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## Organizing Protest in the Changing City: Swill Milk and Social Activism in New York City, 1842–1864

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**T**his is a story about growing pains associated with nineteenth-century urbanization. It pursues two threads: the first examines the problems of food production and distribution in the wake of rapid population growth in New York City, while the second considers the new obstacles that critics of the urban dairies faced in trying to promote awareness of the potential health hazards that accompanied urban-produced milk. As New York's population exploded, its need for milk intensified while it was simultaneously gobbling up pasturage for housing. To make matters worse, many urban dairies, stocked with diseased cows, produced and distributed milk that resulted in the deaths of thousands of infants, predominantly among the urban poor. It is a story that blends class, economics, consumers' rights, health, and public debates over acceptable risk in the context of the burgeoning and chaotic city. The unifying link between the two threads is the notion that just as American cities experienced revolutionary growth and change during the middle third of the nineteenth century, struggles to ensure social activism went through a similar transformation.

As a means of demonstrating the deeply embedded historical significance of social activism as a vital facet of the American value system, this paper proposes to examine efforts to arrest the distribution of swill milk in New York City in the years prior to the Civil War. In effect, just as social and environmental advocates today challenge industry on issues of

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environmental risk and risk to human health, nineteenth-century opponents of swill milk sought a degree of legislative control over markets in order to protect the consumer. “Milkmen should be licensed, and the license should be granted only upon positive evidence of a dairy of grass or hay fed cows,” insisted Frank Leslie in his journalistic attack of the 1850s.<sup>1</sup> Leslie and others also insisted that the sale of adulterated milk be outlawed. While the heated battle over swill milk dissipated after state legislation was passed in the 1860s, the 1906 Food and Drug Act represented a more official closure of sorts, with more stringent, enforceable, and enforced laws against the production and distribution of contaminated or dangerous food products.

That such demands as Leslie’s were not realized quickly—indeed as late as 1904 only six American cities used dairy inspectors—speaks more to difficulties in organizing a politically potent protest than it does to a lack of social concern.<sup>2</sup> As a rule, effective protest must move from the social and political arena to the legislative process in order to enact change that might solve or mitigate the existing problem.<sup>3</sup> To receive political attention, the public organization of protest must be sufficiently broad and vocal that legislators feel pressure to act. Central to any success, then, is the process of informing the public and organizing responses to perceived social problems. In exploring New York’s battle over swill milk, this essay proposes to consider the organizational process that resulted in a gradual and concerted attack on the distributors of swill milk and their political allies. While the initial movement to ban swill milk was premised on a strong social and moral ethic, it lacked a focused foundation upon which it could gather support. The protest was ultimately successful after investigative journalists entered the fray and widely published their findings, but it took almost twenty years for public-health advocates to realize their victory. The growth of the movement and the amount of pressure it could exert on the political

1. *Frank Leslie’s Illustrated Newspaper*, 15 May 1858, 379.

2. William T. Howard, *Public Health Administration and the Natural History of Diseases in Baltimore, Maryland, 1797–1920* (Washington, D.C.: 1924), 120–121.

3. For a discussion of environmental concerns and the power of the political machine, see Samuel P. Hays, *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890–1920* (Cambridge: Harvard University Press, 1959). For an example of more recent environmental politics, see Hays (with Barbara D. Hays), *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955–1985* (Cambridge: Cambridge University Press, 1987).

machine depended largely on its support base, which grew slowly and ineffectively, allowing its opposition to build a powerful political lobby.

Consideration of the process of organization in reaction to social problems also requires consideration of the process that results in the recognition of the existence of an objective social problem.<sup>4</sup> In the instance of the development of swill milk dairies, their origins were innocent enough. As New York's population grew after 1830, the amount of enclosed pasturage for cows shrank noticeably. The establishment of dairy stables in urban enclosures was common and often necessary without the means of refrigeration and rapid transportation. Many rural dairies were not equipped with the economic or technological means to supply milk to larger, distant urban populations. As a result, large dairy herds were kept on New York's West Side near Sixteenth Street; both dairying and butchering took place in the city.<sup>5</sup>

Facilities for healthy dairy production were available, but all too often the power of the market economy prevailed and dairymen opted for less expensive alternatives. These less-expensive options consisted of crowding the cows into cramped, filthy quarters, with little light or ventilation. The stalls were very rarely cleaned, as sanitation cost money. As a further effort to reduce costs and maximize profits, city stable owners discovered that, after a period of enforced semi-starvation, cows could be persuaded to eat distillery slop. A marriage of convenience was arranged between brewers and dairymen who located their dairies next to distillery manufactories and fed the cows the waste from the distilleries' fermentation process; this boiling hot swill was channeled straight into the stable troughs. Dairymen had a constant and ready food source for their cattle and distillers were turning a profit on their

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4. Focusing on that lobby and its organization over time are important avenues for historical study. Frank Uekoetter proposes that analyzing the process of the organizing of responses to environmental problems represents an intriguing new direction for environmental histories. By locating social perceptions of divergences between objective natural conditions and certain political, economic, or cultural norms and values, an organizational approach, he argues, offers the historian an opportunity to gauge the degree to which societies are able to recognize, control, and regulate their environmental impact. This organizational approach, therefore, allows historians to contribute to contemporary environmental discussions in a more relevant manner. Frank Uekoetter, "Confronting the Pitfalls of Current Environmental History: An Argument for an Organisational Approach," *Environment and History* 4 (1998): 31–52.

5. John Duffy, *A History of Public Health in New York City, 1625–1866* (New York: Russell Sage Foundation, 1968), 427–39.

waste. Ironically, this association of dairymen and distillery owners might be considered a precursor of the modern concept of industrial ecology, whereby industries consume each other's waste, reducing the amount that requires disposal.<sup>6</sup> Without sewers, the disposal of waste in antebellum New York City was an expensive and time-consuming process; that cows would consume the distillery waste was a significant solution for distillery owners.<sup>7</sup> While swill had a relatively high nutritional value, it required supplementation with hay and grain to provide a healthy diet for the cows, which were already living in deplorably unhygienic conditions. Most dairymen were reluctant to raise their overheads in order to supply their livestock with a more wholesome diet. The milk from cows fed on alcoholic dregs smelled strongly of beer and displayed a tendency to coagulate into a hard lump.<sup>8</sup> Not surprisingly, diseases were also commonplace in these urban stables, because of the close quarters, the cows' lack of access to proper ventilation, and their limited diet. Nevertheless, dairymen continued to milk their diseased herds and sold the milk daily to consumers. The diseased milk was a pale blue color, so the dairymen adulterated it with magnesia, chalk, and plaster of paris to give it a rich, creamy texture and appearance.<sup>9</sup> Cows rarely survived for more than a year in these conditions, being milked until they died—the last milking being performed “posthumously”—and their meat then being sold to butchers who then distributed the diseased meat to more consumers. By 1835, there were an estimated 18,000 cows in New York and Brooklyn being fed distill-

6. The industrial park in Kalundborg, Denmark has recently been touted as the paradigm for modern industrial ecology. For a brief explanation of industrial ecology, see David Salvesen, “Making Industrial Parks Sustainable,” *Urban Land* (February 1996): 29–32.

7. During the first half of the nineteenth century, the institutional limitations of New York's political system hindered the ability to legislate for the construction of the infrastructure that was necessary to realize an adequate sewage system. For a history of the construction of New York sewers, see Joanne Abel Goldman, *Building New York's Sewers: Developing Mechanisms of Urban Management* (West Lafayette, Ind.: Purdue University Press, 1997). For the history of the development of antebellum New York politics, see Amy Bridges, *A City in the Republic: Antebellum New York and the Origins of Machine Politics* (Cambridge: Cambridge University Press, 1984).

8. Norman Shaftel, “A History of the Purification of Milk in New York, or, ‘How Now, Brown Cow,’” in *Sickness and Health in America: Readings in the History of Medicine and Public Health*, Judith Walzer Leavitt and Ronald L. Numbers, eds. (Madison: University of Wisconsin, 1978), 277.

9. The adulteration or watering down of milk had previously been a serious issue of contention, especially since the water used was invariably contaminated. Physicians continued to fight against the adulteration of milk, but this issue was largely secondary to the protesters of swill milk.

ery slop and by the 1850s, more than two-thirds of New York City's milk came from distillery herds.<sup>10</sup>

Public criticism of this practice emerged during the 1820s and 1830s, but neither the city nor the state felt compelled to restrict the growing swill milk industry. Their reluctance was based on a series of related factors. Firstly, most of the wealthy city-dwellers, who possessed the social and political power to present a stringent challenge to the legislators' political hegemony that would have facilitated the mounting of a more effective campaign against the swill milk interests, were in the process of insulating themselves from the urban poor. As New York grew, members of the upper class started a migration from decidedly urban areas, surrendering those neighborhoods to immigrants and the city's poor. Furthermore, the wealthy were predominantly unaffected by, and therefore uninterested in, the debate as they could afford good, rural milk from farms in Westchester, Queens, and Connecticut.<sup>11</sup> For the poor, however, there was no alternative to the swill milk.

A second factor explaining lawmakers' reluctance to control the production and distribution of swill milk was based on the premise that governmental regulations impinged upon the freedom of the market economy.<sup>12</sup> This premise grew out of a sea change in the relationship between government and economy; by the 1830s, New York's integration into the world market made it impossible—logistically and ideologically—for the city government to maintain its control over

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10. Duffy, *A History of Public Health*, 427–39; Shaftel, "A History of the Purification of Milk in New York," 277. For the "posthumous" milking of cows, see Shaftel, 278. For summaries of the origins of the "swill milk" controversy, see also Edwin G. Burrows and Mike Wallace, *Gotham: A History of New York City to 1898* (Oxford: Oxford University Press, 1999), 788; Budd Leslie Gambee, Jr., *Frank Leslie and his Illustrated Newspaper, 1855–1860* (Ann Arbor: University of Michigan, Department of Library Science, 1964), 69–72; Frank Luther Mott, *A History of American Magazines, 1850–1865* (Cambridge: Harvard University Press, 1938), 456–58; Kenneth T. Jackson, ed., *The Encyclopedia of New York City* (New Haven, Conn.: Yale University Press, 1995), 308–309.

11. The wealthier classes did eventually get behind the movement to ban the distribution of swill milk, but generally on the premise that the odor of the distillery stables permeated through the city. For them, it seems that their motivations were spurred less by the social crisis of unhealthy milk, and more in their interests to preserve their comfortable mode of living. By mid-century, the wealthier classes were also in the midst of a migration uptown, away from the swill milk battleground.

12. This rhetoric, however, neglected to consider the conception of public responsibility upon which the laissez-faire market system had been based. For the history of the market economy in antebellum America, see Charles Sellers, *The Market Revolution: Jacksonian America, 1815–1846* (Oxford: Oxford University Press, 1991).

economic regulation. The city's exceptional population growth in the following decades—New York's population quadrupled between 1830 and 1860—forcibly changed the context of city politics and urban living. The swill milk controversy emerged and was fought during a period in which civic politics was experiencing growing pains while trying to reinvent itself. Out of the eighteenth-century system that deemed it legitimate for government to impose stiff controls on economic activity came a new industrial system of machine politics that pitted special interests against reformers. Furthermore, by the mid-1830s the locus of political power shifted away from the central City Hall and established itself within the political interests of the city's separate wards. The conflict over swill milk was prolonged, then, by the efficiency with which the swill milk distributors immersed themselves in this new and still-developing system. Many of the swill milk stable owners were in fact respected members of the community.<sup>13</sup> More significantly, however, opponents ran up against a devil's bargain insofar as urban growth increased the demand for milk, which in turn made ruling against the swill dairies all the more difficult. In addition and as a result, the swill milk industry became an increasingly lucrative business and its entrepreneurs were able to impose their financial influence on city councilors, further entrenching official reluctance to act against them. The organizers in opposition to the sale of diseased milk were far less effective in learning the new ropes.<sup>14</sup>

Benevolent societies were the first to come to the defense of the powerless urban poor. A substantial increase in a humanitarian reform sentiment spread across the western world in the century after 1750. By

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13. In Brooklyn, for example, Samuel Bouton was a dairyman and also served as alderman from the Seventh Ward in 1836, 1837, 1842, and 1843. Jacob Judd, "Brooklyn's Health and Sanitation, 1834–1855," *The Journal of Long Island History* 7:1 (1967): 40–52.

14. For a variety of perspectives on political change and the emergence of the industrial metropolis during the middle of the nineteenth century, see Bridges, *A City in the Republic*; Goldman, *Building New York's Sewers*; Edward K. Spann, *The New Metropolis: New York City, 1840–1857* (New York: Columbia University Press, 1981); Sam Bass Warner, Jr., *The Urban Wilderness: A History of the American City* (Berkeley: University of California Press, 1995); Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788–1850* (Oxford: Oxford University Press, 1984); Stuart M. Blumin, *The Emergence of the Middle Class: Social Experience in the American City, 1760–1900* (Cambridge: Cambridge University Press, 1989); and Carroll Smith Rosenberg, *Religion and the Rise of the American City: The New York City Mission Movement, 1812–1870* (Ithaca, N.Y.: Cornell University Press, 1971).

the 1830s, a resurgence in humanitarian activity was precipitated by the second Great Awakening.<sup>15</sup> That a growing humanitarianism should develop simultaneously with an increase in industrialism was hardly coincidental. With an increase in industrialization and its subsequent urbanization, significant populations of oppressed workers and destitute immigrants were crowded into filthy, unventilated tenements. Their living conditions and opportunities for work—never mind upward mobility—were meager at best.

The first concerted attack against swill milk came from Robert M. Hartley, the corresponding secretary for the New York Temperance Society since 1833. In his investigation of distilleries, Hartley discovered that they sold slop to dairymen. While his initial campaign was for temperance, he accidentally fell into the milk question and, in 1842, published *An Essay on Milk*, a comprehensive history and treatise on the social significance of milk as a nutritional substance. In his essay, Hartley turned his attention to the immoral practices of the urban milk trade and condemned the sale of swill milk. He characterized the typical stall as holding 2,000 cows in the winter, while noting the unhealthy conditions in which the cows were kept.

In raising an alarm against swill milk, Hartley sought to kill two birds with one stone. Ever the temperance advocate, Hartley alerted his readers to the connection between urban dairies and distilleries and noted that many distilleries were in financial straits. “In order that the expenses may not exceed the profits, the slop must be turned to good account; hence a milk dairy . . . [is an] indispensable adjunct to every distillery.”<sup>16</sup> Hoping to break the entire ring, Hartley proposed: “Let the customers withdraw their patronage, and the business of these milkmen will be broken up, and a check given to the business of distillation.”<sup>17</sup> In concluding, Hartley insisted that “we see no relief, but in the entire prevalence of temperance principles.”<sup>18</sup>

Hartley’s advocacy constituted an astute attempt to bring down the whole stool by removing one of its legs. But his position fell largely on

15. See, as introduction, Sellers, *The Market Revolution*, 202–236.

16. Robert M. Hartley, *An Historical, Scientific and Practical Essay on Milk as an Article of Human Sustenance* (New York: Jonathan Leavitt, 1842), 112.

17. Hartley, *An Essay on Milk*, 113.

18. Hartley, *An Essay on Milk*, 348.



deaf ears, because he failed to recognize the economic reality of the new city. In emphasizing that the purchase of swill milk was unnatural, he failed to face the reality that the poor had no other choice. He could not escape the stark reality that swill milk was produced less expensively than country milk. Hartley recognized that at the time he was writing the sale of pure country milk could no longer be a profitable endeavor at less than six cents a quart, while adulterated swill milk could be sold at profit for three cents a quart.<sup>19</sup> Nevertheless, he seemed unable to accommodate the widespread nature of poverty in New York with his desire to crush the swill milk dairies and (with them) the distilleries. The reform-minded editor of the *Daily Tribune*, Horace Greeley, estimated that in 1845 at least two-thirds of New Yorkers subsisted on no more than one dollar per week per person. "On this pittance, and very much less in many thousands of instances, three hundred thousand persons within sight of Trinity steeple must pay City rents and City prices." Estimates also suggested that between 50,000 and 75,000 New Yorkers were forced to resort to charity. Furthermore, during the 1840s, the economy froze with the weather during the winter months as the canals were closed and ocean commerce was reduced.<sup>20</sup> The difference between three cents and six cents was likely more significant than Hartley realized.

Hartley's activism did strike a chord with some city politicians. Because of his book, resolutions were presented to the city's Board of Aldermen, calling for a special committee to investigate the swill milk question, but these voices were in the minority, and the board took no action on these recommendations and did not appoint a committee.<sup>21</sup> This inactivity was due in no small measure to the demands set forth by Hartley. After correctly claiming that swill milk was responsible for the city's high infant mortality, he insisted that associations between distilleries and dairies be terminated.<sup>22</sup> His demand was ignored in large

19. Hartley, *An Essay on Milk*, 326–327. Hartley conceded that six cents a quart was the bare minimum price for country milk being delivered and that prices were generally higher.

20. *Daily Tribune*, 9 July 1845. Cited in Spann, *The New Metropolis*, 71–72. Spann notes that by the 1860s, railroad construction and more manufacturing significantly improved the winter economy.

21. Duffy, *A History of Public Health*, 428–429.

22. Hartley, *An Essay on Milk*.

part because he offered no workable alternative to supplying the city's destitute with comparably priced, more wholesome milk. Anticipating future solutions by more than twenty years, Hartley proposed that rural dairies should form associations so that country milk could be available for all of New York's inhabitants, but he grossly misjudged the amount of milk required in 1842, as well as the means to transport it to the city before it soured. Furthermore, Hartley did not recognize the complexity of the milk industry and the fact that many of the rural dairies—which produced wholesome milk—also had interests in the distillery stables and had no interest in condemning the urban dairies. Sometime later, in 1858, the *Daily Tribune* noted that several rural dairies rotated their cows between urban and rural stables. Milk was produced and sold less expensively in this manner, and a distinct division between pure and swill milk was almost impossible.<sup>23</sup> Caught in his righteous humanitarianism, Hartley also failed to appreciate the relative expense of country milk even when it was incorporated into combines. While the Orange County Milk Association was distributing 7,000 quarts a day to the city, there was no corresponding decline in the sale of swill milk.<sup>24</sup>

Hartley's other failing was his inability to escape his evangelical background. Throughout his career, Hartley saw a distinct relationship between poverty and depravity, and he deplored both; poverty was not caused by the economic failures of recent years—over which his class had presided—but by moral deficiencies in the poor themselves. He excused the epidemics that regularly afflicted the city as God's retribution for sin. Among the victims of the 1832 cholera outbreak, for example, more than forty percent of the dead had been Irish Catholic. Hartley, like many others of his class, failed to make the connection between disease among the poor and the fact that Irish immigrants were also among the most numerous inhabitants of the city's squalid tenements.<sup>25</sup> The purveyors of such spiritual postulations clearly lacked

23. *Daily Tribune*, 28 May 1858, 5.

24. Shaftel, "A History of the Purification of Milk in New York," 278–279.

25. Burrows and Wallace, *Gotham*, 785. In *The Cholera Years*, Charles E. Rosenberg traces the evolution of American thinking about disease during the mid-nineteenth century. Concentrating on New York's numerous cholera epidemics during the period, Rosenberg notes that "cholera in 1866 was a social problem; in 1832, it had still been, to many Americans, a primarily moral dilemma." Charles E. Rosenberg, *The Cholera Years: The United States in 1832, 1849, and 1866* (1962; Chicago: University of Chicago Press, 1987), 228.

the political savvy necessary to galvanize those most affected by swill milk in an effective campaign to enforce legislative change.

John H. Griscom's career in public health mirrors but also represents a foil for Hartley's.<sup>26</sup> Hartley's contemporary, Griscom was a Quaker who in 1842 was appointed City Inspector. He conducted a thorough study of city health and concluded that the city's unsanitary conditions represented a distinct social problem that needed to be addressed. Whereas his predecessor's annual review had very briefly listed a series of health-related statistics for the year, Griscom labored over the city's mortality statistics and provided fifty-five pages of commentary. His central thesis was that preventive action should be the focal point of public health. Griscom was particularly concerned about the city's crowded, unventilated housing and its general filth; his preventive action called for the regulation and the construction of housing and a comprehensive drainage and sewage system to alleviate the buildup of toxic substances.<sup>27</sup> Griscom also proposed replacing politically appointed health wardens with an impartial team of medical experts.

Not surprisingly, his recommendation of controls, checks, and balances on both the market and the government did not sit well with authorities, who categorically dismissed Griscom's survey. No doubt the Board of Aldermen that convened to consider Griscom's recommendations were particularly unwilling to eliminate more than thirty political appointees—a form of patronage to favorites—in order to fill them with independent medical personnel.<sup>28</sup> Furthermore, Griscom was not reappointed as City Inspector. With the help of city reformers, however, Griscom published his study in 1845 under the title *The Sanitary Conditions of the Laboring Class of New York*.<sup>29</sup>

26. For a comparison of Hartley and Griscom, see Charles E. Rosenberg and Carroll Smith-Rosenberg, "Pietism and the Origins of the American Public Health Movement: A Note on John H. Griscom and Robert M. Hartley," in *Sickness and Health in America*, Leavitt and Numbers, eds., 345–358.

27. Such demands mirror the demands made by postwar suburban groups.

28. Duffy, *A History of Public Health*, 302–307.

29. John H. Griscom, *The Sanitary Conditions of the Laboring Class of New York* (New York: Harper and Brothers, 1845). Martin V. Melosi notes the influence of the English sanitarian, Edwin Chadwick, on Griscom and the title of his work. Chadwick had, in 1842, published his *Report on the Sanitary Condition of the Labouring Population of Great Britain* and corresponded with Griscom during the 1840s. Martin V. Melosi, *The Sanitary City: Urban Infrastructure in America from Colonial Times to the Present* (Baltimore, Md.: The Johns Hopkins University Press, 2000), 43–72. For more on Chadwick and the European influence on American notions of public health, see Christopher

Griscom's study is significant, because he broke from conventional wisdom by refusing to blame the poor for the unsanitary living spaces in which they were confined. Like the modern environmental justice movement, Griscom saw deep-seated connections between social and environmental problems; "For Griscom," note Edwin G. Burrows and Mike Wallace in their history of New York, "dirt was a symptom of poverty, not its cause."<sup>30</sup> Indeed, in light of the cholera outbreak in 1849 and the Astor riot the same year, a degree of radicalism was entering New York, and excusing the plight of the poor or the sick as simply a question of immorality was no longer an acceptable response. Within this broad spectrum of social problems, swill milk was a plausible and focused platform upon which to base the efforts of social and environmental reform. Milk consumption took place in almost any home with children and swill milk contributed to the city's growing health problems. But neither Griscom's nor Hartley's manuscripts were published widely. While Griscom and Hartley continued to participate in the movement, and while their early works were certainly catalysts for later improvements, the initial lack of reception to their ideas is attributable to their inability to organize a sustained and pragmatic attack on city legislators. Their solutions, too, lacked an appreciation for the difficulties involved in the distribution of city funds for large projects; they also generally antagonized the interests of the aldermen whose votes were needed to make their proposals a reality. The worsening of the swill milk situation, however, helped galvanize further support. In 1847 distemper or "cow fever" broke out in the swill stables near the South Ferry.<sup>31</sup> The disease spread rapidly through the crowded stables and was uniformly fatal, until it was discovered that cows could be inoculated by slitting their tails and inserting parts of a dead cow's lungs. The tail generally swelled and rotted off, but only twenty percent of the inoculated cows died.<sup>32</sup> Inoculated cows, cows suffering

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Hamlin, *Public Health and Social Justice in the Age of Chadwick: Britain, 1800–1854* (Cambridge: Cambridge University Press, 1998).

30. Burrows and Wallace, *Gotham*, 785.

31. S. Rotton Percy, "Report of the Committee on City Milk," *Transactions of the New York Academy of Medicine*, 2 March 1859: 97–149. Reference to "cow fever" is on pp. 104–106.

32. Percy, "Report of the Committee on City Milk," *Transactions of the New York Academy of Medicine*, 2 March 1859: 104–106. Percy posited that the inoculation was "a needless piece of folly," and that there was no evidence that the fever was contagious.

from distemper, and dead cows were all milked, however, and their milk was sold to the urban poor. For 1843, before the epidemic hit the swill stables, the City Inspector of New York reported that children under five years of age represented 4,588 of the 13,281 deaths reported in the city. In 1856, 13,373 children under the age of five died, while the number of deaths of people over the age of five had hardly changed at all. Whereas in 1843 children under five had represented roughly one-third of all deaths, by 1856 they represented more than 60 percent of all deaths.<sup>33</sup>

Concerned about the widespread disease among cows and the increase in infant mortality, the New York Academy of Medicine set up a committee to investigate the swill milk stables in 1848. The committee found that conditions under which the cows were kept were atrocious and unacceptable. The larger stables were found to keep 2,000 to 4,000 cows confined in unventilated stalls, which—combined with their inadequate diet of distillery slop—led to the easy transmission of disease throughout the entire herd. Running, ulcerated sores all over their bodies, missing teeth, sore feet, hair loss, and consumptive lungs were just some of the common ailments listed by the committee. After a chemical analysis of the milk, the committee found that the milk contained only one-half to one-third the amount of butterfat as country milk and concluded that the distillery milk was very likely the cause of scrofula and cholera infantum, which had claimed so many of the city's young. On 1 March 1848, the committee's chair, Dr. Augustus Gardner, presented two resolutions to the Academy: that swill milk was "not only less nutritious than that of unconfined and well-fed animals, but is positively deleterious, especially to young children," and that city officials take action against the swill milk dairymen "as in their wisdom they may think fit."<sup>34</sup> The Academy accepted Gardner's report, but the resolutions were tabled until further evidence could be obtained. The Gardner report was not published by the Academy until 1851, and even then its condemnation of swill milk was not spread publicly.

33. *Leslie's*, 8 May 1858, 359.

34. Augustus K. Gardner, "Report of a Committee Appointed by the Academy of Medicine, upon the Comparative Value of Milk Formed from the Slop of Distilleries and Other Food," *Transactions of the New York Academy of Medicine*, 1 March 1848: 31–49. Quotations are from p. 49.

While Gardner and Griscom both continued the battle, they received little assistance from the powerful body of respected health authorities. Indeed, the Academy did not really act again upon the swill milk issue until it gained widespread publicity in the city's newspapers.

The swill milk campaign was one of the first journalism crusades. The "power of the press" highlighted the dangers of the swill milk trade and, through its readership, gathered support for the movement. The *Daily Tribune* published a long article and editorial on 26 June 1847, attacking swill milk for containing "*positively* noxious properties." The article was anonymously written "by a scientific gentleman of the highest character," who pointed to swill milk as being responsible for the excessive infant-mortality numbers in the city and concluded by chastising city officials for not acting. "What other city," the article asked, "would allow 100,000 quarts of impure, demonstrably diseased milk, to be distributed every week among its inhabitants?"<sup>35</sup>

Among the more vociferous (and successful) antagonists of the swill milk dairy industry was the journalist, Frank Leslie. In May 1858, Leslie, through his weekly newspaper, *Frank Leslie's Illustrated Newspaper*, devoted extensive time and energy to researching and exposing the social and moral ills of the "nefarious and revolting trade."<sup>36</sup> Leslie's challenge to the industry was comprehensive as he increased public awareness, articulated the health risks associated with the swill milk, publicized the trade routes taken by the distributors, and attacked the political machine that looked the other way. "Shall these manufactories of hell-broths be permitted longer to exist among us?" he boldly queried.<sup>37</sup> Previous attempts to counter and arrest the abuses of the milk trade had been unsuccessful, but Leslie's attack—complete with Thomas Nast's vivid illustrations—demonstrated the power of pictorial journalism.<sup>38</sup>

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35. *Daily Tribune*, 26 June 1847, 2. John Duffy suggests that the author of this article was very likely Dr. Augustus Gardner, who wrote extensively on the topic of swill milk as chair of the New York Academy of Medicine. Duffy, *A History of Public Health*, 429.

36. *Leslie's*, 15 May 1858, 369.

37. *Leslie's*, 22 May 1858, 385.

38. Gambee, *Frank Leslie and His Illustrated Newspaper, 1855–1860*. Gambee notes that issues in early 1858 had very few pictures, likely due to the fact that Leslie's illustrators were busy researching and drawing for the swill milk exposé.

Leslie joined the ranks of public health officials and benevolent societies that opposed the distribution of diseased milk. His prose—often melodramatic and always full of panache—was designed to stimulate reaction from its readers, but it also rang of goodwill and concern for his fellow citizen:

In presenting to our readers the sickening details connected with the distillery milk manufacture which prevails to an alarming extent in both New York and Brooklyn, we are animated solely by a desire to benefit our fellow-citizens, to expose the shameless frauds which are every day perpetrated under the eyes and with the full cognizance of the public authorities, and to break up a system which, by the wholesale distribution of liquid poison, is decimating our population, bringing death into a thousand homes, and demoralizing the general health of the city. . . . Ours has been no pleasing task! we should not have selected it for pastime or amusement! we would rather have shunned it as we would avoid a place infected by the plague; but a sense of public duty and the powerful lever of faithful and accurate illustrations taken on these leper spots.<sup>39</sup>

The popularity of his exposé effectively saved his business. In 1857 Leslie claimed to have 90,000 subscriptions, but he was embroiled in a fierce battle with the newly established *Harper's Weekly*. By the end of 1858, Leslie boasted a subscription total of 140,000, with special issues selling considerably more copies. This rise in subscriptions was in all likelihood directly attributable to Leslie's investigation of the swill milk controversy; during his exposé Leslie reduced and eventually eliminated his gossip columns in favor of presenting news and editorials. While he still competed with *Harper's* for the illustrated newspaper market, Leslie established his newspaper as a first-rate publication of investigative journalism.<sup>40</sup>

Leslie's exposé was powerful and it attacked not just the men directly involved in the production and distribution of swill milk. After his initial flurry of articles exposing the trade, Leslie attacked the political machine that condoned it. By 1858, some sixteen years after Hartley pub-

39. *Leslie's*, 8 May 1858, 353.

40. Gambee, *Frank Leslie and his Illustrated Newspaper*, 68–72.

lished his essay on the history of milk and fourteen years since Griscom had derided the sanitary conditions of the city, civic authorities still had not imposed any restrictions on the sale of swill milk. Legislative inactivity was due largely to the political sway held by the dairy owners. Leslie noted that the high profits made from swill milk had made the dealers a potent lobby against reforms. In 1856, for example, the Brooklyn Common Council passed a law requiring ample room for dairy cows, but within a couple of months, the council buckled under the pressure of the swill milk dealers and passed an amendment exempting urban swill milk distilleries. By 1858, one anonymous, prominent official told Leslie it was unlikely that the authorities would take action: “They dare not do it! *Don’t you know that every one of those cows has a vote?*”<sup>41</sup>

Leslie’s coverage of the diseased milk trade did, however, provoke a series of formal inquiries, the first by a committee of city officials altogether too friendly with the swill milk dealers to provide a balanced report. Indeed, the *Daily Tribune* mocked the investigation as an example of political corruption. “After giving the swill milk venders ample time to brush up and ‘make it all right’ for the official visit, Alderman [Michael] Tuomey yesterday led his Committee up to Johnson’s distillery, looked about a little, found all in tolerably good condition, took a drink at the corner groggery, got a few samples of milk from cows, and rode back to City Hall.”<sup>42</sup> Tuomey issued reassuring reports, but Leslie challenged his credibility and his connections to the industry. His attacks against the committee members were particularly ruthless. Leslie called Tuomey “a barefaced, shameless rascal.” Leslie was even more disparaging of Tuomey’s second, Alderman E. Harrison Reed, who “in all that constitutes the scurrilous blackguard and mouthy poltroon is Tuomey’s superior.”<sup>43</sup> Leslie further increased his mockery of the committee’s work and findings by printing a now-famous cartoon of three aldermen whitewashing a stump-tailed cow (Illustration I).<sup>44</sup> After the whitewashing cartoon, Leslie was indicted for criminal libel, but, after a hearing marred by violence, the action was dismissed by the

41. *Leslie’s*, 15 May 1858, 379.

42. *Daily Tribune*, 28 May 1858, 4.

43. *Leslie’s*, 10 July 1858, 90; 24 July 1858, 120.

44. *Leslie’s*, 17 July 1858, 110. Reed, one of the whitewashers, was defeated for alderman that fall.





Illustration 1: Three New York City aldermen charged with investigating the swill milk industry shown whitewashing a diseased, stump-tailed cow and her owner; milk from such cows caused the deaths of thousands, many of them children. *Frank Leslie's Illustrated Newspaper*, 17 July 1858, 110.

grand jury. It was blatantly obvious that, as incriminating as Leslie's cartoon had been, it was not libelous.

The outrage led the Board of Health to appoint a new committee to conduct a more thorough study. Two reports came from this second study. The majority report, signed by Tuomey and Reed, found the stables and the conditions of the cows to be adequate, but recommended that the stables receive better ventilation. Critics of the report—who then submitted the minority report—complained that the investigation sought to protect the dairymen and that the committee spent most of its time putting Leslie's charges on trial.<sup>45</sup> Charles H. Haswell submitted the minority report that represented a stark criticism of all facets of the swill milk industry. Witnesses had admitted that diseased cows were regularly milked and that urine was occasionally—through accident or negligence—added to the milk.<sup>46</sup> Haswell listed four objections to

45. C. H. Haswell, *Reminiscences of an Octogenarian of the City of New York, 1816–1860* (New York: Harper and Brothers, 1896), 511–512.

46. *Majority and Minority Reports of the Select Committee Appointed to Investigate the Character and Conditions of the Sources from which Cows' Milk is Derived*, 24–28.

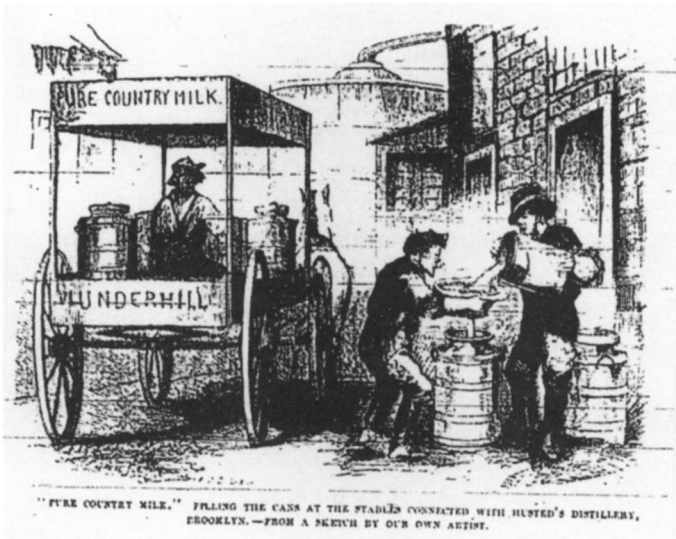


Illustration II: False advertising of swill milk with a “country wagon” pulled up to a distillery yard. *Frank Leslie's Illustrated Newspaper*, 8 May 1858, 368.

the swill dairies: crowded stalls, widespread disease, unsanitary milk-ing process, and the slaughter of diseased cows for meat. On 14 July 1858, the council discussed the majority and minority reports and opted in favor of the corrupt majority report. No concessions were made to appease the angry committee members; even a resolution requiring that distillery dairies post signs on their carts that read “Swill-fed Milk” was rejected.<sup>47</sup>

With no resolution in sight, Leslie dedicated himself to persevering in his crusade. Accompanying his vivid illustrations were extensive lists of the routes taken by the distillery milk carts, the numbers of the houses to which they delivered, the locations of the depots that advertised their milk as “country pure,” the names of the owners of the cows, and the false inscriptions on the carts which carried the swill milk around the city (Illustration II). Leslie did achieve some success, as some milk distributors started to buy country milk. Leslie was quick to publish these small victories along with his weekly stories. Mitchell and Blain, from Fulton Market, wrote Leslie to “thank you for your exposure of

47. Duffy, *A History of Public Health*, 433–434.

the Swill milk trade. We have changed our milkman, and now use none but the best Country Milk.”<sup>48</sup>

Given the impotence or unwillingness—likely the latter in most instances—of city officials to act, Leslie probably saw his crusade as an attempt not just to arouse public awareness, but also to spark public action. In 1848 the inhabitants of a small town near Elberfeld, Germany, burned a swill milk distillery to the ground and drove out the owners, after officials had not acted. By drawing on this example early in his exposé, it is possible that Leslie was hoping to incite a similar reaction in New York.<sup>49</sup> Leslie left out the fact that the Prussian state eventually crushed such civil disobedience. Nevertheless, Leslie promoted his exposé as the catalyst for social change that stoked the fires of public activism. “During the past week,” he wrote the week after he first broke the story, “it has been the subject of serious and animated discussion in almost every house. . . . Each one asked himself, ‘How could I be so supine as to sit quiet and never make an effort to cleanse this foul nest for humanity’s sake, if not from personal motives.’”<sup>50</sup> Again, in attempting to stir public activism, Leslie wrote: “Every man who rests in the vain and selfish security that he is ‘safe’ is a traitor to the cause, and gives comfort and help to the general enemy.”<sup>51</sup>

In appealing to individuals’ senses of morality, Leslie also worked to persuade the strong temperance movement to join his crusade. Attacking both the distilleries and the swill milk at the same time, Leslie associated the problems as Hartley had done, writing:

Wherever large masses of people congregate, thus creating a great demand for milk, *a distillery springs up at once*, and while this *furnishes fiery alcohol which makes fathers and husbands drunkards, loafers, and, perhaps, murderers*, the filthy cow stables, which hang around it like bloated parasites, dispense *the poison that deals death to the mothers and children*.<sup>52</sup>

48. *Leslie’s*, 15 May 1858, 384.

49. *Leslie’s*, 8 May 1858, 353, 359.

50. *Leslie’s*, 15 May 1858, 378.

51. *Leslie’s*, 22 May 1858, 385.

52. *Leslie’s*, 22 May 1858, 385.

In broadening the scope of the protest, Leslie attracted more people to the movement. If the plight of urban women and children was not enough to attract middle- and upper-class women to the movement, perhaps relating it to their own benevolent issues, such as temperance and family problems associated with alcohol, would. Furthermore, Leslie was demonstrating how swill milk had an impact on men as well as women and children. By expanding the issue to one of public health in general, Leslie found a broader support base, though ultimately insufficiently so. Where Hartley's prosaic attempts to galvanize public sentiment into action had failed, Leslie's persistence and sensationalism was highly effective. The illustrations no doubt brought to life the conditions in the swill stables, but his message was also heard by far more people. Leslie also managed a sustained attack that appeared serially in his newspaper, whereas Hartley's book was not followed by further postulations.

Timing, however, may ultimately have been the critical factor. By the late 1850s, railroad expansion was making the transportation of country milk to the city an ever-increasing possibility. The supply of milk continued to grow and milk associations began forming, dropping the overall cost of wholesome milk. The feasibility of bringing country milk to the city spurred a different legislative body into action against the distillery milk traders. In 1861, Otsego County Senator Francis M. Rotch proposed a bill in the state legislature to stop the sale of swill milk in New York City. Inspired perhaps by some of Hartley's suggestions regarding the potential economic growth of rural dairies, almost twenty years earlier, Rotch might have seen an economic opportunity for his rural constituents if the swill milk trade were abolished. As the travel time between New York City and outlying counties got continually shorter, a cost-effective alternative to swill milk presented itself. The senate passed the bill, but the assembly rejected it. The following year, however, the law was enacted and it represented the first Milk Law to be passed in New York State. The law made the sale of "any impure, adulterated, or unwholesome milk" a misdemeanor and punishable by a fine of fifty dollars or a jail sentence in default of the fine. The law further outlawed the feeding of cows on food that would

produce unwholesome milk—an attack on distillery slop—and imposed stricter laws of stable conditions.<sup>53</sup> That the law was passed at the state rather than the municipal level suggests that the distillery and urban dairy owners still held considerable sway in city politics.

While this legislation represented a monumental victory in the fight against swill milk, distributors quickly found loopholes, namely in the law's vagueness regarding what constituted "adulterated" or "unwholesome" milk under the statute. An amendment in 1864 specifically defined "the addition of water or any substance other than a sufficient quantity of ice to preserve the whole milk while in transportation" to be an adulteration.<sup>54</sup> Given that the swill milk required adulteration to even look like milk, the amendment legally put an end to the production of swill milk in Manhattan. But in Brooklyn the swill milk trade was still protected by the local amendment passed in 1856 that protected swill milk businesses within the city limits. As late as the turn of the last century, swill milk was still produced and sold in Brooklyn. The Department of Health, formed in 1866, entered the fray in 1873, banning—and making specific reference to—swill milk as part of the sanitary code.<sup>55</sup> As the swill dairies decreased in number and were pushed further from the city, their owners found it increasingly difficult to manage both production and distribution. The division of labor ultimately ruined the political power of the swill milk trade; as the milk industry grew, the interests of milk producers were often in conflict with those of the distributors and what had once been a formidable political lobby was in shambles.

Opponents of the swill milk trade had enjoyed a relative victory, but it was not entirely the result of their own efforts. That it took more than twenty years after the initial, concerted alarm over swill milk to realize any kind of control over the industry is testament to the disorganized nature of the early protest against it. Leslie's efforts must be recognized as the most effective public condemnation of the distillery milk trade, because his exposé was direct in attacking the political machine that could create the kinds of regulations that protesters demanded.

53. *New York State Laws*, 85th session, chapter 467, 23 April 1862, 866–867.

54. *New York State Laws*, 87th session, chapter 544, 2 May 1864, 1195–1196.

55. *New York Department of Health Sanitary Code*, 2 June 1873.

Leslie also struck a chord with a wider audience and galvanized action from a broader support base than did efforts that came from smaller groups. But the failure to effectively outline the roots of the problem or to organize in a manner that would exact change ultimately hampered the protest. Swill milk was accepted as the problem, but activists like Hartley, Griscom, and Leslie indirectly disagreed amongst themselves as to whether it was the production or distribution that should be challenged. Furthermore, reformers disagreed on whether the feeding of distillery slops to the cows, the stable conditions, the unethical business acumen of the dairymen, or the lack of municipal licensing within the milk industry should be the central target for civil objection. Over and above these internal conflicts, however, the lobby was probably never sufficiently strong to represent any legitimate challenge to the status quo. The protest against the distribution of swill milk suffered from a lack of focus and organization that could directly address the political forces needed to legislate change. In the end, it was forces outside the control of the reformers—external interests and technological change—that brought the swill milk industry to an eventual close.