

November 30, 1942

Dean Chris Christensen
Agricultural Hall
Campus

Dear Dean Christensen:

Since our conversation the other day regarding the fortification of oleomargarine with vitamin D under license agreement with the W.A.R.F., I have given the matter considerable thought, and I wish to place before you certain facts which should be given a great deal of consideration in that connection.

The most important fact which I did not mention the other day and which has an important bearing upon whatever the W.A.R.F. might do, is that vitamin D as produced by the Steenbock process does not monopolize the field of synthetic vitamin D. There are now other processes in commercial use which do not depend upon the use of ultraviolet light, and these are just as efficient as the Steenbock process and can compete with it on an even footing in the commercial field. Vitamin D therefore is now a commodity on the market which can be purchased on a competitive basis. It can be obtained from fish oils as has been the case for many years, as well as by irradiation of various sterols using either low velocity electrons or ultraviolet light. This means that if the Foundation does not license the oleomargarine or other industries others are in a position to do so.

Another fact of importance is that while vitamin D has been available all these years, in no instance has the butter industry seen fit to use it in its product although it is well recognized that butter is low in its content of vitamin D. There is absolutely no reason why vitamin D should not be incorporated in butter because the means to do so have already been developed and are easily executable. If oleomargarine should be fortified it might spur the dairy industry to do something in the way of improving its products as well. Certainly no one would be in a position to condemn any program which would lead to the production of a superior product.

You will note from the above analysis that I am rather inclined to favor the idea of having the Foundation license the oleomargarine industry. However, I do feel that when licenses are granted the licensees should not have the right to use the name of the University of Wisconsin nor the name of the W.A.R.F. in connection with the program. I say this because there would be no justification for the use of the name of the University because the W.A.R.F. is a separate corporation and there would be no necessity for the use of the name of the W.A.R.F. because, as has been stated before, vitamin D is now a commodity which can be purchased by anyone in the open market.

This brings me to the last point, and that is that if the oleo

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industry is licensed by the W.A.R.F., the W.A.R.F. should no longer be housed on the University campus. This may seem like a harsh conclusion, but I think it is wise that we should anticipate possible inferences which might be drawn because so many people are not aware that the Foundation is no longer in position to take full responsibility for the use of vitamin D in its various forms. The question of propriety will therefore be raised and suitable preparations for answering the question might as well be made now as later. This, however, I believe is a matter which falls more within the jurisdiction of President Dykstra than yourself. Furthermore, I am not entirely convinced that the Foundation, in action taken in one of its early meetings, provided that the consent of the Dean of the College of Agriculture should be obtained. I should want to assure myself of this point by looking up the early minutes of these meetings. I personally was entirely satisfied with having the consent rest with the President of the University. I mention this merely because there is a possibility that there may be no necessity of a commitment by yourself.

Sincerely yours,

HS:GD

Harry Steenbock

December 1, 1942

President C. A. Dykstra
Bascom Hall
University Campus

Dear President Dykstra:

Some time ago at a meeting of the trustees of the Wisconsin Alumnae Research Foundation the question arose as to whether or not the Foundation would now be justified in licensing the oleomargarine industry for the use of the Steenbock patents. The question was referred to me at the meeting, and I discussed it at some length, pointing out how the dairy industry was entitled to protection as a subsidy because it represented a form of living as well as a system of permanent agriculture.

Since the time of my discovery and the organization of the Foundation the situation has changed considerably. The production of vitamin D is still less a monopoly than it was at that time. Then it was available in the form of fish oils and certain concentrates prepared therefrom, but these were all very unpalatable and could not be used without encountering a great deal of consumer resistance. However, palatable vitamin D of high concentration is now available from fish oils and can also be produced economically by an electronic discharge under patents other than my own. Vitamin D is therefore a commodity available on the market on a competitive basis, and the Foundation is no longer in position to say where it can be used or where it cannot be used. In other words, the Foundation is no longer in position to protect the butter industry.

In view of the above I see no reason why the Foundation should not license the oleomargarine industry. However, inasmuch as the public will not understand the situation because it is not informed in regard to the particulars and because it will take some time for the public to become informed it is necessary that the licensees should be prevented from publicizing the existence of such license agreements at least for a sufficient time to allow the public to become informed of the underlying situation. Furthermore, all possible measures should be taken to prevent false implications being drawn. This means first of all that steps should be taken to make perfectly clear that the Foundation is not the University but an independent corporation run by a group of alumnae in the interests of research at the University of Wisconsin.

To accomplish this end it is essential that the Foundation be housed elsewhere than on the University campus. I want to emphasize this point particularly because there is now in the making a program which plans the extension of the Foundation's activities in

President C. A. Dykstra

the testing of food products for vitamin content and other properties in connection with products which are not related to its licensing operations under the Steenbock or other patents.

I mention this last point specifically because I have had some difficulty convincing the trustees of the dangerous position in which the University might be placed in connection with such activities. As you know, there is a great deal of competition between certain food manufacturers and questions regarding claims for vitamin content become critical matters which demand investigation by federal and state authorities, so that court cases regarding the same are not infrequent occurrences. To my mind, it would be most unfortunate when witnesses appearing for the Foundation in connection with analyses made by them were represented directly or indirectly as having some connection with the University. This would be especially unfortunate if rival corporations domiciled in this state were in litigation.

You may recall that I have always insisted that the W.A.R.F. should remain a separate and distinct corporation, and with that intention I purposely refused to be a member of the Board of Trustees and insisted that no other faculty member of the University nor any member of the Board of Regents should be on its board. However, I did consent at the time to having the Foundation housed in university buildings provided that proper remuneration for such space was made. This, however, is quite another matter from running a commercial laboratory for profit in connection with food products for general endorsement of the same.

I need not go into specific details with regard to the purchase by the Foundation of a plot of ground adjoining University property with the University deeding a strip of land to the Foundation or the Foundation considering deeding its plot of land to the University with the reservation that it be subsequently allowed to build its laboratory thereon. To my mind all this represents a very dangerous policy and should be presented to the Regents from all points of view before acceptance.

Frankly, I have encountered considerable opposition to my point of view, not from the trustees but from those of the executive office who are employed by the trustees, because my point of view would interfere with maintaining the staff of the Foundation at its present size after the expiration of my patents. All of the questions which I have brought up have been discussed very frankly in connection with that program and with everybody realizing what the program entailed. However, to my mind, insufficient emphasis has been given to those features which I have tried to bring out in this letter.

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In conclusion allow me to state briefly that I see no objection to the licensing of the oleomargarine industry under the Steenbock patents provided that certain reservation be made as to the use of the name of the Foundation and that it be clearly stipulated that the Foundation does not represent the University. Certainly the merits of improving a food product by the addition of vitamin D cannot be denied, and if such a program in connection with the oleomargarine industry is planned it should prompt the dairy industry to do likewise.

The present war emergency strength to my argument, and the critical analysis of the functions of our state institutions as well as other institutions which is bound to follow the cessation of war activities makes it doubly necessary that all projected policies be given a careful analysis.

Sincerely yours,

HS:GD

Harry Steenbock

THE UNIVERSITY OF WISCONSIN
MADISON

OFFICE OF THE PRESIDENT

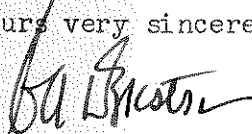
December 4, 1942

Dear Harry,

Thank you very much for your illuminating letter of December 1. I am taking note of what you say about the oleomargarine question and specifically storing in my mind your definite warning as to the misunderstandings that might easily arise in case we house a commercial food laboratory on the campus. Thank you very much for your friendly and wise counsel at this time.

With my kindest regards and best wishes, I am

Yours very sincerely,



C. A. Dykstra

Professor Harry Steenbock
Biochemistry Building