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How Theodore Roosevelt Made Your Dinner Safe to Eat

Theodore Roosevelt knew firsthand about seriously bad food. During the Spanish-American War he asked one of his Rough Riders why he was throwing away his canned meat. The soldier said he didn't like it. "Eat it and be a man," Roosevelt ordered. The fellow did so, and promptly vomited. Roosevelt examined the slimy, stringy ration and instantly understood why.

A hundred years ago this week, on June 30, 1906, Roosevelt signed the Pure Food and Drug Act, establishing the nation's very first regulatory agency. With a stroke of his pen he expanded the reach of the federal government and planted the enduring concept of a nonpolitical, science-based agency dedicated to protecting the public from commercial predation. But the law generated bitter controversy that continues to this day.

During the second half of the nineteenth century, as Americans increasingly moved away from farms and crowded into cities, farm markets and local butchers gave way to large commercial food processors and central meatpacking houses. Those who provided food no longer had to look in the eye those who bought it. The catalog of adulterants and toxic additives grew to be practically endless. Cannerymen added copper sulfate to make gray vegetables green again. They spiked rotting tomatoes with sodium benzoate to prevent further decay. Meatpackers used borax to deodorize stinking hams. Processors sold pulped apple skin and glucose as strawberry jam. Bakers added chalk, clay, and plaster of Paris to bread to save on flour.

If food made people sick, the thousands of patent medicines that had flooded the market since the Civil War could make them even sicker. "Patent" didn't usually mean that the concoction was actually patented. Rather it indicated that the formula was a proprietary secret. Consumer had no idea what they were swallowing when they took remedies like the Universal Vegetable Pill, Hall's Catarrh Cure, Wheeler's Nerve Vitalizer, or Lydia Pinkham's ever popular Vegetable Compound.

A nostrum called Liquozone was 99 percent water, with a dash of sulfuric acid to give it tang. "Soothing syrups" for infants were spiked with opium and may have killed tens of thousands of babies. Arsenic, cocaine, and morphine were all common ingredients in proprietary blends.

Patent-medicine manufacturers were among the first to advertise their products nationally, and some newspapers relied on the quacks for half their advertising revenues. This didn't make them eager to publish negative stories about the industry.

Efforts to rein in the worst abuses mounted on the state level for more than a decade. But getting the federal government involved was anathema to many politicians. Senate Republicans beat back a proposed pure-food law twice.

Much of the credit for the passage of the 1906 Act goes to Harvey Wiley, who since 1883 had headed the Bureau of Chemistry at the Department of Agriculture. In 1902 he conducted a series of experiments, feeding increasing doses of common preservatives like borax and sodium benzoate to a group of volunteers known as the "poison squad." The resulting illnesses made it difficult for manufacturers to palm off the substances as harmless.

Wiley led a charge joined by Progressives who believed wholeheartedly in both science and commerce. He was aided by articles in magazines like *The Ladies' Home Journal* and *Colliers* that presented appalling facts about the nation's food and drug supply.

Even more persuasive was the publication in 1906 of Upton Sinclair's novel *The Jungle*. Sinclair, a socialist, had higher aims than reforming the meat industry, but his graphic descriptions of what went on in the big packinghouses made the book a bestseller and cut the sale of meat dramatically. The notion of tubercular workers dragging carcasses across floors they had spat on, or of piles of rotting, rat-infested meat being ground into sausage, sickened readers and fueled cries for reform.

Public opinion was not to be denied. Congress passed its legislation in two parts. The first was a bill that required federal inspection of all meat shipped across state lines and set sanitary standards for the industry. The penalty for noncompliance was withdrawal of the inspectors, which effectively blocked vital interstate sales.

The second part, a combined food and drug bill, was a compromise. Adulterated food was banned, but the law regulated medicines only as to their labeling. A label could not be false or misleading, although it could make any curative claim, no matter how speculative. And with the exception of narcotics and alcohol, the act didn't even require ingredients to be listed.

"The purity and honesty of the food and medicines of the people are guaranteed," *The New York Times* proclaimed hopefully. Other editorialists saw the law as only a beginning that would "blaze a path for future Congresses to follow."

In practice, the act was weak. Wiley and his bureau, which would later be renamed the Food and Drug Administration, were afforded a pitifully small budget. They cleaned up the dead-horse racket, which collected animals in the streets and sold them as beef. They prosecuted the maker of "Cuforhedake Brane-Fude" for misleading labeling. But the \$700 fine imposed in the latter case was hardly commensurate with the \$2 million the manufacturer had made on the substance.

Under the law the Bureau had to prove in court that a product was harmful or adulterated. Manufacturers were adept at finding loopholes, and patent-medicine makers continued to thrive. Not until 1938 did new legislation significantly increase the FDA's clout, demanding that sellers prove their products safe before marketing them, and banning false therapeutic claims.

Not everyone conceded the benefits of the 1906 act and the succeeding legislation. In the 1980s the deregulation movement attacked the very notion of government oversight of business. The Heritage Foundation proclaimed that "the consumer bears the ultimate burden for excessive regulation." President Ronald Reagan required all new regulations to be approved by the White House, and the heavy hand of politics began to be felt at the FDA.

In the 1990s Republican congressmen, backed by the pharmaceutical industry, tried to limit the FDA's power to regulate drugs coming onto the market. Moderates turned back the attack, keeping the nation committed to the kind of regulation begun in 1906 and overseen by the likes of the Environmental Protection Agency, the Consumer Product Safety Commission, and the Federal Trade Commission.

The FDA still comes in for criticism from many who think it ties the hands of innovators and blocks citizens' access to effective remedies. Others lambaste the agency as too lenient, saying that it fails to protect the public from dangers like the heart-disease risk associated with Vioxx and similar medicines. The complaints are part of an ongoing struggle, begun a hundred years ago, to balance freedom of commerce with basic protection for consumers and what President Roosevelt called "governmental power over big business."

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DEATH'S LABORATORY

A magazine cover dramatizes some of the evils that Made a Pure Food and Drug act necessary.