

History of Food & Drug Law



MCAFDO Annual Conference
February 22, 2016
Branson, MO

Joseph Corby
AFDO Executive Director

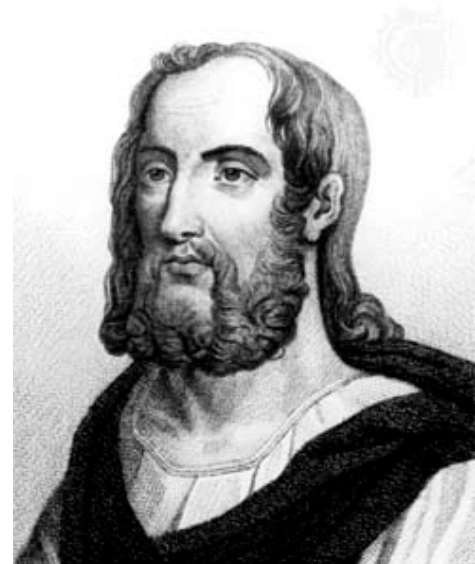
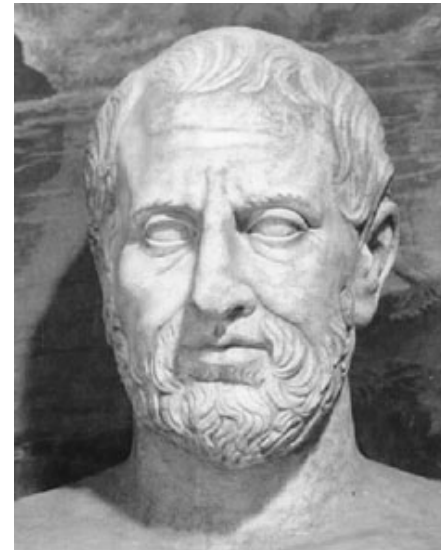
History



“One of the things we learn from history is that we never learn from history”

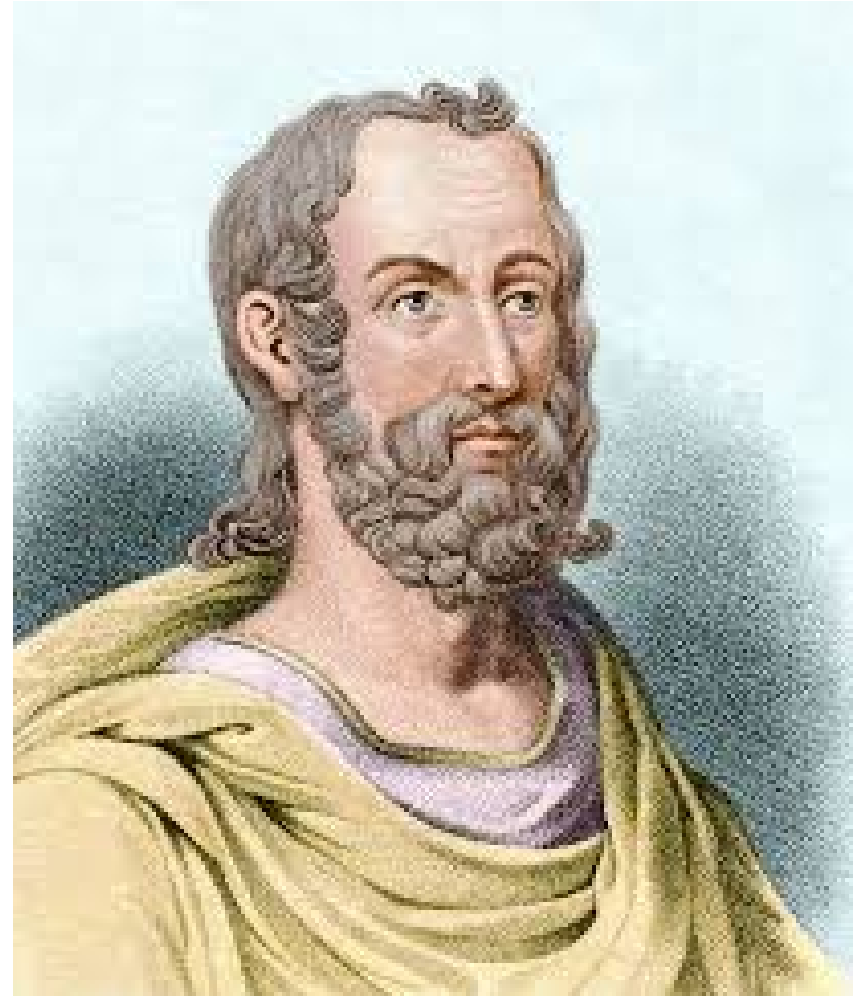
Ancient Food Regulation

- 370-285 BC “*Enquiry Into Plants*”
 - *Theophrastus*
 - Treatise on plants as sources of food and medicine
 - Noted that balsam gum was mixed with adulterants for economic reasons
- 234-149 BC “*Treatise On Agriculture*” – *Cato*
 - Noted use of boiled down musk, salt, marble dust and resin in wines
 - Method to determine if wine watered down



Ancient Food Regulation

- 23-79 AD ***“Natural History” Pliny the Elder***
 - Adulteration of breads with chalk and peppers with juniper berries
 - “so many poisons are used to force wine to suit our taste – and we are surprised that it is not wholesome”
 - “Greatest aid to health is moderation in food”
 - Urged use of kitchen gardens



Ancient Food Regulation

- 131-201 AD **“Galen”** Roman physician
 - Warned against adulteration of pepper
- **Stellionatus** – Roman Civil Law
 - *“where anyone has substituted some articles for another; or has put aside goods which he was obligated to deliver, or has spoiled them, he is liable for this offense”*



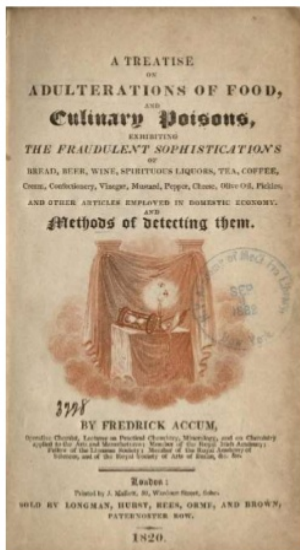
Middle Ages - Queen Elizabeth 1597



"That if any shall bring into any haven, port, creek, or town of this realm any salt fish, or salt herring, which shall not be good, sweet, reasonable, and meet for men's meat, and shall offer the same to be sold, then all and every person, owners, thereof, shall lose and forfeit to our sovereign body all the said unreasonable fish."

Fredrick Accum 1820

A Treatise on Adulterations of Food, and Culinary Poisons, exhibiting the Fraudulent Sophistications of Bread, Beer, Wine, Spirituous Liquors, Tea, Coffee, Cream, Confectionery, Vinegar, Mustard, Pepper, Cheese, Olive Oil, Pickles, and other Articles Employed in Domestic Economy, and Methods of Detecting Them.



London: Published for the Proprietors, by J. Moxon, St. Martin's Lane, 1820.

Fredrick Accum Esq.^r
DEPT. OF AGRICULTURE



Recipe for Reusing Tea Leaves

- Collect spent leaves from hotels & tea rooms
- Boil in ferrous sulfate
- Add sheep's dung
- Dry and color with Prussian blue, verdigris, logwood, tannin, or carbon black
- Resell



Department of Agriculture; Bureau of Chemistry 1862



Charles M. Wetherill

History of Food Safety



- Food & drug regulations had its roots at the state and local level
- 1641 Massachusetts Food Adulteration law [Inspection of beef, pork, & fish]
- 1641 Colony of Virginia prohibits adulteration of wine
- 1650 Massachusetts law regarding the quality of bread
- Uncertainty about food quality led to formation of state agriculture departments
- New technology gave rise to new food products [oleomargarine, blended whiskey, glucose]

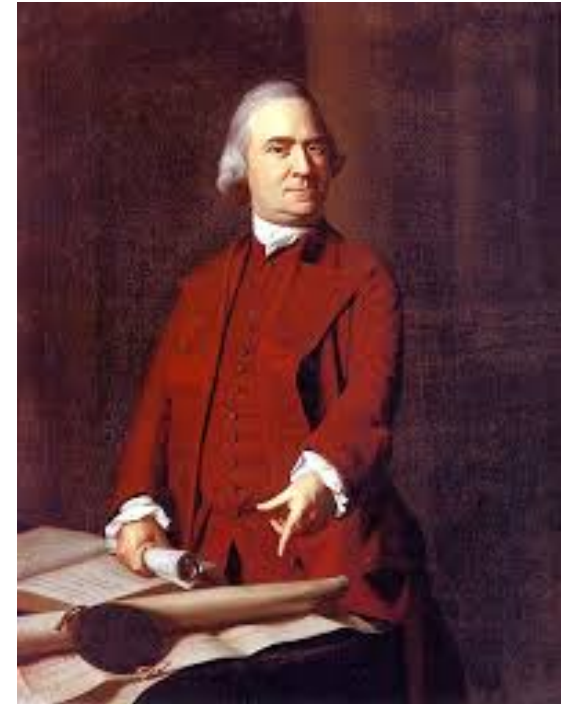
Sam Adams – signed First General Food Law Massachusetts - March 8, 1785

"Whereas some evilly disposed persons, from motives of avarice and filthy lucre, have been induced to sell diseased, corrupted or unwholesome provisions, to the great nuisance of public health and peace :

Be it enacted that if any person shall sell any such diseased, corrupted contagious or unwholesome provisions, whether for meat or drink, knowing the same, without making it known to the buyer shall be punished by

- Fine
- Imprisonment
- Standing in the pillory
- Binding to the good behavior
- Or one or more of these punishments to be inflicted according to the degree and aggravation of the offence

Early Legislation



Early Food Laws

- Iowa 1838 “*Act to punish Vendors of Unwholesome Liquors and Provisions*”
- Oregon Territory 1848 adopted Iowa Act
- California 1850 regulated sale of unwholesome provision under *Offenses Against Public Morality, Health and Police Law* (exercise of police power?)

Early Legislation

Federal Legislation

- sale of fresh and processed foods
 - 1886 – Butter and Oleo-Margarine Act
 - Legally defined butter and oleo-margarine
 - Butter definition amended in 1923 to include a minimum of 80% milkfat
 - 1890 Bill - Federal inspection of salted pork and bacon when boxed for export as requested
 - Same Bill also banned the importation of and adulterated or unwholesome food
 - Initial Meat Inspection - 1891
 - Inspect all live cattle and meat intended for export
 - Inspect all live cattle, sheep and hogs destined for interstate commerce before slaughter
 - Post mortem inspection of all cattle, sheep and hog carcasses prepared for human consumption
 - Resulted in the "Inspected and Passed" label for meat

History of Food Safety



- Greater dependence on preservatives
- Adulteration
 - Cream thickened with calves brains
 - Salad oils with mineral oils
 - Red wine colored with lead coloring
 - Sponge cakes with boric acid
 - Cocoa with dust and arsenic
 - Brown rice and sugar with sand

Influence of Patent Medicines



ADVICE TO MOTHERS. !—Are you broken in your rest by a sick child suffering with the pain of cutting teeth? Go at once to a chemist and get a bottle of MRS WINSLOW'S SOOTHING SYRUP. It will relieve the poor sufferer immediately. It is perfectly harmless and pleasant to taste, it produces natural, quiet sleep by relieving the child from pain, and the little cheeks awake "as bright as a button." It soothes the child it softens the gums, allays all pain, relieves wind, in regulates the bowels, and is the best known remedy for dysentery and diarrhoea, whether arising from teething or other causes. Mrs Winslow's Soothing Syrup Sold by Medicine Dealers everywhere at 1s and 2s per bottle. Manufactured 894 Oxford Street

COUGH

The Sale of Clinical Experiments Duggan's Glyco-Heroin (Smith) as a Respiratory Sedative Superior to All Remedies in the Preparation of Coughs, Whooping Coughs and Other Nervous and violent coughs of the acute or depressing effects which characterize the same when given in doses sufficient to induce the reflex irritability of the bronchial, tracheal and laryngeal mucous membrane.

THE PROBLEM

of determining the cause of coughs and the best way to cure them has been solved by the discovery of the cause of the cough and the best way to cure it.

HAS BEEN SOLVED BY

the pharmaceutical compound known as

GLYCO-HEROIN (Smith)

The results obtained with Glyco-Heroin (Smith) in the cure of coughs and croup are proved by numerous clinical cases and have appeared in the medical journals twice the past few years.

Scientifically Compounded, Scientifically Controlled, GLYCO-HEROIN (SMITH) simply stands upon its merits before the profession, ready to prove its efficacy to all who are interested in the art of



COCAINE TOOTHACHE DROPS

Instantaneous Cure!

PRICE 15 CENTS.

Prepared by the

LLOYD MANUFACTURING CO.

218 HUDSON AVE., ALBANY, N. Y.

For sale by all Druggists.

(Registered March 1885.) See other side

LIFE

Is not worth living under the horrors of a diseased Liver or Stomach.

DEATH

Is welcome, and can always be secured, without actual suicide, by submitting to the experiments of the "regular" doctors.

THE RESURRECTION

Of strength, vitality and the complete vigor of man or womanhood can be secured, beyond all misadventure, by use of that cleansing, reviving, reinvigorating, revitalizing, curative and preventative,

KICKAPOO INDIAN SAGWA

Prepared by Medicine Men, of the Kickapoo tribe. Sold all over the world. Price, \$1.00 per bottle; 6 bottles for \$5.00. All druggists have it.



Kickapoo Indian Sagwa,

An agreeable Internal Remedy to Regulate the

BLOOD, LIVER, STOMACH & BOWELS,

\$1.00 per Bottle 6 Bottles, \$5.00.

FOR SALE BY ALL DRUGGISTS.

Miss
Winifred Tate
praises

Dr. Sheldon's Magnetic Liniment

Miss Winifred Tate, one of the gentle-
est as well as one of the most graceful
of the S. O. Williamson Ltd. Messrs.,
has been greatly relieved by ad-
ministration of several bottles. The
chambré d'armes is comfortable in
the pain of Rheumatic Gout.



"I have been using your
Dr. Sheldon's Magnetic
Liniment now for over two
years, and I am sure I could
never perform my work
without the help of Mag-
netic Liniment. A rub with
Magnetic Liniment after
dinner, during the day,
all the afternoon in the
evening, for it takes away the
aches and pains, and
leaves me again as fresh as
ever."

"You cannot imagine
what a lot of use I find for
Magnetic Liniment. I have
used it for Rheumatism, Head-
ache, Stomach, and for a
rub-down after exercise,
and in every instance it has
proved most effective. I
can assure you that Mag-
netic Liniment will always
have a place in my dressing
bag, and I never lose an
opportunity of recommend-
ing it to my friends."

— Winifred Tate.
— Agt., "Magnetic Tate."

BANISHES ALL PAIN

*Dr. Sheldon's
Magnetic Liniment*

RHEUMATISM

and
**STOMACH
TROUBLE**



Mrs. Adelaide
Scarbbrick,
44 Hinds St.,
Elton, Bury,
Lancs., writes:

"I was suffering from
Rheumatism and Stomach
Trouble for eight months.
A friend asked me to take
Vitadatio. When I had taken
my third bottle, I began to
pick up, and now I can walk
about as well as anyone although
I am 73 years of age."

**IF YOU ARE A SUFFERER—
GET A BOTTLE TO-DAY!**

Vitadatio

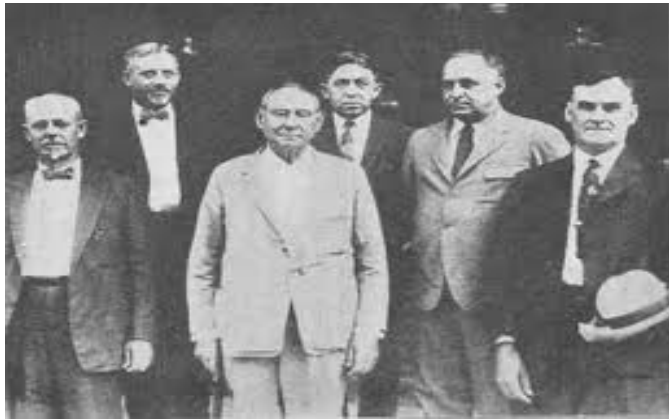
The wonderful herbal blood purifier is invaluable
for Blood Troubles, Liver, Kidney and Internal
Ailments. Sold by Chemists and Stores, 3/- and
5/- per bottle, or per post 8d. extra in U.K.
Special 21/- bottles, containing 3 weeks' supply
for export only, post free from

VITADATIO, No. 170, ARMLEY, LEEDS

SEND FOR FREE BOOK OF TESTIMONIALS

Harvey W. Wiley

Father of Food & Drug Law



Harvey W. Wiley

- Studied sorghum and sugars at Purdue University
- Discovered glucose for honey adulteration
- Chief Chemist for USDA in 1882
- Waged war against preservative use
- Sued Coca Cola over caffeine use
- Assembled “Poison Squad”
- Fought powerful industry lobbyists
- Paved way for the Pure Food and Drug Act
- Actions led to formation of FDA
- Good Housekeeping Magazine



Early Food Safety Pioneers



Roosevelt vs. Wiley

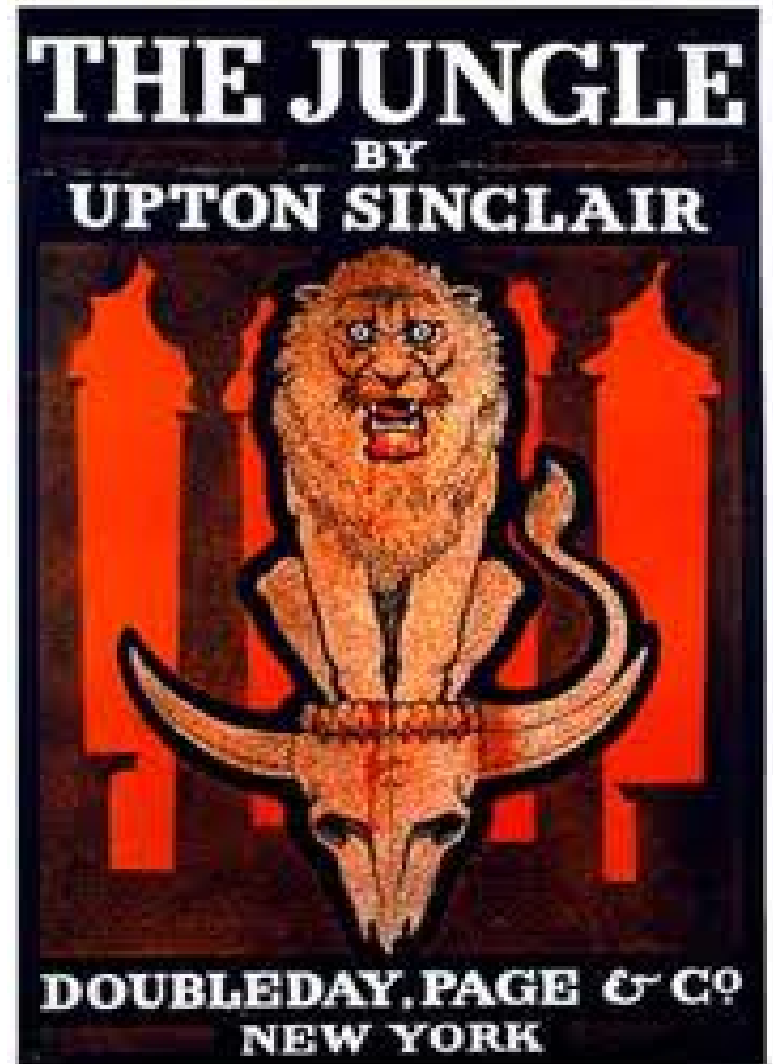
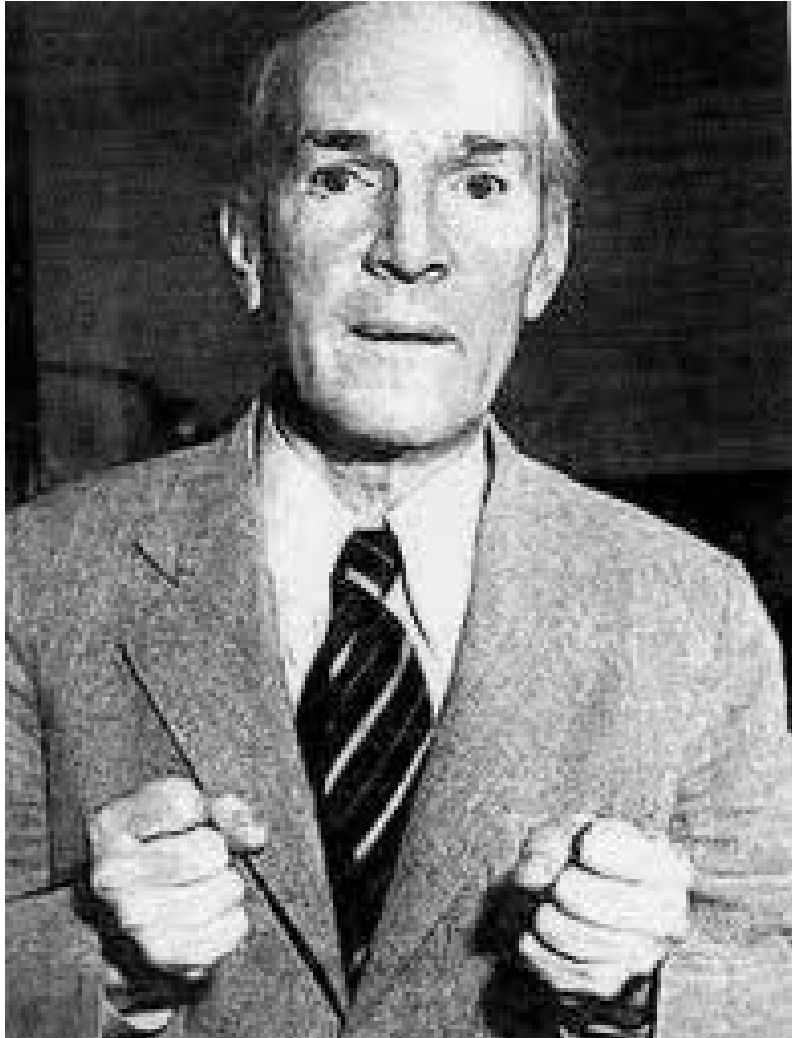


1906 Pure Food & Drug Act



- Signed into law by President Theodore Roosevelt
- Enforced by the Bureau of Chemistry [Food & Drug Administration 1931]
- Focus was on accurate product labeling
- Required manufacturers to list potentially addictive drugs on product labels

1906 Meat Inspection Act



1906 Meat Inspection Act



Federal Meat Inspection Act (1906)

Poultry Products Inspection Act (1957)

Wholesome Meat Act (1967)

Poultry Products Inspection Act (1968)

Mega-Reg (1986)

Sanitary Inspector Welch Says:

"The Abattoir at Benning Is in the Most Sanitary Condition."

The report of Inspector C. H. Welch, of the Washington Slaughtering and Cold Storage Company's ABATTOIR at Benning will prove most interesting, and tends to confirm the already established opinion of Washingtonians who have steadily persisted in eating no other but

HOME-DRESSED MEATS

Slaughtered at the Benning Abattoir.

Sanitary Inspector Welch's Report.

From the Washington Times, January 13.

WASHINGTON SLAUGHTERING AND COLD STORAGE COMPANY'S ABATTOIR IS FOUND SANITARY.

Sanitary Inspector C. H. Welch has filed his report with Dr. C. W. Woodward showing the results of his inspection of the Washington Slaughtering and Cold Storage Company's abattoir, located at Benning, D. C., and against which Mrs. A. A. F. Anderson, of 100 Ridge road, Benning, filed complaint on January 8, 1907, as "a disgusting menace to health and decency."

Inspector Welch says he made a personal official investigation of the plant, and found that it had recently been modernized in every department, and was conducted according to law and in the best sanitary manner.

You, as a user of Beef, Mutton, Pork, Veal, Hams, Bacon, Lard, Sausage; and other meat-food products, are vitally interested. The Benning Abattoir is controlled and used almost exclusively by us, the three largest Washington concerns, for the slaughtering and preparation of meat foods. We are both wholesale and retail firms, who put forth untiring efforts to give you absolutely nothing but the most wholesome, good, appetizing meat products. We believe that you will, when you see how effectively we are carrying out the regulations of the Secretary of Agriculture, always place our foodstuffs above any others on the market.

**Ask and Insist That Your Dealer Furnish You with Our Meats
If He Does Not Handle Them, Come to Our Retail Stands for Supplies**

**The A. Loeffler Sausage and
Provision Co.**

Center Market : : : :
Northern Liberty Market.

The T. T. Keane Co.

Wholesale and Retail

Center Market : : :
No. 9 Wholesale Row

N. Auth Provision Co.

Wholesale and Retail

Center Market : : : :
O Street Market : : :
Northern Liberty Market

Milk Pasteurization



- 1908 City of Chicago Ordinance
- Repealed in 1911
- Restored in 1912
- 1947 Michigan 1st state to require pasteurization of milk
- > ½ states currently allow intrastate sale
- 99% of milk sold today is pasteurized

- 10% of all NY City children would die before the age of 5
- Straus had read about Pasteur's work and was certain raw milk was the culprit
- Set up milk processing station on East 3rd Street [many others would follow]
- Provided processed milk to Randall Island orphanage that had a 42% mortality rate

Nathan Straus

MILK FOR 2,200 BABIES.

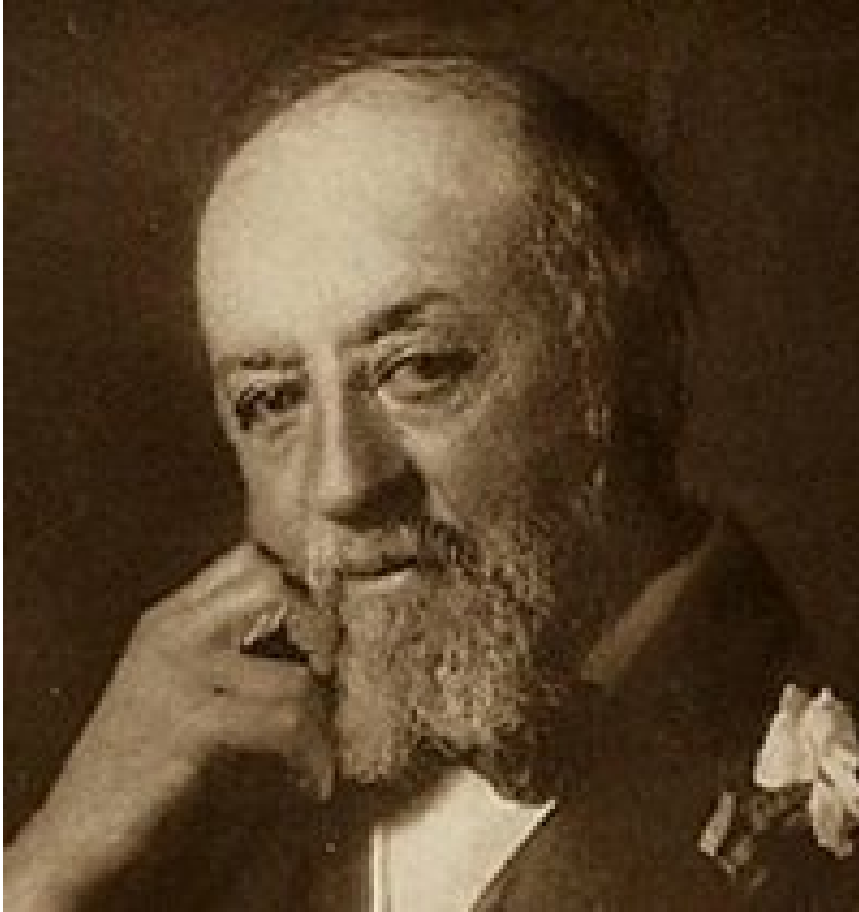
Published: September 21, 1912

Straus Stations Gave 2,193,684 Bottles During Year Just Closed.

Nathan Straus's work of protecting the babies from milk-borne diseases has completed its twenty-first year with a record of only one death the past Summer among the 2,200 babies that have been supplied with milk modified and pasteurized in the Straus laboratories and dispensed at the seventeen infant milk depots. That one death was due to pneumonia.

During the year 2,193,684 bottles of milk were supplied and 1,326,100 glasses of milk were served at the Summer stations in the parks and on the recreation piers. While the number of infant milk depots in the city has increased to nearly a hundred, the Straus stations are the only ones that supply the milk in nursing bottles, first modified and then pasteurized in the bottles. It is to this fact that Mr. Straus attributes the remarkable record of the past Summer.

NY City



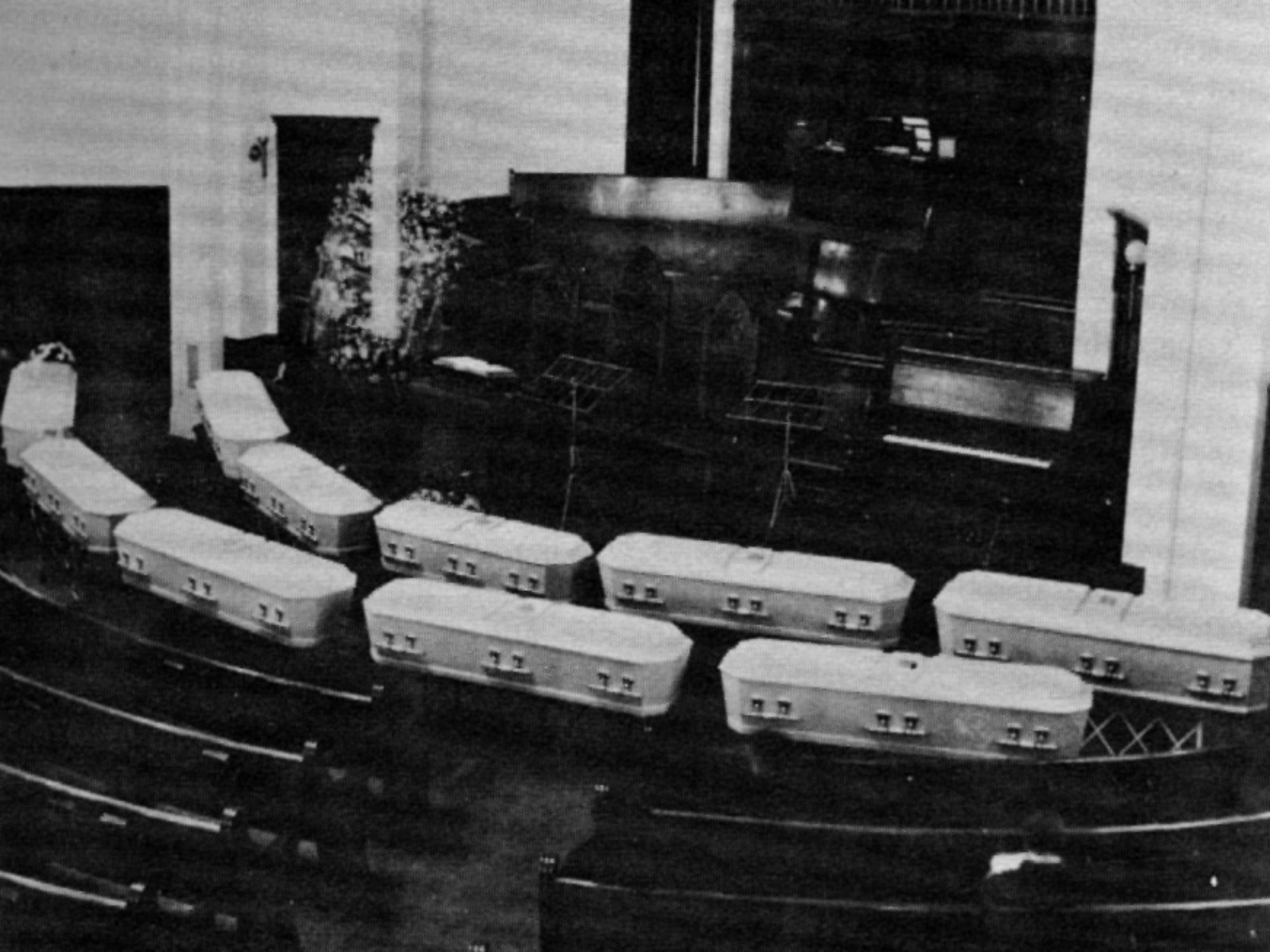
- Voluntary milk stations arise in other cities
- Dairy industry blocked efforts to pass laws
- Public resistance remained
- NY City one of the 1st to inspect dairies
- Ordinances failed in 1907 & 1909
- 1913 Typhoid fever outbreak

Infant Mortality Rate Dropped by two-thirds by 1915

Emelia and Reinhold Gerber



- Albany, Oregon 1924
- Home Processed String Beans
- All 12 individuals died within days of one another
- Story was bigger than the death of President Wilson
- U.S. Public Health Service bulletin





FD&C Act of 1938

- Signed into law by President Franklin Roosevelt
- More consumer oriented
- Provided for 3 kinds of standardized foods; Identity – Quality – Container Fill
- Authority to set other standards when judged to be necessary
- Resulted from Sulfanilamide incident which resulted in 105 deaths [mostly children]
- Changed FDA to one more focused on regulation

Sulfanilamide Disaster 1937

- Used to treat streptococcal infections
- Produced in liquid form by S.E. Massengill Co.; Bristol, TN.
- Blended with Diethylene glycol and raspberry flavoring
- Reported deaths in 15 states
- FDA assigns their entire field staff [239] to follow up
- Chemists and state/local officials assisted FDA to track down the firms 200 salesmen
- 234 of the 240 gallons retrieved

Cooperative Programs



- **1968** – Reorganization places FDA in the Public Health Service
- **1969** - FDA begins administering Sanitation Programs for milk, shellfish, food service, and interstate travel facilities, and for preventing poisoning and accidents. These responsibilities were transferred from other units of the Public Health Service.



- 1973 LACF Regulations
 - 1980 Infant Formula Act
 - 1990 NLEA
 - 1993 Food Code published
 - 1994 DSHEA
 - 1995 Seafood HACCP
 - 1998 Juice HACCP
 - 2010 Egg Safety Rule
- Food Drug & Insecticide Administration 1927
 - Food & Drug Administration 1931
 - Transferred from USDA to Federal Security Agency 1940
 - Renamed Department of Health Education & Welfare 1953

Impact of History

- Multiple state adulteration rules paved the way for federal intervention and the need for national uniformity
- Cooperative Programs demonstrated the ability of states and FDA to work together
- Continued collaboration include:
 - FDA Inspection Contracts
 - FDA Cooperative Programs
 - FSIS and FDA Cooperative Agreements
 - Partnerships/MOU's
 - Partnership for Food Protection

Food Safety Modernization Act

- Signed into law by President Obama on Jan. 4, 2012
- Enables FDA to focus more on preventing food safety problems rather than relying primarily on reacting to problems after they occur



What's so historic about the law?

- Involves creation of a new food safety system
- Broad prevention mandate and accountability
- New system of import oversight
- Emphasizes partnerships
- Emphasizes farm-to-table responsibility
- Developed through broad coalition

Thank You!

