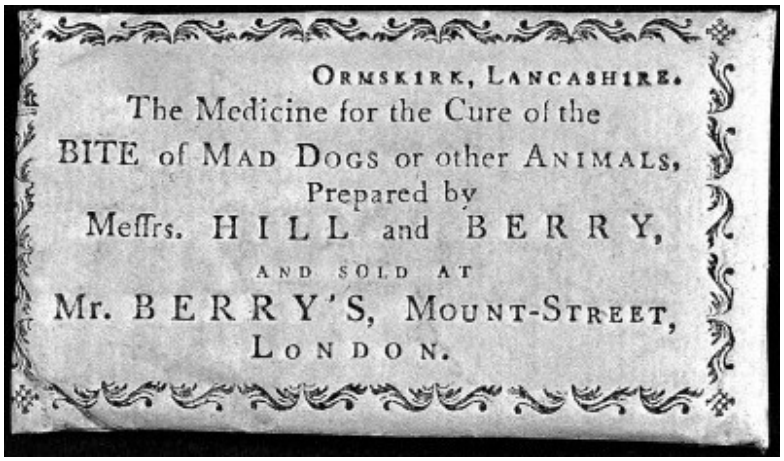


Fig. 1.12, Hill and Berry's remedy for the Bite of Mad Dogs[79]

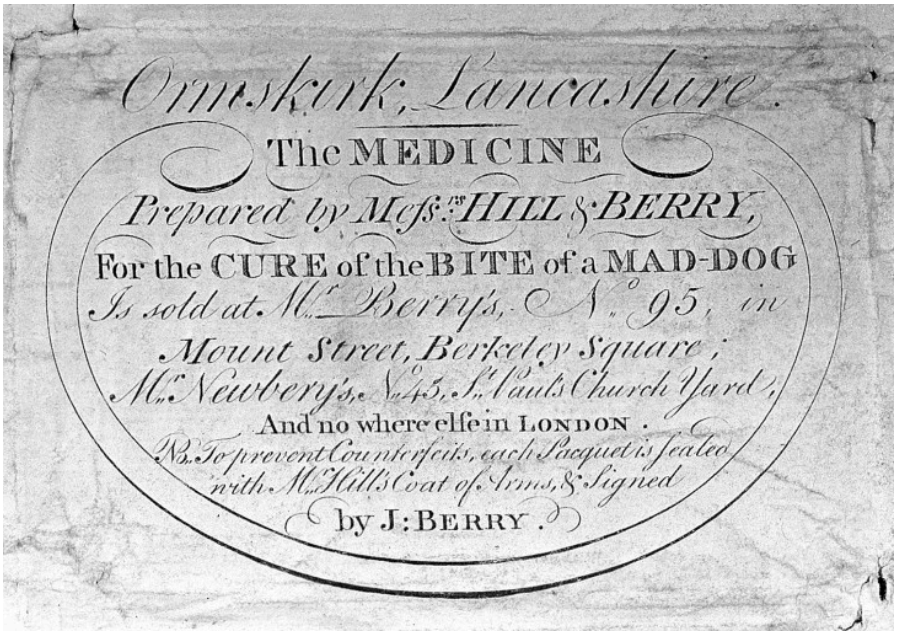


Fig. 1.13, Wrapper for Hill and Berry's remedy for the Bite of a Mad Dog[80]

[79] WIC, L0000968, 'Instructions for administering Hill and Berry's medicine for cure of rabies' (c.1800).
[80] WIC, L0000967, 'Hill and Berry's medicine for cure of rabies' wrapper' (c.1800). For more on the Ormskirk remedy and analysis of this object in the Wellcome Collections, see: W.R. Hunter, 'William Hill and the Ormskirk Medicine', *Medical History* 12:3 (1968), p.296.

As these sachets and wrappers reveal, the information contained on medicine labels was a key means by which proprietors communicated the genuineness of their product. Both included not only the producers' names, but also the addresses at which the genuine preparation could be purchased: 'Mr Berry's, N^{o} 95, in Mount Street, Berkeley Square' and 'Mr Newbery's, N^{o} 45, St Paul's Church Yard; and no where else in LONDON'. Proprietors therefore layered branding throughout their product's packaging in order to reassure customers that they had a genuine medicine. A close reading of the wrappers also illustrates that it was not only the producers that marked medicines, but also the authorised retailers. This aimed to convince consumers that the medicine had not been subject to a lengthy supply and distribution chain and so had not been counterfeited.

Though intact examples are rare, proprietors described their bottles or boxes of medicines as supplied, pre-wrapped inside bills of directions or advertising handbills, as an additional security device. Griffenhagen and Bogard have asserted that initially sachets were also often formed from reproductions of the advertising handbills (which also contained the directions for use).[81] In 1763, Walker's Patent Genuine Jesuit Drops were advertised in the *York Courant*, described as identifiable by 'a printed Treatise' which was 'sealed up with each Bottle'.[82] In 1779, William Tesseyman, a bookseller and medicine vendor in York, promoted the nationally available Spilsbury's Drops as packaged 'in Bottles of 4s. and 7s. and One Guinea each…They are sealed in Red Wrappers, with Folio Bills… with the Particulars of 23 select Cures, attested by Surgeons, Ministers, Church-Wardens, and other Persons of Character,

[81] Griffenhagen and Bogard, *History of Drug Containers*, p.72.
[82] *York Courant,* 11 January 1763, issue 1941.

whose veracity will bear the strictest Inquiry.'[83] When, in 1808 Dicey & Co were concerned by the fraudulent use of their embossed bottles, they told consumers that the 'authorised' product came with various other means of security, such as 'having Dicey and Sutton signed in the Bill of Directions wrapped around the same'.[84]

These sheets encased what might be an otherwise unmarked product with the marks of authorised producers or distributors. Even those proprietors who used unique container design and colour found that these were only useful as a differentiation and security assurance if customers knew what to look for. Wrappers described the design and colour of the 'authentic' packaging. When analysed by historians, they have been treated as being no more than handbills, as advertising literature for patent medicines.[85] However, because they were used to wrap the product, these sheets also formed part of the medicine's branding. While they may have simply been a convenient source of paper, it is likely that the use of these broadsides for wrapping material reflect how proprietors used branding as a protective mechanism against counterfeits. Only the true, authentic medicine was sealed within or alongside these sheets. The pots of Singleton's Eye Ointment were wrapped inside the medicine's directions until the late nineteenth century.[86] John Norton, proprietor of Maredant's Drops for Scurvy, signed the bill of directions that his medicine was wrapped in and requested in his adverts that these 'may be destroyed (after the Method of taking the Drops is fully known), to prevent their falling into improper hands, as he has lately discovered their having been industriously collected for the Purpose of wrapping

[83] *York Courant,* 22 June 1779, issue 2803.
[84] *York Herald,* 27 August 1808, issue 939.
[85] Francis Doherty, 'The Anodyne Necklace: a quack remedy and its promotion', *Medical History* 34 (1990), 268-293.
[86] Homan, Hudson and Rowe, *Popular Medicines,* p.125.

round a spurious and perhaps dangerous Medicine'.[87] It was not only marked bottles that were appropriated by fraudsters, but wrappers too. As a means of gauging authenticity, then, these wrapping materials were important.

Otherwise non-descript bottles and boxes containing medicines also bore labels to display marks to assist consumers who had to make judgements about a medicine's authenticity. The earliest medicines had labels made from 'parchment, leather or a wooden chip' tied around their packaging.[88] Apothecaries dispensed medicines prescribed by physicians in this manner. In order to assist customers to obtain a genuine product, the text that appeared on wrappers and labels was described in adverts. In 1773, Thomas Greenough, producer of two dental products, ended his advert with a warning to potential consumers to ensure that they purchased correctly-labelled products in the designated shaped bottles: 'Nothing can be stronger proof of the real efficacy of these Tinctures, than the many attempts that have been made to counterfeit them; but Mr. Greenough begs leave hereby to give notice, both for the sake of his own reputation, and to prevent the public being imposed on by prejudicial compositions under his name, that his genuine Tinctures are in oblong square bottles, one each of which is a label affixed, with these words, Prepared by Tho. Greenough; and for the safety and efficacy of these he will be answerable; but all which are not in such bottles, and exactly so inscribed, are counterfeit.'[89] Fifty years later in 1825, labels were still used as a measure of a medicine's authenticity. Thomas Canham, proprietor of Velnos' Vegetable Syrup (a popular medicine produced by several competing individuals), advised customers through his adverts that 'the genuine

[87] *York Courant,* 8 June 1779, issue 2801.
[88] Griffenhagen and Bogard, *History of Drug Containers*, p.14.
[89] *General Evening Post*, 17-19 June 1773, issue 6191.

Medicine has a label affixed to each bottle, with the signature "Thomas Canham," in the hand-writing of the Proprietor'.[90] Labels thus formed another layer of branding upon medicines to help customers gauge the authenticity of a nostrum.

As Figures 1.12 and 1.13 show, labels and wrappers included not only the producer's name but also the location where it could be purchased. In some cases they thus incorporated the mark of the *retailer* rather than a *producer.* Branding on labels, then, represented not only manufacturers but also distributors in order to help convince consumers of the authenticity of a medicine, as we have seen with the embossing of medicine bottles. The label illustrated in Figure 1.14 highlights how these could be entirely different. As with the embossing upon the Dr. Norris's Fever Drops bottles, Evan Edwards had his own details printed on the label for Church's Pectoral Pills, to highlight the medicine's authenticity. If the consumer had purchased these medicines from anywhere other than '67, St Paul's', this branding implied, they may have received a counterfeit.

[90] *Morning Post,* 14 September 1825, issue 17078.

Fig. 1.14, Church's Pectoral Pills[91]

By the 1850s, proprietors were able to utilise ornate and colourful label designs to help reassure customers of their medicine's authenticity. Catherine Sullivan's discussion of Florida Water, a perfumed water that was marketed by extolling its health benefits and sold alongside patent medicines, has described the way in which manufacturers emulated the labels used by Murray and Lanman, the most popular producer of Florida Water. Murray and Lanman's label featured bright colours – pink, gold, green and blue – and included 'flowers, birds, a butterfly, lady and gentleman in medieval costume, and prominent fountain' in the centre. As Sullivan has described, these devices were heavily borrowed by rivals, who obtained 'empty' labels that bore

[91] Thackray Museum (hereafter TM), Patent Medicines Box 35, 350610, 'Church's Pectoral Pills' (mid C19).

a close resemblance to Murray and Lanman labels, but with a space to insert a different producer's name.[92] As Sullivan's analysis has shown, this imagery was easily copied by counterfeiters or rivals who hoped to mislead customers into purchasing a non-Murray and Lanman branded Florida Water. For the opportunistic medicine vendor, labels were much easier to copy than embossing on bottles. The constant need to stay one step ahead of imitators meant that proprietors had to combine branding upon their labels with a variety of other means in order to provide adequate assurances about authenticity.

1.4 Packaging: signatures and seals

The majority of branding methods discussed so far – container design, embossing and printing upon both papers, labels and pots – shared one common feature: they were all produced by someone *other* than the person they represented, something that has been overlooked in discussions of patent medicines that have concerned themselves with how proprietors used branding as a technique to foster trust in themselves.[93] Pharmaceutical labels could be manufactured en masse, even those personalised for specific chemists or physicians.[94] Similarly, unique designed or marked bottles could be reproduced for anybody willing to pay, as Dicey and Co's warnings to glass makers attested.[95] Likewise, a printed bill of directions was not difficult to reproduce.

---

[92] Catherine Sullivan, 'Searching for nineteenth-century Florida Water bottles', *Historical Archaeology* 28:1 (1994), p. 89, p.81.
[93] For example, Barker, 'Medical advertising and trust in late Georgian England'.
[94] Science Museum (hereafter SM), A101902, 'Pharmacist's label cabinet, London, England, 1850-1930'. See also: WIC, refs. V0010818, V0010826-V0010833 for designs for toothpaste and pharmacists, as well as V0019986-V0019988 for designs for perfume, often vended by chemists.
[95] *York Herald,* 27 August 1808, issue 939; *Trewman's Exeter Flying Post or Plymouth and Cornish Advertiser*, 25 August 1808, issue 2312; *Derby Mercury*, 18 August 1808, issue 3978; *York Herald,* 14 January 1809, issue 959; *Derby Mercury,* 26 January 1809; *Derby Mercury,* 11 May 1809; *York Herald,* 23 June 1810, issue 1034; *York Herald,* 11 August 1810, issue 1041.

They were, therefore, not wholly reliable as indicators of authenticity. They were not true representations of these particular proprietors or retailers, and therefore could be appropriated. Other methods of marking, then, were required.

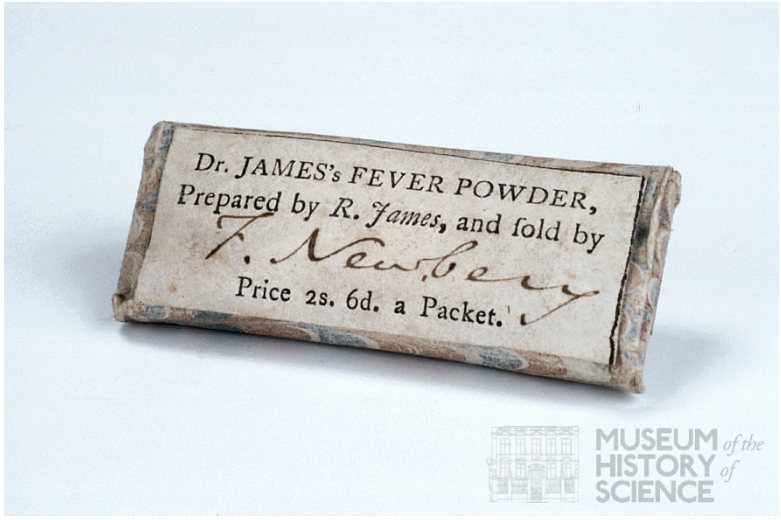


Fig. 1.15 Dr James' Fever Powders, with signature of Francis Newbery[96]

Signatures were one such method. Analysis of York's main eighteenth-century newspaper, the *Courant*, reveals that references to a signed product in adverts became increasingly common throughout the period. By the mid-eighteenth century, as Appendix 7 shows, references to signatures such the following for Dr Hill's Genuine Tincture of Valerian, first appeared: 'All the Bottles will be authenticated by the Author's Name, in his Handwriting in each Bottle, and the usual Seal'.[97] In 1763, Hill also cautioned customers of his Pectoral Balsam of Honey to 'be careful that my Name, in my Hand Writing, is fix'd under every Bottle; or no person can make it but

[96] Museum of the History of Science, Oxford (hereafter MHS), 42170, 'Dr James' Fever Powder, by R James, Oxford, c.1770' (Photo: copyright MHS).
[97] *York Courant,* 1 January 1760, issue 1759.

me, the sole Inventor of it'.[98] By the 1770s, in which adverts for popular medicines such as Dr James's Fever Powders began to appear in the provincial press, the signature had become an intrinsic part of medical branding to prove a medicine was genuine. Customers of the Fever Powders were 'desired to observe, that since the 25th of March 1767, all the Papers of Dr James's Powder have been sold with the Name *R. James*, written at the Bottom of the printed Directions with the Doctor's own Hand, and that, for the future, no one Paper of this Powder will be sold without be so *signed by him*.'[99]

The example in Figure 1.15 shows the signature of Francis Newbery (or possibly Francis Newbery's son, Francis Jr.), who had vended the Powders on Newbery's behalf in the eighteenth century, and produced his own version, under James's name, after his death. A 1773 notice for the medicine advised customers to look for Newbery Jr.'s signature: 'every packet of the genuine Powder has a Receipt upon it, signed by the said Francis Newbery, jun.'[100] In other instances, Newbery also signed the remedies alongside the inventor, as revealed by an advert for Dr Rysseeg's Balsamic Tincture in 1770, which concluded with the advice that 'to prevent Counterfeits, every Direction given with this medicine is signed by Dr. Rysseeg and Francis Newbery, in their own Hand Writing'.[101] Likewise, a label on every bottle of Velnos' Vegetable Syrup was signed 'in Red Ink with the Names J. Burrows, Fletcher & Hodson', who were the joint proprietors of the medicine.[102] In 1778, the Beaume De Vie was signed by both the vendor, W. Nicoll, and T. Becket, 'a Proprietor', in

[98] *York Courant,* 18 January 1763, issue 1942.
[99] *York Courant,* 23 October 1770, issue 2349.
[100] *York Courant,* 26 October 1773, issue 2507.
[101] *York Courant,* 30 October 1770, issue 2350.
[102] *York Courant,* 5 May 1772, issue 2429.

order to 'prevent the pernicious Consequences of a spurious Sort being obtruded upon the Public'.[103] Signatures, then, reveal that branding was layered on the product by all the different individuals involved in the product's life cycle, which included both manufacturers and retailers.

Branding, this thesis has established, was frequently used in order to provide indications about a product's origin.[104] Economic development throughout the early modern period represented a gradual move away from reliance upon a strictly barter economy based on face-to-face transactions, towards a more capitalist structure, which took place over greater distances.[105] Branding gave assurances about authenticity, quality and origin when personal knowledge of a proprietor was unavailable, due to this increase of trade over distance. Maureen Daly Goggin asserts that 'signatures, in particular were, and still are, considered tangible representations of the self.'[106]

A person's signature was therefore a personal representation of an otherwise unknowable figure in a transaction. Mark Rose describes how in eighteenth-century literary circles, signatures became 'a kind of brand name, a recognisable sign that the

[103] *York Courant,* 13 January 1778, issue 2728.
[104] Frank S. Fanselow, 'The bazaar economy or how bizarre is the bazaar really?', *Man* 25:2 (1990), p.253.
[105] Craig Muldrew, *The Economy of Obligation. The Culture of Credit and Social Relations in Early Modern England* (Basingstoke, 1998).
[106] Maureen Daly Goggin, 'Fabricating identity: Janie Terreo's 1912 embroidered English suffrage signature handkerchief', in Maureen Daly Goggin and Beth Fowkes Tobin (Eds.), *Women and Things, 1750-1950. Gendered Material Strategies* (Farnham, 2009), p.28.

cultural commodity [would] be of a certain kind and quality.'[107] As Natasha Glaisyer's work on signatures in books of interest calculations has demonstrated, using a signature was an established method of proving origin and authenticity in transactions for other products, particularly those in which the consumers placed a considerable amount of trust.[108] For medicine vendors, this was another way of building the 'thick' trust that Hannah Barker says was essential for consumers to feel in order to purchase patent medicines.[109]

Signatures also had the benefit of legal protection from counterfeiting. Throughout the seventeenth and eighteenth centuries, proprietors of patent medicines suffered from a lack of legal support in protecting their product's authenticity. Obtaining Letters Patent involved the divulgence of secret recipes and their 'protection', such as it was, lasted only fourteen years. They did not protect any distinctive packaging or wrapping materials. Proprietors could really only resort to the legal system when there was clear evidence that a rival intended to 'pass off' their product as the 'genuine' medicine.[110] They therefore used methods of branding that possessed legal protection. The signature was perhaps the ultimate unique identifier in terms of proprietary marking practices. From 1729 forgery became a capital offence, a fact that may have encouraged more proprietors to sign their medicines, and one of which they liked to remind would-be counterfeiters in their adverts. Dr James's notice for his Fever Powders in 1770 stated that the signature was a necessary precaution, one that 'it is

[107] Mark Rose, *Authors and Owners. The Invention of Copyright* (Cambridge, 1993), pp.1-2, quoted in Sarah Nash, 'What's in a name? Signature, criticism, and authority in the *Fortnightly Review'*, *Victorian Periodicals Review* 43:1 (2010), p.65.
[108] Natasha Glaisyer, 'Calculating credibility: print culture, trust and economic figures in early eighteenth-century England', *Economic History Review* 60:4 (2007), pp.700-709.
[109] Barker, 'Medical advertising and trust in late Georgian England', p.382.
[110] For example, Holloway v. Holloway (1850).

hoped, will be sufficient to defeat the wicked Purposes of avaricious and designing Men; for it is presumed, that those, who have hitherto not scrupled to commit a Fraud, will be cautious of being guilty of Felony by forging Dr James's Name.'[111] In 1807, Samuel Oxley, Pontefract-based manufacturer of the Concentrated Essence of Jamaica Ginger, requested that his customers check that the medicine's label was 'signed with his own hand, to counterfeit which is felony' and offered a one hundred pound reward (on conviction) for evidence of counterfeits of his signature.[112]

The importance attached to the signature as a means of conveying trust and authenticity in the eighteenth century has been explored by Randall McGowen, whose work on forgery of bank and credit notes illustrates 'the injury to one's name' that could be wrought through a forged signature.[113] As McGowen explains, in early eighteenth-century criminal trials for forgery, witnesses who were called to give testimony were those who had 'personal acquaintance with a person's writing.' This could be based upon literally a few encounters, so long as the witness had seen the signature in question being made by the genuine person and thus could state that they 'knew' a person's handwriting.[114] However, over the eighteenth century, in cases of forgery of financial instruments there developed an understanding that trust in a signature 'no longer lay in the memorable personal and distinctive act of an individual in creating a note, but in the predictability and routine of the note and its issue, as well

[111] *York Courant,* 23 October 1770, issue 2349.
[112] *Hull Packet,* 14 April 1807, issue 1057. This reference is from J. Jefferson Looney, 'Advertising and society in England, 1720-1820: a statistical analysis of Yorkshire newspaper advertisements', (PhD thesis, Princeton University, 1983), pp.261-263.
[113] Randall McGowen, 'Knowing the hand: forgery and the proof of writing in eighteenth-century England', *Historical Reflections,* 24:3 (1998), p.389.
[114] Ibid., p.394.

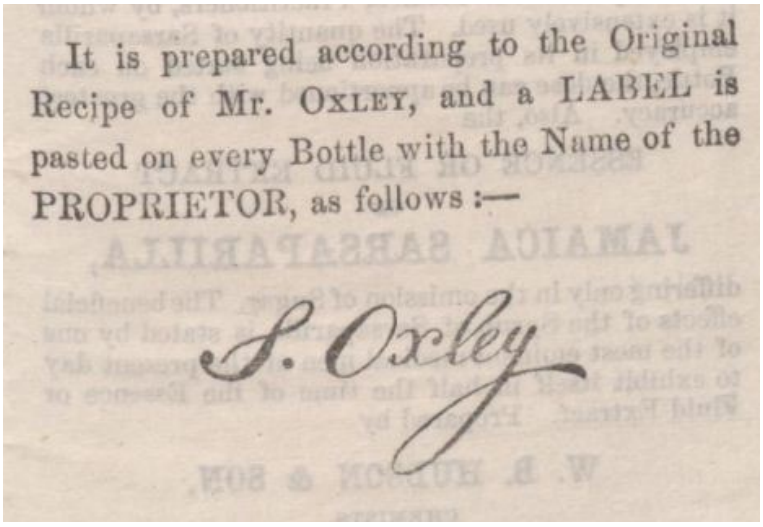
as the official memory of institutions.'[115] Other aspects of these notes became more important, such as the respectability of the bank it was drawn upon, and other security devices contained within the note such as paper quality. The signature itself became just one of many assurances of authenticity.

The changing way in which patent medicine vendors and proprietors used signatures reflected the changes in the physical nature of signatures upon other products in the eighteenth and nineteenth centuries. As Glaisyer has noted, printed signatures were used in popular reprints of books in the eighteenth century.[116] The liquid blacking manufacturer, Robert Warren, began to incorporate a reproduction of his printed signature at the bottom of many of his adverts and on his labels from the 1820s.[117] Rather than urge consumers to look for a unique, hand-written signature on their products, such as Francis Newbery's autograph depicted in Figure 1.15, medicine manufacturers, distributors and retailers began to *print* their signature upon their products. Most customers would never have acquired personal experience of the credibility or reputation of the manufacturer of a widely distributed patent medicine if they purchased it via mail order or indirectly from (a presumably authorised) seller. Certainly, the overwhelming majority of consumers of an internationally marketed product such as Dr James' Fever Powders would never have personal experience of Newbery and his handwriting. As such, it was open to manipulation by would-be counterfeiters who could claim any slight deviation in the autograph was natural; after all, constantly repeating the same piece of writing would lead to an eventual degeneration in the output. Flaws in a standardised, printed signature were easier to

[115] Ibid., p.411.
[116] Glaisyer, 'Calculating credibility', p.704.
[117] This is discussed at length in chapter three.

spot and if a proprietor included a depiction of their autograph in their adverts, consumers (either the person taking the medicine or perhaps third party sellers) could identify a fake by comparing the two. Gradually, as with the level of knowledge of witnesses in forgery trials, an actual unique signature became less important. Standardisation, rather than uniqueness, was what made a product's packaging trustworthy and therefore genuine.

Throughout the eighteenth century, printed copies of signatures, in newspapers at least, were few and far between, but they became more common in the nineteenth century. An early nineteenth-century pamphlet for Samuel Oxley's Jamaica Ginger included a reproduction of the signature of his widow, Susanna, newly in charge of the business, presumably to acquaint consumers with her signature, which would now be seen on the label rather than her husband's (see Figure 1.16).


It is prepared according to the Original Recipe of Mr. OXLEY, and a LABEL is pasted on every Bottle with the Name of the PROPRIETOR, as follows :—

S. Oxley

Fig. 1.16, Susanna Oxley's signature[118]

[118] Detail from Anonymous [Susanna Oxley], *On the Virtues and Efficacy of Oxley's Concentrated Essence of Jamaica Ginger Recommended by Dr. George Pearson…* (London, 1807).

Adverts that urged consumers to look for a specific signature demonstrated that transactions took place within a well-established context in which a signature was considered an important form of branding. The printing of signatures added to the overall drive towards standardisation that patent medicine manufacturers and vendors sought to achieve. If, as Goggin has asserted, the handwritten signature was a tangible representation of an individual, then a printed signature represented a severance between the personal credibility of the manufacturer and the product. A signature that could be reproduced so perfectly every single time became more of a pictorial device, akin to a logo or symbol, rather than a signature in its own right. Brands such as Kellogg's utilise a stylised printed signature style for their logo even today, in addition to the branding of each individual product.

This development of a manufacturer's signature into a logo was made possible by the way in which other pictorial devices were used as proprietary branding. It is interesting to note this progression; in the seventeenth century, manufacturers stated in their adverts that their products could be differentiated from rivals through their 'signature', by which they meant not their handwritten autograph but a seal or other pictorial device, that, technology and space permitting, was sometimes reproduced in facsimile in the notice. As with written signatures, seals appeared on a variety of places both on the product itself – such as a label or wrapper – as well as in the advertising material in the press. Importantly, seals were affixed after the medicine had been decanted into the bottle that consumers would purchase, and so was placed by the proprietor themselves. They often used the proprietor's personal coat of arms, something by which they had selected to be identified, and may have used outside of

the trade. As a means of authenticity, then, seals were crucial. This was a long established method for the establishment of authenticity, from the seventeenth century, and one that stemmed from the use of personal seals upon documents. It comes as no surprise that they were commonly invoked in the medical advertising literature in early eighteenth-century newspapers. In 1738 adverts for the 'True and Original' Daffey's Elixir, available from the printers in Coney Street, York, included a reproduction of the coat of arms that the genuine version carried in the seal.[119] As Figure 1.17 reveals, in the 1770s and 1780s, Hill and Berry sealed sachets of their rabies medicine with Hill's coat of arms, as described in the wrapping material (depicted in Figure 1.13) and dictated in their adverts: ''To prevent Counterfeits, every packet of this Medicine is sealed with Mr Hill's Coat of Arms, and signed by J BERRY'.[120] These sachets were layered with the marks of the producers and retailers in multiple ways: they were pre-printed onto the sachets and wrappers, a signature was written upon the front and a wax seal fastened the back.

[119] *York Courant,* 4 April 1738, issue 655. A remedy for infant seizures printed their seal of a woman, a child and an anchor with the motto 'God Preserve Life' over them in its adverts, *Daily Post,* 10 February 1727, issue 2304; John Hooper included an image of the seal found on each box of his Female Pills in his adverts: *General Advertiser,* 20 April 1744; Okell and the Diceys incorporated their seal of a boar's head into their notice: *General Advertiser,* 22 July 1746, issue 3662 and Baron Schwanberg reproduced his coat of arms, used to seal his Universal Powders: *General Advertiser,* 1 September 1748, issue 4322.
[120] *York Courant*, 13 February 1776, issue 2629.

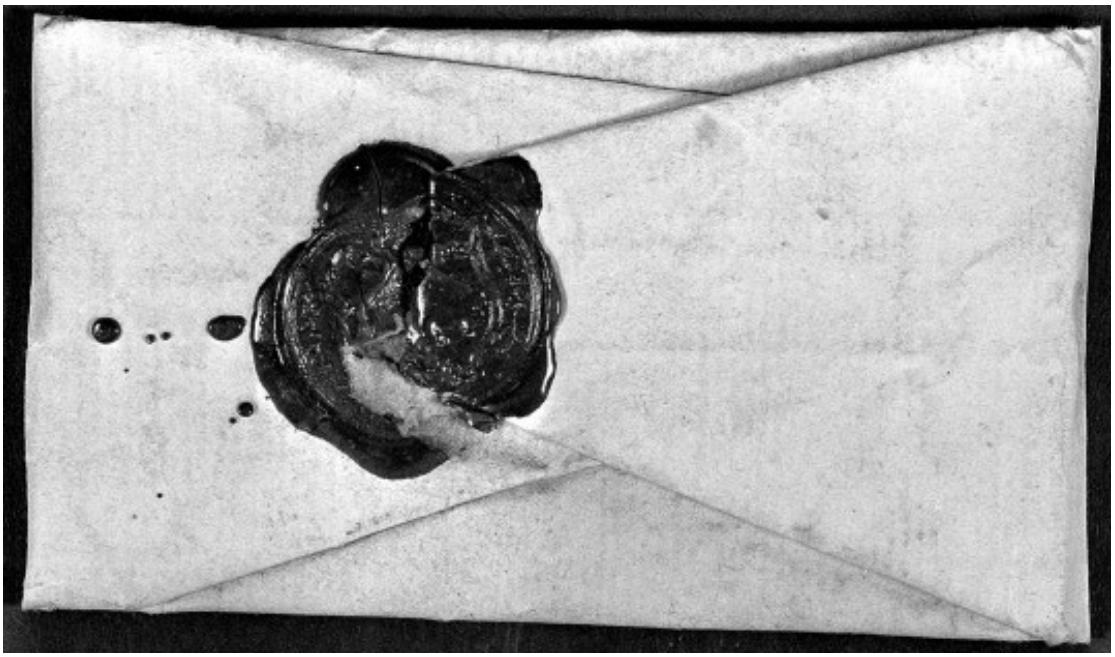


Fig. 1.17, reverse of Hill and Berry's remedy for the Cure of the Bite of a Mad Dog[121]

Many proprietors referred to their 'coat of arms' in their seal, but as it was an expensive process to obtain these, many created their own pseudo-arms that were comprised of their initials. In 1746, Samuel Boden and Edward Darby called upon the public to 'diligently to observe, that the Bottles and Directions of the *Genuine Oyl*, are sealed with the same Signature as in the Margin'. The Genuine British Oyl incorporated a facsimile of a circular seal containing their initials and the words 'GENUINE BRITISH OIL' around the circumference in their advertisement.[122] In his adverts for Dr Johnson's Famous Yellow Ointment (later Singleton's Eye Ointment, containers for which are depicted in Figures 1.6 and 1.7), Thomas Singleton informed

[121] WIC, L0000969, 'Seal on the back of instructions for Hill and Berry's medicine for cure of rabies'.
[122] *London Evening Post,* 22 March 1746, issue 2868.

customers that the genuine product was 'made up in Gallipots, seal'd with a Faulcon.'[123]

Two different manufacturers and distributors advertised Dalby's Carminative with very similar pictorial devices or logos. Mid-nineteenth century broadsides such as that depicted in Figure 1.18 for Dalby's Carminative as manufactured by James Dalby and exclusively distributed by Barclay and Sons, were headed with a shield-like symbol split into four, featuring two panels filled with stripes and two containing scallop-esque shapes. Around the edge was the motto, 'Columen Vitae' ('pillar of life'). The broadsides advertising Gell's Dalby's Carminative, however, as distributed by Newbery & Sons in the same period, incorporated a very similar device with an identical motto, illustrated in Figure 1.19. Both manufacturers used the seal or emblem device as a means of proprietary branding.

Fig. 1.18, Detail from Barclay & Sons' Dalby's Carminative advertising broadside[124]

[123] *Daily Post*, 23 April 1743, issue 7375.
[124] Barclay & Sons Dalby's Carminative broadside', reproduced in Homan, Hudson and Rowe, *Popular Medicines*, p.63.

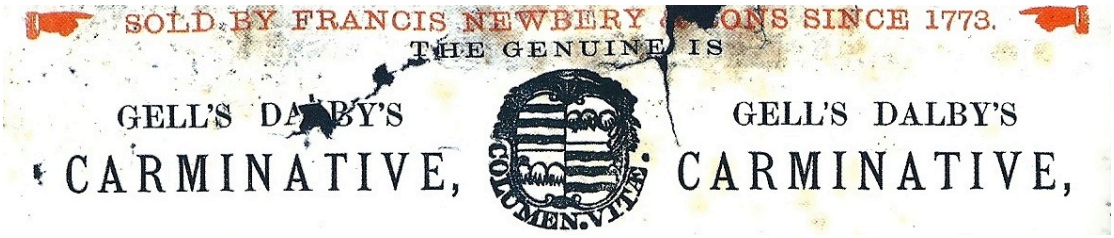


Fig. 1.19, Detail from Gell's Dalby's Carminative advertising broadside[125]

Later in the nineteenth century, the manufacturers of Carter's Little Liver Pills firmly believed in the power of using such a device in order to create an instantly recognisable product. Their symbol was a rook, an image that was repeated on its packaging and reinforced through an extensive, instantly distinctive advertising campaign: it was remarked that the 'country groaned under the yellow placards which might be seen in the green field as one passed along in the train', a rather overbearing campaign that the vendors now 'regretted'.[126] Nevertheless, the campaign had been successful at linking the colour and image with the product. Additionally, the company would send free of charge to those that requested it, the illustrated thirty-two page *Mr Crow or the Rook's Progress*, a technique that had long been used by medicine vendors.[127] This combination of booklet and medicine throughout the nineteenth and into the twentieth century: a pamphlet of directions for use for Carter's Little Liver Pills and their sister medicine, Carter's Little Nerve Pills, published in the first decade of the twentieth century included a reproduction of the Carter rook, along side the advice that: 'this sign is known throughout the world in connection with

[125] 'Gell's Dalby's Carminative broadside', reproduced in Homan, Hudson and Rowe, *Popular Medicines*, p.60.
[126] 'Carter's Little Liver Pills – a substitution case', *Chemist and Druggist*, 12 August 1893, p.242.
[127] Homan, Hudson and Rowe, *Popular Medicines*, p.45; see also Mary Fissell, 'The marketplace of print', in Mark S.R. Jenner and Patrick Wallis (Eds.), *Medicine and the Market in England and its Colonies, c.1450-c.1850* (Basingstoke, 2007), 108-132.

Carters Brand Little Liver Pills…. You will find illustrations of trade marks of various Carters Brand Family Remedies on pages 7, 25, and 27 respectively of this booklet. Look for them when you purchase, and assure yourself that you have the genuine remedy you require.'[128]

As they operated in the mid- to late nineteenth century, the Carter Medicine Company was able to take advantage of a generally more literate audience as well as advances in advertising technology that made it cheaper to advertise on such a scale than it had been for eighteenth-century proprietors. In the eighteenth century, however, while manufacturers occasionally reproduced their pictorial devices in newspapers, they also issued trade tokens bearing their chosen device and in the later part of the period, these symbols were also displayed in shop windows and on billboards. As Gerald Hart has remarked, seventeenth-century apothecary tokens, included a depiction of the trader's sign to 'aid the illiterate to identify the street sign of the issuer's shop.'[129] Trade tokens operated on a similar principle. Surviving examples of the tokens of mid- to late eighteenth-century medical proprietors Basil Burchell, John Burrows, Sir Samuel Hannay and John Ching, reveal that the images depicted upon these coins were also echoed in other forms of advertising in newspapers or bills.[130] The inscriptions on some of these objects indicate that they could be used as tender in a transaction for the product that they promoted: catalogues of these 'provincial coins' suggest that edge inscriptions such as 'payable at William Parker's Birmingham

[128] JJC, Patent Medicines 8 (46), 'How and When to take Carters Brand Little Liver Pills' (1900-1910). Other booklets Carter's distributed included: JJC, Patent Medicines 8 (44), 'The But-Be-Sure' Book' (1897), and JJC, Patent Medicines 8 (45), 'Cressy, August 26th, 1346' (1895-1900).
[129] Gerald D. Hart, 'English token coins and medicine', *Canadian Medical Association Journal* 95 (1968), p.1312.
[130] Ibid., pp.1312-1315.

Warehouse' on a Burchell token or 'payable at the Temple of the Muses' found on a coin that promoted James Lackington's print shop, were used to advertise a variety of products or services.[131]

Some proprietors integrated their tokens into their product's packaging and even into the product itself. Basil Burchell, mid-to-late eighteenth-century proprietor of the Anodyne Necklace (an amulet intended to protect children from fevers and distempers) as well as a medicament for worms, the Purging Sugar Plumbs, threaded his white metal trade tokens with string and tied them around the package of Plumbs, wrapped in the advertising broadside or directions for use. In his advertising literature, Burchell advised potential customers to look for a variety of features in order to ascertain its authenticity. Not only did the packaging incorporate '*Basil Burchell*, at full length, both on a Label and the Stamp Duty,' but none should be bought 'without having a medal made of metal nearly resembling silver, the same as given with this book, fixed on the outside of each Necklace, and one formed of fine copper attached to the outside of each box and packet of Sugar Plums, or they will certainly be deceived by counterfeit shops in the neighbourhood.'[132] Figure 1.20 shows a copper Burchell token. This version was also threaded onto the Anodyne Necklace itself, becoming not only advertising material but part of the product. Both Figures 1.20 and 1.21 show the close resemblance to coinage that these objects bore. This was intentional: they were thrown in the street to entice passers-by to pick them

[131] Samuel Birchall, *Alphabetical List of Provincial Copper Coins of Tokens, issued between the years 1786 and 1796* (Leeds, 1796), p.52, p.56.
[132] Burchell, c.1790, quoted in Francis Doherty, *A Study in Eighteenth-Century Advertising Methods. The Anodyne Necklace* (Lewiston, NY, 1992), pp.87-88. The Stamp Duty label referred to in this pamphlet is discussed in chapter two.

up, mistaking them for actual currency.[133] Around the edge on some of the articles, however, was the statement: 'This is not a Coin, but a Medal.'[134] In this way, proprietors were able to avoid incurring the wrath of the authorities whilst simultaneously appropriating the credibility associated with official coinage.[135]

Fig. 1.20, copper Burchell's trade token[136]*; Fig. 1.21, white metal Burchell's trade token*[137]

This technique continued into the nineteenth century. We have seen that in the mid-nineteenth century, Thomas Holloway, proprietor of Holloway's Ointment, used the motif of the Greek muse of health, Hygeia, upon his advertising literature and

[133] Alan Humphries, pers.corres. (January 2012).
[134] James Conder, *An Arrangement of Provincial Coins, Tokes, and Medalets, Issued in Great Britain, Ireland, and the Colonies…* (Ipswich, 1799), p.85.
[135] Such appropriation of state marking practices is discussed further in chapter two.
[136] TM, Numismatic Collection, 520117, 'D&H 267 Middlesex, Burchell's Sugar Plumbs Anodyne Necklace' trade token [obverse]. The tokens for the Anodyne Necklace and Sugar Plumbs were identical, with the obverse advertising the Necklace and the reverse side promoting the Sugar Plumbs, regardless of the size or colour of the object.
[137] TM, Numismatic Collection, 520114, 'D&H 263 Middlesex, Burchell's Sugar Plumbs Anodyne Necklace' trade token [reverse].

ointment pots. He also used it upon his tokens.[138] Pictorial devices, then, were an important form of the branding of patent medicine vendors. As is clear from the introduction, logos and other symbols are to be found upon virtually every commodity today and are perceived to have sign value to a company, in terms of differentiating a product and proving its genuineness. For the early modern pharmaceutical manufacturer, packaging, from wrapping to physical container, was a crucial way of branding medicines, and worked in conjunction with documentary advertising.

The intense supervision of the packing and dispensing of patent medicines by mid-nineteenth century pharmaceutical firms shows the many layers of branding that covered just one nostrum: 'labels… were pasted on; bottles were then covered with paper correctly folded and finally wax sealed.' This process, A.F. Morson has noted, was watched 'from a little platform so as to see and be seen.'[139] Proprietors imposed these tight controls because it was of the utmost importance that every product looked identical. An important aspect of the proprietary branding of medicines, therefore, was the element of standardisation. In the absence of any regulatory body to control and combat counterfeit medicines, the external appearance of a medicine was all a consumer had by which to judge a product's genuineness.

[138] Hart, 'English token coins and medicine', p.1316; W.A. Jackson, 'Thomas Holloway's tokens', *Pharmaceutical Historian*, 8:2 (1978), 4.
[139] A.F. Morson, 'Pharmacy in the 1840s: the wholesale chemists and druggists', *Pharmaceutical Historian* 21:4 (1991), p.8.

2. Branding, quality and safety

Branding has been interpreted as a necessary means of providing information about the origin and manufacturer of products over distances. In this sense, branding acted as an avatar for a manufacturer in often-lengthy distribution routes. Alongside papers and other printed material, patent medicines were among the first goods to be transported on a national scale.

Medicines were a high-risk product to purchase without the reassurance gleaned through personal knowledge of the producer. The cost to the consumer if the product did not work, or was downright poisonous, could be death. Decisions about medical provision were not to be made lightly. Pharmaceutical manufacturers today have the benefits of credibility gleaned through approval by the Medicines and Healthcare products Regulatory Agency (MHRA) and European Medicines Agency (EMA), which is earned through peer review, clinical trials and routine inspections of pharmaceutical premises performed by highly trained individuals.[140] Medicine vendors in the early modern period had to convey credibility without these means; rather, proprietors were trying to establish their product's credibility and trustworthiness, using their own personal reputation. In contrast, today's brands tend to promote credibility in the holding or parent company, rather than in an individual, although there are some notable exceptions in which particular individuals involved in

[140] Medicines and Healthcare products Regulatory Agency (MHRA), 'Medicines and medical devices regulation: what you need to know', http://www.mhra.gov.uk/home/groups/comms-ic/documents/websiteresources/con2031677.pdf (accessed October 2011). European Medicines Agency (EMA), 'Overview of the Agency's role, activities and priorities for 2011', http://www.ema.europa.eu/docs/en_GB/document_library/Brochure/2011/03/WC500104235.pdf (accessed October 2011).

the company's reputation overshadow, or are seen to embody or control it, sometimes even after their link with the company has ended.[141]

To this end, early modern patent medicine proprietors used a number of different branding techniques in order to foster trust in the quality and efficacy of the product, something that started with trust in the manufacturer of the product. Once that trust had been earned – if a medicine were consumed and it succeeded in alleviating the symptoms of a patient – repeat purchases were encouraged through similar tactics that assured customers that the nature of the product was standardised and that the medicine would be equally effective, every time it was used. This section interrogates both the material evidence and the documentary sources to explore the ways in which owners used this form of branding in order to convince consumers of their legitimacy as suppliers of safe and efficacious medicine.

2.1 Container shape and colour

Ointments were frequently dispensed in delftware pots with either lids or paper covering them, like those shown in Figures 1.6 and 1.7. In his history of packaging, Alec Davis dismisses these 'blue and white pots with the user's name hand-lettered on them' as both 'homely' and 'old-fashioned'.[142] However, this style of packaging had associations with the apothecary rather than with domestic or 'homely' production. It continued the former's tradition of using decorated tin-glazed earthenwares. Its colour

[141] For example: Alan Sugar (Amstrad); Steve Jobs (Apple); Bill Gates (Microsoft); Rupert Murdoch (News Corp/BSkyB); Delia Smith (Norwich City FC); Gerald Ratner (Ratners Group).
[142] Davis, *Packaging and Print*, p.38.

scheme was reminiscent of the drug jars displayed in every apothecary shop behind the counter, with the 'painted pot' displayed on their shop signs.[143] As Wallis has stated, these were intended to transmit messages of reassurance about safety, but also skill and experience.[144] Similarly, in his study of delftware apothecary jars, Tim Huisman has asserted that the blue on white colour scheme of drug jars was 'developed to imitate the exotic and costly Chinese porcelain', making it 'a logical choice of material for this pharmaceutical ware.'[145] In its imitation of porcelain, delftware implied that only the very best materials were used in the storage and preparation of drugs, which in turn possibly suggested that the medicines vended were of a high quality.

The messages of knowledge and experience transmitted through the range of cobalt and cream drug jars behind the apothecary counter were reinforced by the preparation of drugs upon delftware pill tiles, which were sometimes decorated with the Society of Apothecaries' coat of arms.[146] It has been suggested that these pill slabs were also displayed in a similar fashion to the drugs jars, for surviving examples have perforations that indicate 'that they were hung in the pharmacy as visual evidence that the owner was a liveryman of the Apothecaries Society'.[147] Again, the fact that these markings were all in blue on white, occasionally using black, reinforced the association in the public's mind between authentic, safe medicine preparation and

[143] Robert Pitt, *The Antidote. Or, the Preservative of Health and Life, And the Restorative of Physick to its Sincerity and Perfection…* (London, 1704), quoted in Michael Archer, *Delftware. The Tin-Glazed Earthenware of the British Isles* (London, 1997), p.380.
[144] Wallis, 'Consumption, retailing, and medicine', p.39.
[145] Tim Huisman, *Delft Apothecary Jars. A Descriptive Catalogue* (Leiden, 2005), p.11.
[146] Wallis, 'Consumption, retailing, and medicine', p.44.
[147] Drake, 'Antiques of interest to the apothecary',p.33; Burnby, 'Pharmaceutical advertisement in the 17th and 18th centuries', p.32. See J.K. Crellin, 'Pharmaceutical history and its sources in the Wellcome Collections: IV. Tiles, pills and boluses', *Medical History* 16:1 (1972), p.82, for an image of such a perforated tile.

colour. The abrasions found upon some tiles indicate that these objects were definitely used for medicinal preparation, however, and not only for decoration.[148] Other colours were achievable, with seventeenth-century painters using antimony to make yellow, iron to create orange and manganese to produce 'a wide variety of shades from a near-black through a full purple to a pale amethyst', but it seems that blue and white was preferred for medical paraphernalia.[149] This included dispensing containers; the Science Museum holds a number of such tin-glazed earthenware pots marked in this colour scheme.[150] Askey has suggested that drugs were stored in salt-glazed stoneware bottles and jars, although images of the interiors of these shops suggest that if this was the case, they were not displayed in such a prominent position as the delftware containers.[151] The use of cobalt for marking earthenwares was not unique to the medical industry.[152] The sheer volume of jars on display in apothecary's shops, however, strongly linked blue and white delftware to the medicine trade and indeed, the Lambeth pottery centre produced delftware largely for druggists.[153] Blue and white became the signature of the apothecary's trade.

This is further emphasised by the use of other colour schemes for non-medical commodities packaged in ceramic pots in the nineteenth century. These included anchovy paste, mustard, marmalade, toothpaste and malt extract, all marketed as

[148] Bill Jackson, 'English delftware drug jars', in Briony Hudson (Ed.), *English Delftware Drugs Jars. The Collection of the Museum of the Royal Pharmaceutical Society of Great Britain* (London, 2006), p.46.
[149] Archer, *Delftware,* p.19.
[150] SM, A42806, 'Dispensing pots, London, England' (1800-1820).
[151] Askey, *Stoneware Bottles*, p.139.
[152] Ian M. Betts and Rosemary I. Weinstein, *Tin-Glazed Tiles from London* (London, 2010), p.1; Desmond Eyles, *Royal Doulton, 1815-1965. The Rise and Expansion of the Royal Doulton Potteries*, p.8*;* See also: Chris M. Green, *John Dwight's Fulham Pottery. Excavations 1971-79* (London, 1999) for an outline of how John Dwight attempted to unlock the secret of porcelain creation.
[153] Eyles, *Royal Doulton, 1815-1965,* p.10.

foods, dietary supplements or cosmetic products rather than as medical products, and tended to use black and white on their packaging. Examples of these have been found in York, either at the site of the former waste disposal site, Foss Islands, and Hungate.[154] To the consumer, then, blue and white became heavily associated with medicinal products. In using this packaging and colour scheme, proprietors were drawing upon the credibility of a well-established medical trade to brand their own medicines. For owners of medicines, blue and white marking evoked notions of high quality, efficacious products and were a signal of confidence to customers. With non-proprietary medicines, consumers had been able to see their medicines being created and mixed within this cobalt and white paraphernalia, a process that created a degree of trust about the medicine being dispensed. Owners of pre-packaged medicines therefore drew upon this heritage by using English delftware for their containers.

2.2 Branding and advertising

As Frank S. Fanselow and George Akerlof have argued, the use of branding and trademarks were methods for customers to trace the origin of specific products. Furthermore, an extensive supply or distribution chain potentially compromised the quality of a medicine as it increased the number of opportunities available for it to be tampered with or damaged.[155] Prominent seals and marking, in conjunction with the physical marking and sealing of their nostrums, reassured customers that both of these

[154] YAT, Project 5000, SF1091, 'Dundee Marmalade' pot; Project 0725, no refs., 'Superior Anchovy Paste' pot; 'Moutarde de Maille' pot; 'Woods Areca Nut Tooth Paste' pot lid; 'Bynol' jar (all nineteenth century). A cherry-coloured version of Wood's Areca Nut Tooth Paste was printed in a pale red colour, but it seems black was used for the original variant, as well as a hair pomade marketed by Woods, see Winston Guy, 'Chemists: Plymouth and Cornwall including Devonport and Stonehouse online version', http://www.chemistbottles.co.uk/woods.htm (accessed December 2011).
[155] Fanselow, 'The bazaar economy or how bizarre is the bazaar really?', p.253; George A. Akerlof, 'The market for "lemons": quality uncertainty and the market mechanism', *Quarterly Journal of Economics,* 84:3 (1970), p.500.

elements remained within their control and, therefore, that their medicine was safe and efficacious. This was further developed through advertising. A standard element of the medical advert was the way in which manufacturers highlighted their claim to a successful recipe. In the case of new medicines, proprietors highlighted their unique position to supply an efficacious cure both through providing accounts of their training and by publishing endorsements either from celebrity or ordinary folk – whether real or fictitious. For medicines that had already become well established, proprietors continued to trumpet their skill but also emphasised their links with the original inventor. In both cases, proprietors used other names and identities in their branding in order to establish the origin of their product. Branding, then, reflected not only proprietors, but it also represented the other individuals invoked in the promotional literature, whether they gave testimonies, or lent their name to it through their invention.

2.2.1 Knowledge and exclusivity

Extensive work on the advertisement of patent medicines in the eighteenth century has demonstrated that proprietors emphasised a personal link to their product. Proving that a manufacturer was best placed out of all their rivals to vend a particular medicine (through skill, knowledge and background experience) was crucial to reassuring customers of a medicine's safety and efficacy. While the trade was lucrative, proprietors faced considerable suspicion, if not outright opposition towards their product, from certain groups in society.[156] James Adair's *Essays on Fashionable Diseases*, published in 1790, was an example of how proprietors were depicted: as a

[156] The opposition from 'orthodox' medical practitioners and MPs is discussed in chapter two.

'sordid, and selfish race of nostrum-mongers', in short, as quacks.[157] Adair's criticisms of 'quacks' included the sheer inefficacy of their medicines, their lack of medical background, and the disreputable way that they came by their recipes, if they were of any use.[158] Fundamentally, the critique was invariably less of their medicines than of the inventor. If the medicine was proven to be successful, it was considered to be stolen from regular practitioners (and thus cast a negative light on its proprietor). Other patent medicines were dismissed as ineffectual or downright unsafe, and their proprietors were painted as greedy villains who preyed upon a gullible and unsuspecting public. As a result, establishing and defending the inventor's reputation as well as justifying a subsequent producer's claim to the inventor were important in reassuring consumers about the quality of a nostrum.

It has been suggested that the 'regular' medical trade considered advertising to undermine the credibility of the serious practitioner, being the preserve only of the mountebank or quack.[159] Cranfield notes the contemporary criticism levelled against tradesmen who advertised their wares in a Liverpool newspaper, stating that it called their character into disrepute.[160] Yet many involved in the market for medicine provision saw the need to advertise their services or products. As Loeb points out, 'it is surely significant that the use of the label quackery by the medical profession increased at a time when doctors, despite genteel pretensions, could not afford to

[157] James Mackittrick Adair, *Essays on Fashionable Diseases. The Dangerous Effects of Hot and Crouded Rooms. The Cloathing of Invalids. Lady and Gentlemen Doctors. And on Quacks and Quackery...* (London, 1790), p.74.
[158] Ibid., pp.183-260, especially pp. 183-185.
[159] Porter, *Health for Sale*, p.6.
[160] G.A. Cranfield, *The Development of the Provincial Newspaper 1700-1760* (Oxford, 1962), p.207.

ignore the marketplace.'[161] Orthodox practitioners advertised in more subtle ways such as announcing a move of premises.[162] Patent medicine proprietors used advertising, however, to build trust in their product by emphasising their link to the inventor. In 1763, the Balm of Gilead was advertised in the *York Courant* as 'a Chymical Preparation… allowed by all Physicians to be the most excellent Remedy in the World for internal Decays [and] Difficulty of Breathing… This Account is not supported with an Air of Quackery, but grounded upon the Authority of the most Learned of the Faculty'.[163] Accordingly, products were marked to highlight this relationship between them. As we shall see, one producer of Grana Angelica (a medicine vended by a number of manufacturers) employed a pictorial device that incorporated the image of the inventor and promoted this image in their advertising material to imply trustworthiness and efficacy in their medicine.

Grana Angelica was invented in the early seventeenth century by Patrick Anderson, an Edinburgh physician. After his death, proprietorship of the remedy was hotly contested between his family, the surgeon Thomas Weir to whom his daughter sold the recipe, and a number of other claimants. Isabella Inglish, a former servant of Weir, moved to London where she set up business with her husband, James, and began to advertise her version of Grana Angelica with numerous adverts that warned against Scottish imitations.[164] The various competing versions of the medicine all utilised the same image of Dr Anderson on their advertising. Inglish established her

[161] Lori Loeb, 'Doctors and patent medicines in modern Britain: professionalism and consumerism', *Albion* 33:3 (2001), p.407.
[162] Dorothy Porter and Roy Porter, *Patient's Progress. Doctors and Doctoring in Eighteenth-Century England* (Oxford, 1989), p.98.
[163] *York Courant,* 1 February 1763, issue 1944.
[164] T.A.B. Corley, 'Anderson, Patrick, (1579/80-c.1660)', *Oxford Dictionary of National Biography* http://www.oxforddnb.com/libproxy.york.ac.uk/view/article/495 (accessed January 2010).

own seal that appeared on every box of pills, which echoed this instantly recognisable image of Anderson, creating in essence an entirely new personal mark, but one that intertwined her identity with that of the respected Dr Anderson.[165] It was described thus: 'In a Field Azure: A Lion Rampant, and three Mollets Argent: The Crest, Dr *Anderson's* Head, t'wixt I.I. with his Name round it: And *Isabella Inglish* underneath the Shield in a Scroll'. [166] However, her descendants also continued to utilise the 'original' seal of Dr Anderson simultaneously. It was included in a single-sheet advertisement by James Inglish in 1694, and was still being used a hundred years later.[167]

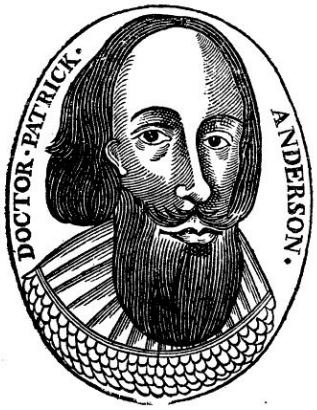


Fig. 1.22, Original seal used by Anderson and his descendants[168]*; Fig. 1.23, Isabella Inglish's seal*[169]

[165] An image of Isabella Inglish's seal upon a box of pills is illustrated in Homan, Hudson and Rowe, *Popular Medicines*, p.14.
[166] James Inglish, *Grana Angelica: or the True Scot's pills. Left to Posterity, by Dr. Patrick Anderson of Edinburgh, Physician to His Majesty K: CH: I. and Constantly Used as his Ordinary Physick by K: CH: II. Are Faithfully Prepared Only by J. Inglish from Edinburgh. Now Living at the Hand and Pen near the Kings Bagnio in Long-Acre, London. By Their Majesties Authority.* (London, 1694).
[167] Inglish, *Grana Angelica: or the True Scot's Pills*; James Inglish, *Grana Angelica: or, the True Scots Pills, (Left to Posterity by Dr. Patrick Anderson of Edinburgh, Physician to His Majesty King Charles the First, and Constantly used as his Ordinary Physick by Charles the Second) are Faithfully Prepared only by James Inglish (son of David Inglish, Deceased, and Grandson of I. Inglish of Edinburgh) Living at the Unicorn, No. 165, Over-Against the New Church in the Strand, London. By His Majesty's Authority* (London, 1799).
[168] Anderson, Katherine [Miss Roddis], *Grana Angelica: Or, the Rare and Singular Vertues and Uses of Those Angelick and Innocent Pills, Discovered, and Left to Posterity, by Doctor Patrick Anderson,*

Isabella Inglish bequeathed the recipe to her children, beginning what would ultimately become a one hundred-year family business of Inglish-branded Grana Angelica. Over time the original name, Grana Angelica, coined by Anderson, was dropped, until the medicine was known exclusively as Dr Anderson's Scots Pills, showing that keeping these ties with the inventor remained important.

Their control over the medicine did not go unchallenged, however.[170] The Pills were evidently so popular that they warranted many copies. In 1804, the Inglish mark had become so indelibly imprinted upon the public consciousness that counterfeiters began to imitate the Inglish family, rather than the ancestor of any relation or associate of Anderson, who had by this point become little more than a figurehead. The *London Gazette* reported the case of Inglish v Tyce in which B.H. Inglish challenged Tyce's manufacture of 'a Sort of Scots Pills, wrapped in Papers representing them to be made by Mr James Inglish, one of the Plaintiff's Ancestors, and as coming from the Unicorn over against the New Church in the Strand, the Plaintiff's Dwelling House.' In asserting their right to the medicine, Inglish's lawyer made much of the fact that the recipe had been in the Inglish family for over a hundred years. Francis Newbery, the owner of the well-known proprietary medicine warehouse in St Paul's Church-Yard, was brought as a witness to its efficacy and 'of its high Reputation with the Public'. Subsequently Tyce was ordered to cease manufacture of Dr Anderson's Scots Pills, 'in any Wrapper, Cover, Paper, or

---

Late Physician of Edinburgh (Edinburgh, 1667); Anderson, Patrick [Anderson, Katherine], *Grana Angelica: or, The Rare and Singular Vertues and Uses of Those Angelical Pils, Discovered and Left to Posterity, by Doctor Patrick Anderson, Late Physician of Edinburgh* (London, 1681).

[169] Inglish, *Grana Angelica: or the True Scot's Pills* (1694).

[170] Elizabeth Lane Furdell, *Publishing and Medicine in Early Modern England* (Rochester, 2002), p.140.

Inclosure whatsoever, which shall denote, signify, or express, or bear any Mark to indicate that the same are Pills made or prepared by James Inglish, or any Person of the Name of Inglish'.[171] The case demonstrated both how important it was that customers were able to trust a name, and also that this trusted identity could change over time, something that was manipulated through a hundred years of branding the product in a specific manner. It was the Inglish mark, intertwined irrevocably with Anderson's through extensive advertising, however, that helped customers select between the numerous versions available.

This fraught history of disputes over the 'right' to vend the medicine shows that the Grana Angelica was a popular product. Proprietary branding was essential for manufacturers and distributors to differentiate their product from counterfeiting (although it is clear that all parties involved viewed one another as committing such fraud). Pictorial devices such as seals were an instantly recognisable means of doing so and bypassed any potential issues of literacy (more of an issue in the seventeenth, rather than the nineteenth century). Dr Anderson's Scots Pills was not the only medicine that encountered the imitation and appropriation of its seal. In 1730, William Bishop and John Battersbe, 'Masters of the Bristol Hot-Well', the output of which they marketed as a medicinal tonic, remarked in their notice for the 'Right and Genuine (and not a Counterfeit)' water that they 'hope[d] People will not be imposed upon to buy Wrong Water, under a Counterfeit Seal'.[172] Likewise in 1764, John Fielding and Robert Dingley, who claimed they had inherited Joshua Ward's recipes (including a formula for the popular Jesuit Drops), placed notices in national

[171] *London Gazette,* 11 September 1804, issue 15736.
[172] *Daily Journal,* 16 April 1730, issue 2894;

newspapers that described how 'several Persons in London and Westminster have sold many Medicines of this Kind, pretending they were made under our Direction, to which they have affixed a counterfeit Seal, with the letters F.D. on them, to the Injury of the Healths of many Persons'.[173]

Many adverts contained warnings to those who imposed upon what they considered to be their exclusive right to vend certain medicines. These highlighted the legal ramifications of such transgressions, and they were not always empty threats. In 1768, Joseph Wessels and Partners published a statement from counterfeiters of their patented Dr Walker's Jesuit Drops in which J. Thomas and J. Nicholson of Covent Garden and Southwark, 'ask[ed] Pardon of the Public for the Imposition of which we have been guilty'.[174] Later that year, however, Wessels was still warning customers about their counterfeits, but reassured customers that 'several Prosecutions are now carrying on against Imposters'.[175] In 1782, William Singleton, the proprietor of Dr Johnson's Famous Yellow Ointment, placed a strongly worded advert in the *Whitehall Evening Post*, in which he warned customers about the 'shameful Impositions which are practiced' by 'a Person who resides part of the Year in Clement's Lane, Lombard-Street'. This 'Person' was medicine retailer Bolton, who purchased of Singleton the medicine and then sold it on again at a higher price, wrapped up in Singleton's pamphlets that stated 'that *he* [Singleton] and *he alone* is the sole and only Proprietor.' Singleton's notice warned that if Bolton should 'obstinately persevere in this injurious Conduct, Wm. Singleton will think himself

[173] *London Chronicle (Semi-Annual),* 31 March – 3 April 1764, issue 1136; *London Evening Post,* 14-17 April 1764, issue 5688; *Lloyds Evening Post,* 18 -21 May 1764, issue 1070.
[174] *York Courant,* 12 January 1768, issue 2202.
[175] *York Courant,* 27 December 1768, issue 2252.

justified by every Motive of Justice and Self-Defence to publish his Name and other Particulars.' He concluded with the disclaimer that emphasised his long history with the nostrum: 'Mr Singleton's Family have been the only and sole Proprietors of this Ointment for upwards of 100 Years, and he now possesses it as left him by the Will of his Father'.[176] Unfortunately for Singleton, it was judged that Bolton's actions would only have been an infringement had Singleton been the original inventor or had letters patent for the medicine. Singleton's adverts had proudly emphasised his familial links to the original inventor, but it was decided that Bolton was not attempting to sell the medicine under *Singleton's* mark, but under a mark Singleton had inherited and for which he possessed no legal protection. Bolton was therefore allowed to continue selling Dr Johnson's Yellow Ointment, using the proprietary branding that Singleton felt represented himself alone.[177]

Operating within this context, proprietors of medicines were immediately on the defensive and so it is not surprising that they were quick to respond to any threat to their business. In the eighteenth and early nineteenth centuries, they utilised the same points as Adair did in 1790 to attack their rivals. In contrast, they portrayed themselves as belonging to the 'regular' medical faculty. In order to relay these charges against one another, medicine proprietors usually resorted to the newspaper columns. In the late eighteenth century, a war erupted in the newspapers over a treatment for venereal and scorbutic diseases, Velnos' Vegetable Syrup. Between 1770 and 1825 around fifteen different people all claimed to be the only manufacturers of the 'true' version of medicine, at least three of whom claimed to be

[176] *Whitehall Evening Post,* 31 December 1782, issue 5538.
[177] Singleton v Bolton (1783).

the inventor. The true origins of the medicine are murky; it was likely to have been the invention of a Frenchman named Vergery de Velnos, though it was Burrows who patented it in February 1772.[178]

In York, a similar rivalry was played out in the local newspaper for the exclusive vending rights of the Concentrated Essence of Jamaica Ginger. Samuel Oxley of Pontefract and London, and Cook Taylor of York, engaged in a bitter dispute about what Taylor called his 'Improved Concentrated Essence of Jamaica Ginger'. This was advertised as available from his warehouse in High-Ousegate, York.[179] It was packaged in the same manner as Oxley's, with 'his name and residence blown in each bottle, sealed with his own seal, and each labels signed by his own hand, none other can be genuine'.[180] Oxley was clearly vexed by this pretender and placed a notice in the *York Herald* which stated that the rival preparation contained harmful ingredients. He eschewed the 'high medical characters' of whom Taylor claimed endorsement and requested that Taylor divulge the composition of his nostrum.[181] In response, Taylor declared in the *York Herald* that he deemed it 'unnecessary to enter into a paper war with any individual, as he is confident, upon trial, that his Medicine will be fully approved'. He went on to offer a one hundred pound reward to anybody who could find harmful ingredients in his remedy.[182] Oxley, it seems, was victorious, with

[178] The battle for 'genuine' proprietorship of the Velno's Vegetable Syrup is discussed at length in Marie E. McAllister, 'John Burrows and the Vegetable Wars', in Linda E. Merians (Ed.), *The Secret Malady. Venereal Disease in Eighteenth-Century Britain and France* (Lexington, Kentucky, 1996), pp.85-102.
[179] Looney, 'Advertising and society in England, 1720-1820', pp.261-279.
[180] *York Herald,* 25 April 1807, issue 869.
[181] *York Herald,* 18 April 1807, issue 858.
[182] *York Herald,* 25 April 1807, issue 869.

Taylor's adverts for the Jamaica Ginger fading away in 1807.[183] Likewise, an extremely drawn-out battle for the exclusive right to vend Dr James's Powders took place after the proprietor took the recipe to his deathbed. There followed a generation of quacks that squabbled amongst themselves in the advertisement columns of the press asserting that they held the 'true' and 'genuine' recipe.[184]

In the nineteenth century, more cases were seen in court. Public opinion seems to have undergone a shift with regards the protection of property such as recipes and trade marks.[185] Between 1650 and 1900, considerable change concerning the establishment of property rights and counterfeiting took place, something that is particularly clear with proprietorship of patent medicines. Even as late as the 1790s, civil cases between bickering medicine proprietors such as Singleton v Bolton were treated by the courts with disdain. Yet an increasing number of law suits pertaining to the protection of personal marks over the first half of the nineteenth century compelled law-makers to redress the situation. This was driven by the manufacturers of a multitude of different products, and perhaps it is this that made the difference. Legal historians such as Lionel Bently and John Mercer see the period 1860 to 1880 as crucial to the development of the core characteristics of intellectual property and trade mark legislation that we operate within today.[186] Both Mercer and Bently argue

[183] Adverts for Taylor's Jamaica Ginger cease in August 1807: *York Herald,* 1 August 1807, issue 883, whereas the notices for Oxley continue into the 1820s: *Morning Post,* 11 February 1820, issue 15308.
[184] The advert for the Powders in the *York Courant,* 27 May 1777, issue 2696, described this legal battle. For more detail, see: G.S. Rousseau, '"Stung into action…": medicine, professionalism, and the news' in Joad Raymond, (Ed.) *News, Newspapers and Society in Early Modern Britain* (London, 1999), p.185.
[185] Cases such as Seddon v Senate (1810), Newbery v James & others (1817), Williams v Bramwell Williams (1817), Yovatt v Winyard (1820), Delondre v Pelletier & Shaw (1828) and the passage of trade mark legislation in the 1860s onwards point towards this conclusion.
[186] Lionel Bently, 'The making of modern trade marks law: the construction of the legal concept of trade mark (1860-80)', http://www.cipil.law.cam.ac.uk/TMWorkshopLB.pdf (accessed 15 February

that the impetus for change in legal recognition of marks arose from a Select Committee in 1862. However, a number of cases involving the use of personal marks on proprietary medicine and other products drove this call for a change in the law and created the necessity for the Select Committee in the first place. Other countries were also cementing their ideas of intellectual property and trade mark legislation and to protect proprietors from international fraud, some worldwide understanding of trade marks and co-operation was required. This has necessarily meant that discussions of nineteenth-century branding research posit a modern-day understanding of 'branding' or trade marks, rather than seeing it as historically specific. Mercer has sought to clarify the difference between a trade mark and a brand in a modern day sense, but in doing so does not recognise that branding essentially comprised any marking practice made by a variety of identities, not only producers, but retailers and endorsers, something that is highlighted in the following section.[187]

2.2.2 Testimonials

In addition to an emphasis upon the proprietors' links to the original inventor of the medicine and their medical educational pedigree, medicine adverts featured one other trope: the endorsement. The testimonial has been analysed at length by historians of advertising and medicines.[188] As broadsides and other advertising literature were occasionally used as wrappers for medicines, the individuals of those who provided endorsements also found their names marked onto the product. Branding in its

---

2010); John Mercer, 'A mark of distinction: branding and trade mark law in the UK from the 1860s', *Business History* 52:1 (2010), 17-42.

[187] Mercer, 'A mark of distinction', p.18.

[188] Porter, *Health for Sale*, pp.52-53; Barker, 'Medical advertising and trust in late Georgian England', pp.389-396; Loeb, *Consuming Angels. Advertising and Victorian Women* (Oxford, 1994), pp.143-145; McAllister, 'John Burrows and the Vegetable Wars'; Cody, '"No Cure, No Money,"'.

broadest sense, therefore, included the identities of those who recommended the product. Their comments were used to boost consumer confidence in the product's efficacy and safety. As such, the proprietor 'borrowed' the credibility and reputation of the person that provided the testimony. Studies of twentieth-century celebrity endorsement have suggested that its impact is somewhat limited, but early modern proprietary medicine vendors seemed to think it was a successful technique.[189] Many products purported to have some kind of link to celebrity or, the next best thing, nobility. The use of 'celebrity' endorsement could be extremely vague: John Hooper's Female Pills were advertised with the disclaimer that the Archbishop of Canterbury had been one of the people present when Hooper received his letters patent for his product.[190] Other medicines boasted of celebrity customers, royal patronage and in some cases, the advocacy of the regular medical trade; as Loeb notes, 'despite official professional opposition, patent medicine advertisements frequently featured, and indeed spotlighted, testimonials from doctors.'[191] Endorsements, then, must be considered when analysing the proprietorial branding of medicines, as they represent some of the identities invoked in the marketing of these goods, although some contemporaries suspected that they were not always genuine recommendations. In 1760, an advert for Mayelston's Pills condemned those 'Compositions as are imposed upon the Public, under the Sanction of BORROWED NAMES'. These medicines also invoked the reputations of respected physicians without their consent.[192] Despite an awareness that consumers might not believe whole-heartedly in testimonials, as

[189] Jagdish Agrawal and Wagner A. Kamakura, 'The economic worth of celebrity endorsers: an event study analysis', *Journal of Marketing* 59:3 (1995), 56-62; Irene Roozen, 'The relative effectiveness of celebrity endorsement for beauty, high- and low involvement product print advertisements', http://www.escp-eap.net/conferences/marketing/2008_cp/Materiali/Paper/Fr/Roozen.pdf (accessed October 2011); Ulinka Rublack, 'Celebrity as concept: an early modern perspective' *Cultural & Social History* 8:3 (2011), 399-403; Mary Luckhurst and Jane Moody (Eds.), *Theatre and Celebrity in Britain, 1660-2000* (Basingstoke, 2005).
[190] Griffenhagen, *History of Drug Containers*, p.73.
[191] Loeb, 'Doctors and patent medicines in modern Britain', p.417.
[192] *York Courant,* 19 August 1760, issue 1817.

Appendix 7 demonstrates, proprietors continued to use them throughout the later eighteenth century. As a result, these 'endorsers' were involved in the branding of the medicine.

Appendix 7 also shows that in addition to the single-sheet bills of direction that were sometimes used as wrapping materials, short pamphlets were sometimes given away free with the medicine that included testimonials (often of the most extreme cases of illness of patients who had suffered for years) as well as the instructions for use. Although these types of pamphlet might well have been distributed at coffee houses or public houses it is most likely that they came supplied with the product itself. In 1796, Robert Dickinson published *A Parlour Companion*, a short miscellany that included the rules for whist and an alphabetical list of taxes 'necessary to be generally known' alongside a long description of the benefits of Gowlands Lotion. The latter account, entitled, 'A Description of the Means for Rendering Us Pleasant to Ourselves and Agreeable to Others' comprised not only directions for the medicine's application but also a series of testimonials. Included were recommendations from Thomas Dell, 'Second Officer of the Queen East Indiaman, now of Bombay, Commander of a Country Ship' and the Duchess of Bedford (although her 'testimonial' in fact came from another member of the Bedford household).[193]

Likewise, in their pamphlet on the Concentrated Essence of Jamaica Ginger, the Oxleys included a list of those 'many persons in the higher ranks of life to whose use

[193] Robert Dickinson, *A Parlour Companion (Gratis) to Prevent Disputes and Settle Differences in Private Families, and to Guard Against Information. Also a Description of the Means for Rendering Ourselves Pleasant to Ourselves and Agreeable to Others* (London, 1796), p.39, p.41.

it [Concentrated Essence of Jamaica Ginger] has gained admission', including the Duke and Duchess of York, the Archbishop of York, five Lords, two Baronets, a General and an MP, as well as a detailed discussion of the benefits felt by Sir Joseph Banks upon his taking the medicine.[194] This compares with the sale of other products in the period in which a considerable amount of trust was invested, such as interest books recommended by senior figures in trade such as the Director of the South Sea Company.[195] Oxley was not alone in having such an illustrious list of persons in his pamphlet; as Porter has noted, 'the labels of proprietary medicine read like a bottle *Burke's Peerage,* echoing the titles of the high and mighty.'[196] Francis Doherty has demonstrated how testimonials of the nobility were used to promote the Anodyne Necklace, and that the lists of notable people who purchased the Necklace were accordingly updated regularly as part of an attempt to convince people of the product's efficacy.[197]

Recently, Hannah Barker's consideration of endorsements in medical advertising has revised Porter's assertions about the social status of patients or witnesses providing evidence about the medicine. She has concluded that the majority of testimonials in newspapers were in fact from people of lower status. It was these individuals, she states, that made up the majority of customers; hence their testimonials created greater trust, as they created something akin to a personal recommendation from a trusted friend or neighbour.[198] This is borne out by the analysis of York's papers in Appendix 7 in which royal or noble affliation was invoked on only a handful of occasions (and

[194]Anon, *On the Virtues and Efficacy of Oxley's Concentrated Essence of Jamaica Ginger*, pp.7-12.
[195] Glaisyer, 'Calculating credibility', p.692.
[196] Porter, *Health for Sale,* p.110.
[197] Doherty, 'The Anodyne Necklace', p.270.
[198] Barker, 'Medical advertising and trust in late Georgian England', p.397.

once, a 'government' endorsement was used). These followed a consistent template: a tale of poor health that regular physicians were unable to alleviate that sometimes persisted for years, until the patient happened upon that particular medicine. As a result, they were usually cured within days. The adverts for the Cumberland Bituminous Fluid were no exception; in 1815, John Gaul, shoe-maker from Hexham declared in the *Leeds Mercury* that Ramsay's Bituminous Fluid was responsible for his new lease of life following debilitating rheumatism, an act he said could be corroborated by his neighbours: '*all the town of Hexham knew my miserable situation, and can verify the truth of what I assert.*'[199]

Regardless of the social or celebrity status of those who testified to a medicine, the inclusion of these names in pamphlets and single sheet adverts that accompanied the product (and in some cases formed part of its wrapping material) contributed to the layers of branding that surrounded a medicine. In so doing, yet more identities were revealed to be involved in the marking of medicine than traditional interpretations of 'branding' have accounted for. These names attempted to enhance consumers' interpretations of the product's safety, quality and its efficacy. Advertising, then, was a crucial partner to the marks and design of a medicine. These physical characteristics were described or reproduced in adverts to help customers identify the medicine in question, but adverts also conveyed additional information that helped consumers make decisions about the safety and efficacy of the product. In addition to providing an opportunity for proprietors to promote their educational 'pedigree', adverts also created a space for testimonials to be displayed. Through its integration

[199] *Leeds Mercury,* 13 March 1819, issue 2805.

with products as wrappers or as supplementary pamphlets, promotional material can be understood as another layer of patent medical branding. As a result, the names deployed in these materials – most frequently the inventor and endorsers – constituted additional identities bound up in the branding of medicines, who communicated the quality of the medicine.

3. Conclusion

The analysis of proprietary branding of medicines between the seventeenth and nineteenth centuries reveals subtle nuances in the history of branding that have not been previously explored or expressed fully. Patent medicine proprietors used a number of different techniques – embossing, printing, labelling, handwriting and sealing – to mark their products. Furthermore, these marking practices were enacted by a plethora of different interests: inventors, producers, retailers, distributors and 'satisfied' consumers. Branding was essential for those seeking to differentiate their products from rivals, authenticate genuine products and to encourage consumers to trust in the product's efficacy and safety. Proprietary branding of medicines was very similar in some ways to present day branding. It attempted to convey both tangible and intangible reassurances through both the material fabric of the product and its packaging, as well as in its advertisement, distribution and marketing practices.

A re-examination of the marks found upon patent medicines reveals early modern branding to be a more complex process than is often portrayed. Much of the historiography on branded drugs assumes advertisements were a communication

between manufacturer and end consumer. Instead, a close reading of the branding on medicines show that distributors also marked the product, usually as a indication of reassurance about the integrity of the supply chain. These often appeared alongside other marks of production or endorsement, which make clear how branding was a multi-layered process, which was necessary when enterprising counterfeiters found ways of imitating many aspects of the packaging. In 1779, John Norton, proprietor of Maredant's Drops, warned his consumers that he had discovered copies of his signature upon fraudulent medicines, 'so artfully printed from a Wooden Cut… in so exact an Imitation of his, where he always signs it, that it is difficult to discover the Fraud'.[200] As such, layers of branding were used to enhance the security and authenticity of a nostrum. Many medicines were sold in wrappers that were covered in the proprietor's details, the name of the product and often a reproduction of the seal, signature and other pictorial devices that might be repeated on other parts of the packaging. Labels were used on the majority of medicines in order to identify them, which might also echo these proprietary details of product name and perhaps a signature. The medicine was usually sealed, and proprietors could utilise a unique mark on their sealing as well. Containers could be unusual shapes to make them stand out. In this way colour and shape became an integral part of the branding of the medicine. Surface marking, through transfer printing or embossing, depending on the nature of the packaging, was another layer through which proprietary branding was performed. Finally, the medicine itself might be an unusual colour, as with the Essence of Peppermint, in order to identify it from other medicines.

[200] *York Courant,* 8 June 1779, issue 2801.

This careful branding of the actual packaging and product was echoed in the advertising of these products, which described the design, colour and other details that acted as indicators of authenticity. However, advertising also sought to transmit other, less tangible information about the efficacy of the medicine and the safety of ingesting a nostrum created by a particular individual or company. As Lady Tippins remarked in *Our Mutual Friend,* 'like the advertising people, I don't ask you to trust me without a respectable reference.'[201] Testimonials and endorsements, as well as the detailing of a proprietor's skills and experience, were commonly used methods of doing so (whether fake or legitimate). This credibility was also evoked physically through the product, particularly with the case of tin-glazed ointment pots that drew upon the physical environment of the early modern apothecary and the credibility associated with its blue and white glazed equipment used for the careful dispensing of medicines. Such finishing processes, as with embossing, bound the proprietary branding into the very body of the product's packaging and surrounded the medicine entirely: the packaging was the product.

Ultimately, branding on medicines encouraged increasing standardisation in the production of the packaging, made possible by advances in technology that enabled proprietors to use moulds to create identical bottles, use transfer printing to reproduce proprietary devices onto the packaging and even manufacture uniform pills with the advent of pill cutters. Advertising was important but the physical appearance of the medicine was just as important to the consumer of proprietary medicine. As Olive Jones has remarked, 'as far as the consumer was concerned, the distinctive package

[201] Charles Dickens, *Our Mutual Friend*. *Edited by Joel Brattin* (London, 2000), p.13. Quoted in Stephen Hancocks, 'An older profession yet', *British Dental Journal* 212:4 (2012), p.151. Thanks to Shaun Raval for this reference.

was a guarantee of the genuineness of the medicine inside, no matter who had made it or what it contained.'[202] Griffenhagen and Young agree that 'the externals were the medicine'.[203] Medicinal packaging was one crucial way in which proprietors persuaded consumers to try their product, but for many medicines that were sold via mail order, other methods of branding were more relevant, such as newspaper advertising or handbills. Thus testimonies and endorsements worked in tandem with the physical product and in so doing, reinforced the branding that was expressed by the material fabric of the medicine's packaging itself.

[202] Jones, 'Essence of Peppermint', p.3.
[203] Griffenhagen and Young, *Old English Patent Medicines in America,* http://www.gutenberg.org/files/30162/30162-h/30162-h.htm (accessed January 2012).