



This revised version of the Cream of Wheat trademark was registered in North Dakota on June 19, 1905.

Trademarks from North Dakota's Past

Gerald G. Newborg

The North Dakota Milling Company of Grand Forks was suffering the effects of the economic depression of 1893. Situated on Fifth Street at the southwest corner of Kittson Avenue, the company had been incorporated by George B. Clifford, Emery Mapes, and George Bull early in 1890. Perhaps through an act of economic desperation, perhaps to quiet the company's insistent miller Tom Amidon, the company sent unannounced a quantity of Amidon's crudely packaged breakfast cereal to its New York broker along with its usual shipment of flour. They named the farina or wheat middlings they packaged "Cream of Wheat." It was an immediate success. In 1897 the Cream of Wheat Company was incorporated and shortly thereafter moved its headquarters to Minneapolis. The company's almost accidental trademark, a black chef, came from an old printing plate used to produce the label for that first experimental shipment. Although modified through the years, the essential elements of the Cream of Wheat trademark remain the same today.

The use of marks to identify the source of products reaches into antiquity. However, with the changes that occurred in manufacturing and transportation in the nineteenth century, trademarks and packaging took on new importance. In addition, industry began advertising directly to the public. From about 1860 to 1920 locally produced goods sold from bulk containers were phased out in favor of factory-made packaged merchandise. All of this led to an enormous increase in the use of trademarks.

Until the passage of the first federal trademark law in 1870, marks and labels could only be registered for protection through federal district courts. The 1870 law was overturned by the Supreme Court in 1879 and was replaced in 1881 by a law protecting only trademarks "used in commerce with foreign nations or with the Indian tribes." The federal trademark law was revised again in 1905 and in 1946.

North Dakota's Legislative Assembly approved "An Act to regulate the Use of Marks and Brands and Trade Marks" in March 1891. The Act of 1891 amended an Act passed a year earlier. One of the modifications was the inclusion of trademarks — the perceived need clearly was for the legal registration of livestock brands and ear-



A number of trademarks have been issued for brands of flour in North Dakota. "Pride of Dakota" and "Fargo's Best," trademarks used by Fargo Mill Company beginning in 1903, were registered with the Secretary of State in August 1913. Lidgerwood Mill Company's "Seal of North Dakota" was registered in February 1904, having been in use as a trademark since 1898.



As part of a national movement for improved roads, several road associations organized to develop continuous highways that would promote commerce and tourism in North Dakota, including The Missouri Slope Good Roads Association (left), (org. 1921), to establish the Parks Highway from Anamoose through Ryder, Sanish, to Fairview and The Metigoshe-Black Hills Highway Association (middle) (org. 1921) to mark and develop a road from Lake Metigoshe through Minot, Bismarck, Mandan, and Flasher, culminating in Deadwood where the road would connect to a trail leading to Denver. The Yellowstone Trail Association (right), one of the oldest trail associations in the nation (org. 1912), crossed North Dakota in the southwest, running from Lemmon, South Dakota, to Marmarth (now U.S. 12).

marks. The record bears this out. While brands and ear-marks were registered almost immediately in 1890, the first trademark was not registered until October 1892. That trademark was registered by a cigar maker, Sanford D. Frank of Grand Forks. Frank described the Trademark as "a star shaped figure printed in gold bronze color on cigar." The cigar was named "Frank's Star."



The record of trademarks is one of a number of records transferred to the State Archives from the Secretary of State that document business activity throughout the state's history. The registration of trademarks continues

to be a function of the Office of the Secretary of State, along with registration of all corporations and associations. The Legislative Assembly transferred the registration of livestock brands to the Commissioner of Agriculture and Labor in 1901. Those early records have been transferred to the State Archives by the Department of Agriculture. [ND]

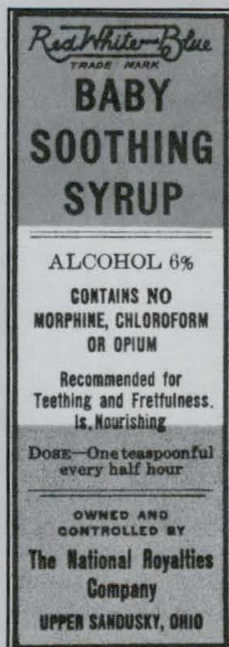
Gerald G. Newborg is the Director of the State Archives and Historical Research Library, State Historical Society of North Dakota.



The Hanson Cigar Company of Mandan registered "Man," an early example of targeted tobacco advertising, in April 1907.



The legalization of the sale of alcoholic beverages in North Dakota (beer and wine were legally sold beginning in 1933, liquor in 1935) brought forth a rush of trademark registrations. The Sterling Wine and Liquor Corporation of St. Paul, Minnesota, registered twenty-five brands in November 1936, including "Al-K-Hall."



Patent medicine manufacturers were among the first and most inventive to market packaged brand-name goods. The Pure Food and Drug Act of 1906 eliminated the most dangerous ingredients contained in some of these quack medicines, such as heroin and cocaine. Subsequently, manufacturers advertised that their product did not contain these prohibited substances. However, alcohol was often a key ingredient.



Registration of trademarks by banks was unusual. Two that did were the Union Bank of Bantry and the Scandanavian Bank of Grand Forks. The Union Bank of Bantry organized on April 1, 1915, and closed March 31, 1927, one of hundreds of North Dakota banks that went out of business in the 1920s. The Scandinavian Bank of Grand Forks started business as a state bank on August 15, 1904. About thirteen years later it became a national bank under the name Northwestern National Bank. At least two other Scandinavian American banks were once in business in North Dakota at Fargo and Grafton, along with at least two Scandia American banks.

Widlund's
Dacotah Bloom
 TRADE MARK
Trepanier Pharmacy
 Grand Forks, N.D.



DR. LE BRUN'S
FRENCH FEMALE TABLOIDS
 Directions Inside
PRICE \$2.00
 MFG. BY **LE BRUN MEDICINE CO.**
 PARIS, FRANCE
A. I. WIDLUND, Druggist, American Agent
 GRAND FORKS, N. D.

These Tablets will Cure Sick or Nervous Headache quickly, and are perfectly harmless.


DIRECTIONS
 Take one or two tablets. Lie or sit down and keep quiet; eat sparingly. Repeat in thirty minutes if not relieved. These tablets are easily swallowed by the aid of a little water.

WIDLUND'S
 RED CROSS
HEADACHE TABLETS
 Trade Mark
 Positively Cures Headache and NEURALGIA
 MANUFACTURED ONLY BY
 A. I. WIDLUND—TREPANIER PHARMACY
 GRAND FORKS, N. D.


NOTICE
 Beware of imitation--the Genuine has my monogram on each Tablet

A. I. Widlund, druggist and proprietor of Trepanier Pharmacy in Grand Forks, marketed several pharmaceuticals under his imprint just after the turn of the century. They ranged from several imported concoctions to headache tablets he may have formulated from a bulk supply available in powdered form.

VIKING BRAND
MALT SYRUP
 100% PURE HOP FLAVOR
 Medium
 NET WEIGHT 2 LBS. 8 OZ.
 E.C. PRODUCTS CO.



Deutsch Special
MALT SYRUP
 Contents 2 1-2 lbs.
 MEDIUM HOP FLAVOR
 C. O. Lindbergh
 Sole Owner
 615 9th St.
 Bismarck, N. D.
 LINDBERG MADE
 BOHEMIAN STYLE

"PEPPY HAPPY"
 MALT SYRUP

 (Reg. Trade Mark)
PETERSON FOOD PRODUCTS COMPANY
 Owners and Distributors

A number of malt syrup brands were registered, representing companies in the northern midwest. Several were apparently targeted toward the most prevalent ethnic groups in the region. This popular product could be used to make malted milk and even bread. However, the prohibition warning not to use the syrup in the manufacture of an intoxicating beverage may have been ignored at times.