



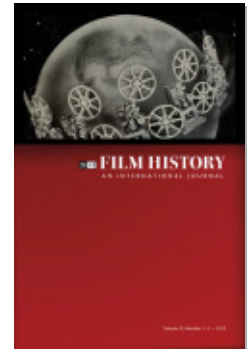
PROJECT MUSE®

VD Propaganda, Dr. Ehrlich's Magic Bullet, and the Production Code

Annette Kuhn

Film History: An International Journal, Volume 25, Number 1-2, 2013,
pp. 130-137 (Article)

Published by Indiana University Press
DOI: [10.1353/fih.2013.0001](https://doi.org/10.1353/fih.2013.0001)



➔ For additional information about this article

<http://muse.jhu.edu/journals/fih/summary/v025/25.1-2.kuhn.html>

ANNETTE KUHN

VD Propaganda, *Dr. Ehrlich's Magic Bullet*, and the Production Code

ABSTRACT: Considered in the context of revisionist film history, this essay draws on Production Code Administration (PCA) documents and studio story files to look at how *Dr. Ehrlich's Magic Bullet*, a 1940 Warner Bros. biopic about Paul Ehrlich—German Jewish medical scientist and pioneer in treating sexually transmitted diseases—secured the approval of the PCA in the face of a prohibition on VD propaganda films.

KEYWORDS: censorship, *Damaged Goods* (1938), William Dieterle, *Dr. Ehrlich's Magic Bullet* (1940), Production Code, revisionist film history, social hygiene films, VD propaganda films

I

In the 1980s, as part of doctoral research on the early history of film censorship in the United Kingdom, I looked into the history of the venereal disease (VD) propaganda film. This is a type of fiction film in which a character or characters contract, and seek medical treatment for, a sexually transmitted disease, usually syphilis. These films typically include explanations and illustrated demonstrations of the symptoms, treatments, and consequences of the condition. The years around World War I saw the appearance of a cycle of these films, among them two adaptations of Eugène Brieux's play *Damaged Goods*.¹ In the course of my inquiries, I also came across a later, US-made film of the same title, based on Upton Sinclair's novelization of the Brieux play.² A young man from a well-to-do family has sex with a prostitute a month before he is due to marry a respectable girl of his own class. He discovers that he has contracted syphilis and is advised by a specialist that a cure could take several years and that he must not marry during this time. Unable to find a way of delaying his marriage, he consults a quack and is offered a rapid but ineffective course of treatment. The couple marries and has a baby which is soon found to be suffering from syphilis. With the shameful

secret out, the couple separates. The young man undertakes the long cure and three years later is reunited with his wife and child.

This narrative trajectory is characteristic of the VD propaganda film. Plots are set in motion not just by characters' transgressions of morally acceptable codes of sexual behavior but also, and more significantly, by lack of knowledge: ignorance, willful or otherwise, first of the potential consequences of the wrong type of sexual activity, and second of the nature of and proper treatment for the ensuing "social disease." Resolution turns on characters' facing up to their ignorance and acquiring the proper knowledge and the right treatment. This provides occasion for the informational element of the VD propaganda film: the proper knowledge is imparted and demonstrated, visually, through the authoritative figure of a genuine medical practitioner.

A small part of my research was conducted during a fieldwork visit to the United States in the spring of 1985, where a trawl through the records of the Production Code Administration (PCA) in the Margaret Herrick Library in Los Angeles brought to light expressions of concern about the circulation of "pseudo-social-hygiene education films" (i.e., VD propaganda films).³ In the PCA file on the 1938 *Damaged Goods*, I also found references to *Dr. Ehrlich's Magic Bullet*,⁴ a 1940 Warner Bros. biopic about the German medical scientist and Nobel laureate Paul Ehrlich (1854–1915), whose discoveries included a reliable method for diagnosing tuberculosis, an antidiphtheria serum, chemotherapy—and Salvarsan, a chemical treatment for syphilis. The film charts Ehrlich's career, opening with a scene set in a hospital where he is treating a patient with a "contagious disease." Ehrlich tells the desperate man that "marriage is out of the question," from which it can be inferred that this is a case of VD. But Ehrlich's unorthodox advice to his patient is disparaged by his colleagues, and he is eventually sacked for attending a scientific meeting during working hours. Later, having proved himself by discovering a method for diagnosing TB, he secures a research post and is successful in producing an antidiphtheria serum. Once again, though, he has to combat criticism for his unconventional methods. Fifteen years pass and, now a distinguished and internationally recognized scientist, Ehrlich intuits a potential link between his ongoing work on chemotherapy and the recent discovery of the syphilis "germ." But he is still plagued by bureaucracy and is eventually forced to seek alternative funding for the protracted testing of his "magic bullet" treatment for syphilis. After finally succeeding, he faces press censure and sues for libel. The suit is successful, but leaves Ehrlich ill and exhausted. In the film's final scene he dies a good death, with his colleagues, pupils, and loving wife at his bedside. While the film's narrative is clearly not structured like that of a VD propaganda film, the need for a syphilis cure is set up in its very first scene as a motivator of the plot, and the film's entire second half is devoted to Ehrlich's quest to find it.

At the Margaret Herrick Library, I took detailed notes from the PCA case files on both films and also consulted the story file on *Dr. Ehrlich's Magic Bullet* in the Warner Bros. archive at the University of Southern California's Doheny Library. Although none of this material found its way into my thesis, it proved helpful in my thinking on the genealogy of discourses around film regulation, as well as on the distinctive institutional practices governing film regulation in the United Kingdom and United States.

II

In the United States as in Britain, venereal disease was not regarded by bodies responsible for regulating film content as a suitable subject for feature films shown in commercial cinemas, and by the time the US film industry began to assume responsibility in this area, this had become a well-established principle. From the standpoint of the mainstream industry, it was of particular pertinence that VD propaganda films were not made by “any of the producers regularly engaged in the making of photoplays for the theatres”—that they came, in other words, from small independent producers rather than from any of the studios affiliated with the Motion Picture Producers and Distributors of America (MPPDA).⁵ Thus when Criterion Pictures, the makers of *Damaged Goods*, submitted a synopsis of the film to the PCA in May 1937 with a request for a Code certificate of approval, they met with the short answer that under section II.7 of the Production Code, “Sex hygiene and venereal disease are not subjects for motion pictures.” But Criterion did not care to take no for an answer, protesting the ruling and resubmitting their application a number of times over the ensuing years. Even under threat of legal action, though, the PCA would not budge, and when the film was released in June 1938 it had no Code certification, though it was approved either in its entirety or with deletions by a number of censor boards in the United States and overseas. In the United States, it would have been screened only in cinemas not affiliated with the MPPDA, severely limiting its reach to audiences.

In light of this, the producers of *Damaged Goods* must have been infuriated by an October 1938 press announcement that “the Government’s war on social disease will be aided in a motion picture to be filmed at the Warner Studio.”⁶ This is a reference to a proposal for a film about Paul Ehrlich’s life and work that had been sent to Warner Bros. a few months earlier by one Norman Burnside, who felt that an endorsement from the US Surgeon General would preempt any objection from the PCA—or, in Burnside’s words, would make “the Hays Office . . . crawl back into its alcove in the right wing of the Vatican. . . . There isn’t a man or woman alive who isn’t afraid of syphilis.”⁷ The press announcement appears to derive from the leak of a letter from the Surgeon General to Warner Bros. offering cooperation and mentioning a conversation with Will Hays about the

proposed film. It provoked a note from the PCA to the studio, reminding them of the rule against sex hygiene and VD as topics for films and mentioning the recent rejection of *Damaged Goods*. Warner pressed the issue, and the PCA eventually conceded that it would not prejudge matters before seeing a script.⁸

Ten months later, the studio sent a script to the PCA, receiving in reply a reminder about the general ruling on VD in films, and again mentioning the “prolonged discussion” with Criterion Pictures about *Damaged Goods*. While the PCA conceded that the film’s central story was not about VD, it was felt that the references to VD in the script suggested that the film might still flout the prohibition. The following week saw a meeting between Joseph Breen of the PCA and Jack Warner and Hal Wallis, and some further lengthy correspondence. The record suggests that Breen opposed the picture’s production, but was overruled when Jack Warner went over his head and secured guarded consent to proceed from Will Hays. Hays then wrote to Breen expressing the hope that the Ehrlich story could be filmed in compliance with the Production Code, and Jack Warner provided a written undertaking that the script would be rewritten to reduce references to VD and that no mention of VD would appear in any advertising. Further specific requests from the PCA for script revisions continued into production and postproduction, all of them concluding with the rider that “our final judgement will be based upon the finished picture.”⁹ Main shooting took place between October 23 and December 8, and a PCA certificate was duly awarded on December 20, with the references to syphilis deemed “well-handled and not at all offensive.” The film was enthusiastically received, with reviewers stressing its seriousness, the dignity and finesse of its handling of a delicate topic, and its qualities as a “masterpiece of screen artistry.” The film was passed in its entirety by most state censor boards in the United States, and in the United Kingdom an “A” certificate was granted (admission for those over sixteen only) subject to the deletion of two references to syphilis.¹⁰

III

The years when I was working on my PhD—1982 to 1986—saw the emergence of what became known as new film history, or revisionist film history: an empirical, source-based approach to the history of cinema that takes into consideration questions of medium specificity alongside varied contexts of production and reception. The 1985 publication of Robert Allen and Douglas Gomery’s *Film History: Theory and Practice* was an important moment in this renewal in film historiography, and indeed my own doctoral research can be seen as part of the trend. The introduction to my thesis cites Allen and Gomery’s advocacy of a Realist (following Bhaskar) approach to film history and links it with my adoption of the Foucauldian method of “eventalization” in studying a particular set of

“conditions of representation” (Dudley Andrew’s term) at a key moment in the history of film censorship in Britain.¹¹ Consequently, my initial thought in documenting the archive material on *Damaged Goods* and *Dr. Ehrlich’s Magic Bullet* was that I might eventually extend this approach to the later 1920s and the 1930s, and also perhaps attempt a comparative exploration of US/UK film regulation in the discursive sphere of what I was calling the sociosexual.¹²

The encounter between the two films in the PCA’s files certainly sheds light on the workings of Hollywood’s practices of film regulation, and notably on the instrumentality of the major studios and the PCA itself in this area. It is clear from the record, for example, that the PCA’s unbending stance toward *Damaged Goods* was due in no small part to the fact that its producers were not part of the MPPDA (“these pictures are not made by any of the producers regularly engaged in making photoplays”). At the same time, in the face of the blanket prohibition on VD as a subject for films, with *Dr. Ehrlich*, Warner Bros.—which was of course “regularly engaged in making photoplays”—seized on the suggestion of preempting PCA objections by seeking endorsement for its proposed film from the Surgeon General, who obligingly lobbied Will Hays. While Hays would not commit himself either way, beyond appealing to the principle that the film industry was about entertainment and not “educational propaganda, however meritorious,”¹³ this proved a canny move because Hays’s support eventually tipped the scales in the studio’s favor. The preproduction press announcement, with its somewhat misleading implication that the government was behind a forthcoming Warner Bros. film about “social disease,” appears to have been a further early salvo in the studio’s campaign. It certainly rattled cages in the PCA’s West Coast office, and eventually elicited the concession that judgment on *Dr. Ehrlich’s Magic Bullet* would be reserved until the screenplay had been submitted—effectively the go-ahead to take the production to script stage. The veto on “educational propaganda” notwithstanding, Warner’s early appeal to a public health agenda proved effective, and there is a story to be told—too long to go into here—about the involvement of discourses of social hygiene and public health in this case.

IV

Revisited today, this material offers up further intriguing possibilities for the film historian. Two approaches immediately present themselves: a comparative analysis of the two films and their fates through an analysis of genre; and a reconsideration of *Dr. Ehrlich’s Magic Bullet* in relation to certain aspects of its industrial and social-historical contexts.

The VD propaganda film cycle has a place in the genealogies of two genres: the social-problem film and the exploitation film. The films were troublesome

not just because of the sexual connotations of their content, but also because, as “pseudo-social-hygiene-education films,” they inhabited a kind of no-man’s-land between these two genres, claiming to be respectably instructional and socially responsible on the one hand, while seeming to promise sensational content on the other.¹⁴ Although a good part of *Dr. Ehrlich’s Magic Bullet* touches on VD via the narrative of Ehrlich’s quest for a cure, both Warner Bros. and eventually also the PCA sought to lift the film out of the troublesome terrain of the VD propaganda film; and in this regard it is significant that in granting it Code certification the PCA classified *Dr. Ehrlich’s Magic Bullet* as “Social Problem (Scientific-Biographical).”¹⁵ But in a sense this is no more than confirmation of what the style and structure of the film itself (in combination with the way it was promoted) proposed: to construct it as a biopic, a film that tells the life story of a famous or eminent real, usually deceased, person.

The biopic was a staple genre of Hollywood’s studio years, and by the late 1930s, was an established component of the Warner Bros. brand, highly regarded for its tastefulness and quality. The studio had already enjoyed success—or at least reputational enhancement—with *The Story of Louis Pasteur* (1936), *The Life of Emile Zola* (1937), and *Juarez* (1939)—all directed by William Dieterle, the natural choice to helm *Dr. Ehrlich*, whose plot conforms closely to the “life of” format, covering the period from its subject’s early career up to his death. Within this trajectory, Ehrlich’s life story is narrated as a series of trials and challenges that must and will be overcome. These are both scientific—each of Ehrlich’s main contributions to medical research is dealt with in turn—and also personal and institutional—each scientific challenge is held back or hampered by some extraneous factor: colleagues take exception to Ehrlich’s methods, bureaucrats cut off his research funding, newspapers brand him incompetent.

These latter challenges suggest that, in tandem with a consideration of the industrial context and generic attributes of *Dr. Ehrlich’s Magic Bullet*, an inquiry into aspects of the film’s broader social-historical context might also prove illuminating. When Norman Burnside pitched his idea for a film about the German Jewish scientist Ehrlich to Warner Bros., his motives appear to have had as much to do with contesting anti-Semitism as with combating VD. “There isn’t a man or woman alive who isn’t afraid of syphilis. . . . Let them know that a little kike named Ehrlich tamed the scourge,” wrote Burnside, adding “and maybe they can persuade their hoodlum friends to keep their fists off Ehrlich’s co-religionists.” This appears to be a reference to the influence of the Catholic Legion of Decency on the framing of the Production Code, and perhaps also a suggestion that the PCA was complicit in a film industry policy of suppressing films, fictional and otherwise, that might be interpreted as left leaning, condemning Nazism, or advocating US involvement in the war in Europe.

Seen in light of a then-recent controversy over *Blockade*, a 1938 film about the Spanish Civil War (also directed by Dieterle), the significance of Burnside's allusion becomes clearer: on viewing *Blockade*, the Legion of Decency had widened the scope of its activities to include scrutiny of films for political themes.¹⁶ However, beyond Burnside's note there is no reference to political censorship in Hollywood in the record on *Dr. Ehrlich's Magic Bullet*, though there is implicit acknowledgment of Nazi suppression of Ehrlich's work in an internal studio memo explaining delays in work on the screenplay. Background research on the scientist's life and work had been held up because it had proved impossible to obtain from Germany information "concerning a Jewish scientist from that country."¹⁷ There is nothing further, implicit or explicit, in the Warner Bros. file, on Nazism or anti-Semitism, and no mention of either in the correspondence between Warner Bros. and the PCA. It would seem on the face of it that if the film presented any difficulties as regards regulation, these had to do solely with the VD issue: evidence of anything else would need to be sought elsewhere—in the film itself, perhaps, where the concerns expressed by Burnside are vestigially present.

For example, in an early scene in which a colleague lodges a complaint against Ehrlich, it is hinted that Ehrlich's Jewishness is at the root of his failure to conform: "I must confess to a certain feeling against people of his faith in our profession." Many years later, when Ehrlich is researching a syphilis cure, an inspection committee visits his laboratory. Ehrlich is called upon to account for the presence on his team of an "Oriental" (Ehrlich's Japanese colleague, Hata). "What has race to do with science?" he retorts. "Your attitude is very un-German" is the reply. Given that they dovetail with the biopic's generic conventions, these moments do not stand out as "propaganda": alongside boneheaded adherence to petty regulation ("Rules have to be obeyed by everyone"), such bigotry figures as one more obstacle the great man must overcome in order to fulfill his destiny.

As I revisit this corner of film history, I discover that the archive is as bountiful as it ever was. I don't think I have finished with this story even now, for changing perspectives in, and approaches to, film history offer ever-new ways of reading the archive and writing our histories.

Notes

1. An English-language version of the play (original title, *Les Avariés*) was published in 1911. Early film adaptations were *Damaged Goods* (US, 1915) and *Damaged Goods* (UK, 1919). For further details, see Annette Kuhn, *Cinema, Censorship and Sexuality, 1909–1925* (London: Routledge, 1988), chap. 4.
2. *Damaged Goods*, a.k.a. *Marriage Forbidden*, directed by Phil Stone, screenplay by Upton Sinclair, Criterion Pictures, 1938.

3. Film Board of Trade (New York) to Secretaries of All Film Boards of Trade, memorandum, 29 July 1927, PCA case files, *Damaged Goods* 1927–40, Margaret Herrick Library, The Academy of Motion Picture Arts and Sciences, Los Angeles; all references to PCA case files, by film title, to this source. The MPPDA's 1927 "Don'ts and Be Carefuls" included a warning against "sex hygiene and venereal diseases" as subjects for films.
4. *Dr. Ehrlich's Magic Bullet*, directed by William Dieterle, screenplay by John Huston, Heinz Herald, and Norman Burnside, Warner Bros., 1940; letters between PCA and Criterion Pictures, March and April 1940, PCA case files, *Damaged Goods*.
5. Film Board of Trade (New York) to Secretaries of All Film Boards of Trade, memorandum, 29 July 1927, PCA case files, *Damaged Goods*.
6. Louella Parsons, *LA Examiner*, October 24, 1938.
7. Norman Burnside (Burnstine) to Henry Blanke, 27 July 1938, Warner Bros. story files, *Dr. Ehrlich's Magic Bullet*, 1938–39, Doheny Library, University of Southern California, Los Angeles; all references to Warner Bros. story files, by film title, to this source.
8. Thomas Parran to Warner Bros., 12 August 1938, Warner Bros. story files, *Dr. Ehrlich's Magic Bullet*; Joseph Breen to Walter McEwen, 24 October 1938, PCA case files, *Dr. Ehrlich's Magic Bullet*, 1938–40; Hal Wallis to Breen, 26 October 1938; Breen to Wallis, 28 October 1938.
9. Breen to Will Hays, 16 August 1939, PCA case files, *Dr. Ehrlich's Magic Bullet*; report of a meeting between Breen, Wallis, and Jack Warner, 21 August 1939; Hays to Breen, 22 August 1939; Jack Warner to Hays, 24 August 1939; Breen's comments on script revisions, September 1 to December 14, 1939.
10. The review quoted is in *Hollywood Reporter*, February 2, 1940. Other reviews include *Variety*, February 2, 1940; *Variety*, February 7, 1940; *Film Daily*, February 2, 1940; *Motion Picture Daily*, February 5, 1940; *New York Herald Tribune*, February 24, 1940; notes of judgments of various censors, PCA case files, *Dr. Ehrlich's Magic Bullet*.
11. Robert C. Allen and Douglas Gomery, *Film History: Theory and Practice* (New York: Alfred A. Knopf, 1985), 16–20; Kuhn, *Cinema, Censorship and Sexuality*, 8; Dudley Andrew, "Film and History," in *The Oxford Guide to Film Studies*, eds. John Hill and Pamela Church Gibson (Oxford: Oxford University Press, 1998), 176–89.
12. For a definition, see Kuhn, *Cinema, Censorship and Sexuality*, 97–98.
13. Thomas Parran to Warner Bros., 12 August 1938, Warner Bros. story files, *Dr. Ehrlich's Magic Bullet*.
14. On the PCA and exploitation films, see Eric Schaefer, "Resisting Refinement: The Exploitation Film and Self-Censorship," *Film History* 6, no. 3 (1994): 293–313.
15. PCA analysis chart, PCA case files, *Dr. Ehrlich's Magic Bullet*.
16. Documented in Edward De Grazia and Roger K. Newman, *Banned Films: Movies, Censors and the First Amendment* (New York: R. R. Bowker, 1982), 59.
17. Internal memorandum, 22 November 1938, Warner Bros. story files, *Dr. Ehrlich's Magic Bullet*.