

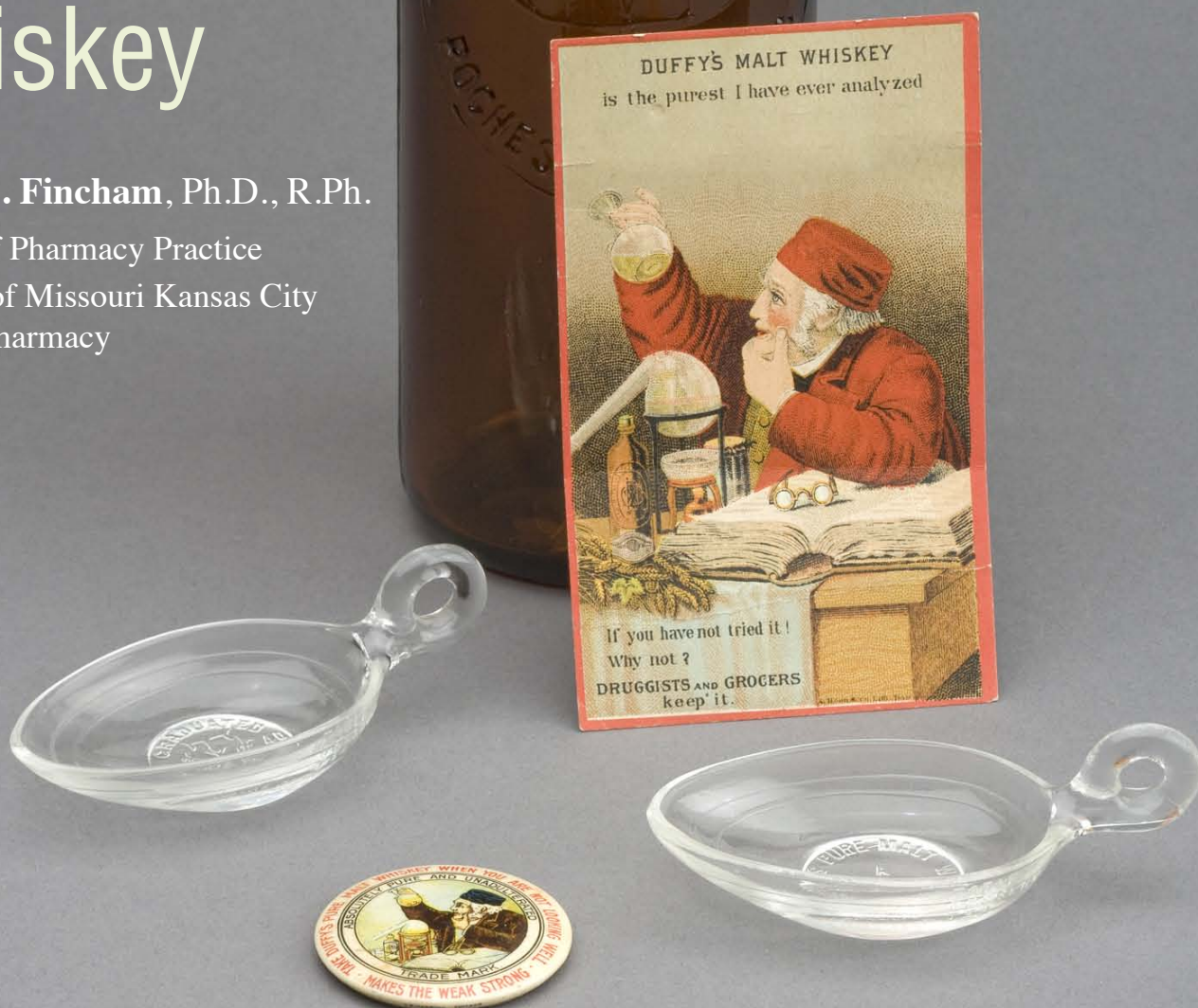
Did a Medicine Bottle Change History?

Duffy's Malt Whiskey

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In this photo you will find various materials from an alcohol based product named Duffy's Malt Whiskey. The Duffy's bottle was a patented bottle (they were amber, corked bottles and appeared to be medicinal) shown in the photograph (Sullivan, 2008). Also depicted are an advertising button, an advertising trade card, and several Duffy's Malt Whiskey measuring / administering spoons.



During the Prohibition period in the US 1919-1920 period, this product was sold in pharmacies (drug stores) and grocery stores as a 'nutritional supplement'. It was popular so as to allow people to legally consume alcohol during Prohibition in the guise of taking 'medicine'. It was not sold after 1926. It might be a stretch to assume that the pretty amber bottle changed history, but the ingredients and the marketing of the product certainly did affect how drugs were marketed and purveyed in the U.S.

Duffy's Malt Whiskey Bottle and Brand

In the 1870s, Walter B. Duffy inherited a cider refining business from his father, Edward, who had begun business in Rochester about 1842. In 1881 the Rochester Directory lists Duffy as a Distiller & Rectifier of Alcohol, French Spirits, Malt, wheat, Rye and Bourbon whiskies. The business was located in Rochester at 27 & 29 Lake Ave. It was in 1886 that the company first boasted of itself as producer of the "Celebrated Duffy's Malt Whiskey", which it advertised as the "greatest known heart tonic" or also as a "nutritional tonic" (Duffy's, 1885). Duffy concocted a story that in the bearded gentleman appearing on the buttons, trade card, etc. was in fact a bearded scientist who had apparently discovered this medicinal tonic.

The photograph shows the trading card, which on the reverse side lists testimonials for Duffy's Malt Whiskey from Kentucky State College, and other professors and analytical chemists, dated March 15, 1885. The two glass spoons shown had teaspoonful, desert spoon, and tablespoon lines of measurement (5, 10, and 15 ml respectively). The bowl of the spoon indicates: "Duffy's Pure Malt Whiskey - a Medicine". These spoons were provided free by the company to consumers in lieu of distributing shot glasses, the intent in the end was similar. Duffy's was advertised heavily in the popular papers of the time across the country. Please see Figure 1 for just such an advertisement. The line directly under the caption reads:

"Yes madam we sell the genuine only. It is absolutely pure and greatest known stimulant." Honest Druggist.

Alcohol Promoted as Medicine in the Latter 19th and Early 20th Centuries

During the pre-prohibition, during prohibition, and after as well, alcohol was promoted as a "medicine". The Volstead Act outlined how alcohol could be obtained during Prohibition in the U.S. During the 14 years of prohibition, liquor containing prescriptions could be obtained from physicians for about \$3.00 and subsequently obtained from pharmacists for \$3 - \$4.00. Duffy even convinced pro-temperance groups that the Duffy's Malt Liquor was in fact a medicine. Use and abuse of alcohol in the U.S. is not a recent phenomenon. The use of alcohol was indirectly promoted by noted medical journals as well. For example, in the June 1902 issue of the *Medicus* (Frederick County, Maryland), in reference to how much liquor a man could consume notes the quantity which could be consumed over a decade and one-half by a person is 2,000 gallons over 15 years. On page 198, the following excerpt is found:

"According to the Philadelphia Medical Journal, it is very rare that a man survives his 100th jag (e.g., year). The maximum capacity of a man for alcohol is about, 2000 gallons of whiskey in

fifteen years.

This amount would equal consumption of 46 ounces of liquor per day for 15 years!

It was commonplace in the 1880s for the products promoted as patent medicines to contain alcohol, codeine, cocaine, and other opiates. The rapid expansion of glass bottle manufacturing via mechanical means helped fuel this expansion and promotion of medicines containing alcohol. The 1906 Food and Drug and Drug Act

In a series of eleven articles Samuel Hopkins Adams (Fee, 2010) wrote for *Collier's* Weekly in 1905, "The Great American Fraud", Adams exposed many of the false claims made about patent medicines, pointing out that in some cases these medicines were damaging the health of the people using them. The series had a huge impact and lead to the passage of the 1906 Pure Food and Drug Act. This act in effect was seen as a means to control the abusive marketing of concoctions as medicines. However, in 1911, the Supreme Court ruled that the intent of the law only applied to ingredients and their make-up, and not to the claims made about the products. This as can be imagined stirred quite a controversy. The December 1, 1911 *The Outlook* (1911) provided scathing indictment titled "A State Which Punished Patent Liars" extolling further action to impact the abuse. The Journal of the Massachusetts State Medical Society (1911) noted this as a "black eye" for the history of the US Supreme Court. The next major event in the evolution of U.S. food and drug law is the passage of the Federal Food, Drug, and Cosmetic Act of 1938. Several major changes in the law resulted from the passage of this act.

This is where history was finally changed. This passage did away with the legal requirement for the government to prove an intent to defraud by a manufacturer, this then was the final blow for the patent medicine promoters, including the patented medicine bottle and promotion of Duffy's Malt Whiskey.

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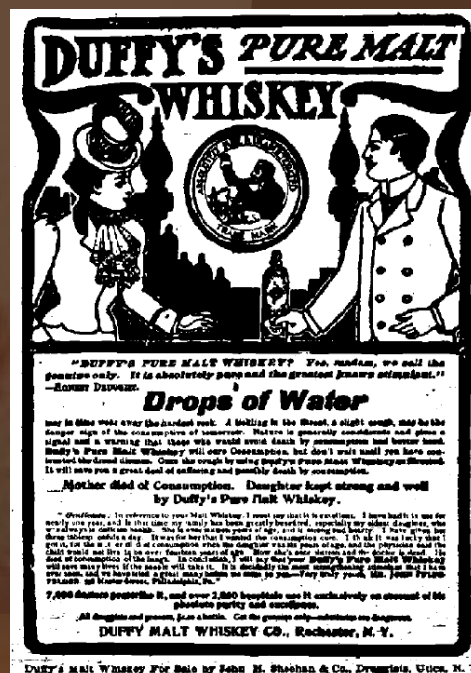


Figure 1. Duffy's Pure Malt Whiskey Advertisement from the Utica, NY, *Herald Dispatch*, 1900.