

Complaint

17 F.T.C.

IN THE MATTER OF
WEIL CORSET COMPANY

COMPLAINT AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF SEC. 5
OF AN ACT OF CONGRESS APPROVED SEPT 26, 1914

Docket 1965. Complaint, Aug. 13, 1931—Order, Dec. 7, 1932

Consent order requiring respondent corporation, its agents, etc., in connection with sale or distribution of abdominal belts or corsets in interstate commerce to cease and desist from representing that said article, Instantly makes the wearer look years younger and reduces the waist at once from 2 to 4 inches;

Works for the wearer every second, day and night, and reduces much more rapidly than ordinary massage, actually taking up inch after inch through the deep breathing facilitated and the better circulation brought about, and is not to be compared, with its easy convenient time saving reducing method, to strenuous gymnastics with their effect on the heart, or weakening starvation diets;

Is based on the principle which has the unqualified endorsement of the country's greatest athletes, trainers, and physicians, making it possible for anyone, through the use thereof, without any effort, fasting or self-denial, to obtain easily a normal waistline, and substitutes good solid tissue for useless fat, bringing long sought relief to its users in the easiest, quickest, and most pleasant way imaginable; and

Is priced at a special or reduced figure or less than the regular figure, or is sent on free trial, when former is not the case, or deposit or payment is required prior to receipt and trial; subject to qualifications noted.

Mr. Richard P. Whiteley for the Commission.

Kaplan, Kosman & Streusand, of New York City, for respondent.

COMPLAINT

Acting in the public interest, pursuant to the provisions of an act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", the Federal Trade Commission charges that the Weil Corset Co., a corporation, hereinafter referred to as respondent, has been and now is using unfair methods of competition in interstate commerce in violation of the provisions of section 5 of said act, and states its charges in that respect as follows:

PARAGRAPH 1. That the respondent, Weil Corset Co., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Connecticut, with its principal place of business located in the city of New Haven in said State. It is now, and, for more than two years last past has been engaged in the manufacture of corsets, abdominal belts, suspensories, shoulder braces, and other similar articles, and in the sale and distribution of

such products in commerce between and among various States of the United States, has caused said products, when sold, to be shipped from its place of business in the State of Connecticut, to purchasers thereof located in a State or States of the United States other than the State of Connecticut. In the course and conduct of its business, Weil Corset Co. was at all times herein referred to in competition with other corporations, individuals, firms, and partnerships likewise engaged in the sale and distribution in interstate commerce of corsets, abdominal belts, suspensories, shoulder braces, and other articles used for similar purposes.

PAR. 2. In the course and conduct of its business, as described in paragraph 1 hereof, Weil Corset Co., in soliciting the sale of and selling certain of aforesaid products, to wit, abdominal belts, in interstate commerce between and among various States of the United States, for more than two years last past has caused and now causes advertisements to be inserted in publications having general circulation between and among the various States of the United States and by means of other advertising matter circulated by it in interstate commerce as aforesaid has made the following statements and representations concerning its said abdominal belts:

New Youth-Giving Belt reduces waistline quickly.

Instantly makes you look inches thinner and years younger and actually massages away fat every second while you wear it.

Here's a new easy way to get rid of that bulky, useless, disfiguring fat without any effort on your part.

A new kind of belt has been perfected which actually takes off fat in an easy gentle way—just like an expert masseur.

The moment you put on this new self-massaging belt your waist is instantly reduced from 2 to 4 inches.

You are filled with a wonderful new energy, and look and feel 10 to 15 years younger.

As shown below, every move of your body, walking, climbing stairs, merely breathing as you sit—causes the Weil Belt to massage your abdomen.

It is working for you every second.

Reduce the way athletes do.

It is so constructed that, as you wear it, every breath you take and every move you make imparts a constant gentle automatic massage to every inch of the abdomen.

It works for you every second, day and night, and reduces much more rapidly than ordinary massage.

The Weil Belt is made of the same kind of scientifically treated rubber that is used by hundreds of professional athletes and jockeys because it not only reduces quickly but at the same time preserves their strength.

Special trial offer.

Special 10-day trial offer being made.

That's just what we hope this free trial will do. But we naturally can't be expected to try this plan forever. So we have set a definite limit of 10 days.

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Let us send this marvelous All Rubber Reducing Belt on trial, then wear it 10 days at our expense.

This scientifically constructed live rubber belt does not simply make you look thinner. It actually takes off inch after inch directly and indirectly through the deep breathing it facilitates and the better circulation of the blood it brings about which helps carry off clogging weakening fat from the abdomen and elsewhere.

There is no comparison between this new easy convenient time-saving reducing method and the strenuous gymnastics which affect the heart, or starvation diets which weaken the system.

This remarkable live rubber self-massaging belt accomplishes the same results, but much more quickly, through simple, scientific massage without any risk, inconvenience or discomfort.

Even in the short space of 10 days you can see and measure the difference.

The Weil Belt is the original rubber reducing belt. Do not confuse it with the many imitations that have followed its tremendous success.

The Weil Rubber Reducing Belt is based on a principle that has the unqualified endorsement of the country's greatest athletes, professional trainers and physicians.

The Weil Rubber Reducing Belt is the easiest, safest, quickest, and cheapest way of reducing excess fat.

Prove it yourself without risking a cent.

I know that the Weil Belt is just the thing for reducing. I know that you can wear it in perfect comfort anywhere anytime.

I can hold open this free trial offer only 10 days.

How many inches would you like to reduce your waist? There is no excuse now for any man to permit his figure to be spoiled by excessive girth. There is no longer any reason why the system should be weakened and the nerves impaired by heavy, burdensome fat at the waistline. For a quick, easy method of relief has been discovered.

Science has found a delightfully easy way to remove excess flesh from the place where it is the most burdensome and weakening and where it causes the greatest disfigurement—the abdominal region. Without any effort, fasting or self-denials, and one can easily obtain a normal waistline.

And when this method is used, one regains at the same time, a wonderful new feeling of lightness, buoyancy, and energy such as he probably has not felt since this vitality sapping fat first began to accumulate.

This new invention—the Weil Rubber Reducing Belt—brings a long sought relief in the easiest, quickest, and most pleasant way imaginable. It brings health as well as form.

Those extra inches vanish quickly.

The Weil Rubber Reducing Belt offers that external aid which is so urgently needed.

Its operation is so easy that the wearer is hardly conscious of its presence, yet its results are certain and rapid.

The specially prepared and scientifically fitted rubber imparts a constant, gentle massage with every move one makes and every breath one takes.

It helps to dissolve the fat just as exercise does. At the same time it brings an increased, vigorous circulation of the blood, and that carries off the fat and eliminates it through the natural channels.

The Weil Rubber Reducing Belt creates conditions which are exactly opposite of those which allowed the fat to accumulate. It utilizes in a new way, and a way that is more convenient and less expensive, the well recognized value of massage.

Sent on free trial.

Obtain actual proof, without risking a penny, of its remarkable power to reduce your excess flesh quickly. Accept our offer of a free trial.

The efficient easy substitute for massage and exercise.

The Weil Rubber Reducing Belt produces the same results as an expert masseur.

It substitutes good solid tissues for the useless fat. But it does it so easily and so gently that you are unconscious of its action. You are conscious only of its results. They are shown by your tape measure, your scales and your mirror.

The principle through which the Weil Rubber Reducing Belt operates has been recognized ever since civilization began. The new thing is the belt itself, which substitutes an inexpensive, convenient method for the expensive, time-consuming methods of the past.

Massage no longer necessary.

The Weil Rubber Reducing Belt makes use of the very same principle. But it is more convenient. Instead of requiring daily trips to the masseur, it accomplishes its wonderful results by exerting an almost imperceptible but wonderfully effective massage.

In a comparison with massage it is a time saver and a money saver and it does its work just as effectively as does the masseur.

Made on the only correct principles.

That the Weil Rubber Reducing Belt is constructed along the only correct lines is evidenced by the fact that not a single failure has been reported by the users of our belts. Therefore, when one uses the Weil Rubber Reducing Belt he is assured of quick results, for he is using a means that has been well tried and has proved its worth in every instance.

Remember there is no discomfort. As powerful as is its action, its presence is unfelt.

Your scales, tape, and mirror and the admiring comments of your friends will be sufficient reminders that you have adopted this most efficient method of reducing.

You need the gentle, efficient, imperceptible massage of the Weil Rubber Reducing Belt to free you from the oppressive fat and substitute good solid muscular tissue in its place.

Then your health, your efficiency and your appearance will be so improved as to make you feel like a new person.

Use it for ten days without risking a penny.

When in truth and in fact the said abdominal belt is not a new youth-giving belt which reduces the waistline quickly; is not a new kind of belt which actually takes off fat in an easy, gentle way—just like an expert masseur; is not a self-massaging belt; is not so constructed that when worn every breath taken and every move impart a constant gentle automatic massage to every inch of the abdomen; is not efficient as a fat remover or reducer in all cases; is not the original rubber reducing belt; is not based on a principle

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that has the unqualified endorsement of the country's greatest athletes, professional trainers and physicians; is not the easiest, safest, quickest, and fastest way of reducing excess fat; is not just the thing for reducing; is not found by science to be a delightfully easy way to remove excess flesh from the abdominal region without any effort, fasting or self-denial; is not a new invention; is not made on the only correct principles; is not a substitute for massage; is not highly endorsed for its healthful principles by physicians everywhere, and is not productive of the same results as an expert masseur; and when in truth and in fact, the said abdominal belt, when used, will not massage away fat or rid the body of useless fat without any effort on the part of the user; will not cause the user to reduce the way athletes do; will not massage the abdomen while walking, climbing stairs, breathing or moving the body in any manner to an extent sufficient to remove fat; will not accomplish the same results as can be accomplished by scientific massage; will not help dissolve the fat as exercise does; will not create conditions which are opposite of those which allow fat to accumulate; will not substitute solid tissues for fat; will not cause the user to be filled with new energy; will not reduce flesh quickly and preserve the strength also; will not produce certain or rapid results; and when in truth and in fact, the wearing of said abdominal belt will not cause massaging, kneading or vibratory action on the abdomen or body to an extent sufficient to break down, absorb, dissolve or eliminate fatty tissues; and the said abdominal belt is not sent on free trial, but the prospective purchaser is required to make a deposit or payment prior to its receipt and trial; and the price of said belt is not special, reduced or less than the regular or prevailing price at which the said belt is regularly sold; and the time within which an offer may be accepted is not actually limited and orders received after the expiration of the stated limits are accepted.

PAR. 3. The above and foregoing representations in statements of respondent by means of which it has offered for sale and sold or is selling its products as set forth in this complaint, have had and have the capacity and tendency to mislead and deceive, and or have misled and deceived the purchasing public into the belief that the said representations are true, and have tended to induce, and have induced, the purchase of respondent's abdominal belts in reliance upon such erroneous belief, and have tended to divert trade from, and have diverted trade from, and otherwise injured, competitors of respondent.

PAR. 4. The above acts and things done by said respondent as aforesaid are all to the prejudice of the public and of respondent's

competitors and constitute unfair methods of competition in interstate commerce within the intent and meaning of section 5 of an act of Congress entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", approved September 26, 1914.

ORDER TO CEASE AND DESIST

Pursuant to the provisions of an act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", the Federal Trade Commission on the 13th day of August, 1931, issued its complaint against Weil Corset Co., a corporation, respondent herein, and caused the same to be served upon said respondent as required by law, in which complaint it is charged that respondent has been and is using unfair methods of competition in interstate commerce in violation of the provisions of section 5 of said act.

On September 16, 1931, respondent entered its appearance in this proceeding and filed its answer to said complaint formally stating in writing that it desired to waive hearing on the charges set forth in the complaint and not to contest the proceeding, and consented that the Commission might make, enter, and serve upon it an order to cease and desist from the violations of the law alleged in the complaint and more specifically enumerated in the following order. Respondent also requested in said answer that the Commission proceed to final disposition of this proceeding upon said answer pursuant to the provisions of paragraph 2 of Rule III of the Commission's Rules of Practice and without further hearings.

The said answer of respondent was duly accepted and filed by the Commission, and thereupon this proceeding came on before the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, and the Commission being now fully advised in the premises:

It is now ordered, That respondent, Weil Corset Co., a corporation, its agents, representatives, servants, employees, and successors in business, in connection with or in the course of the sale or distribution of corsets, abdominal belts, suspensories, shoulder braces, or other articles used for similar purposes in interstate commerce, do cease and desist:

- (1) From representing that the abdominal belt or corset of respondent instantly makes the wearer look years younger.

(2) From representing that the moment the said belt or corset is put on it reduces the waist instantly from 2 to 4 inches.

(3) From representing that it works for the wearer every second, day and night, and reduces much more rapidly than ordinary massage.

(4) From representing that said belt or corset actually takes off inch after inch directly through the deep breathing it facilitates and the better circulation of the blood it brings about which helps carry off cloggy weakening fat from the abdomen and elsewhere.

(5) From representing that there is no comparison between this easy convenient time saving reducing method and the strenuous gymnastics which affect the heart, or starvation diets which weaken the system.

(6) From representing that said belt or corset is based on a principle that has the unqualified endorsement of the country's greatest athletes, professional trainers and physicians, or that without any effort, fasting or self-denials one can easily obtain a normal waistline through the use of said belt or corset.

(7) From representing that said belt or corset substitutes good solid tissue for the useless fat or that it brings a long sought relief to its users in the easiest, quickest and most pleasant way imaginable.

(8) From representing that the price of said corset or abdominal belt is special or reduced or less than the regular or prevailing price at which said corset or abdominal belt is regularly sold unless such be the fact, or that the said corset or abdominal belt is sent on free trial when the purchaser is required to make a deposit or payment prior to its receipt and trial, unless respondent, in said statement or advertisement, agrees that the purchase price of said corset or belt, together with the return postage, is to be refunded upon the request of the purchaser of the same.

It is further ordered, That said respondent, Weil Corset Co., shall, within 60 days after the service upon it of a copy of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist hereinbefore set forth.

Complaint

IN THE MATTER OF
WESTERN BOTTLE MANUFACTURING COMPANYCOMPLAINT (SYNOPSIS), FINDINGS, AND ORDER IN REGARD TO THE ALLEGED
VIOLATION OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 2009. Complaint, Feb. 8, 1932—Decision, Dec. 12, 1932*

Where a corporation engaged in the sale and distribution of a tooth paste; in advertising the same in periodicals and papers of a wide circulation and in window display cards,

- (a) Represented that tests of its own paste and of competitive products, and photographs of three human mouths displaying the upper teeth, with different degrees of discoloration and cleanliness, assertedly demonstrating the relative cleansing efficiency and safety of its own product as contrasted with certain competitive products, were, respectively, tests and photographs made in the laboratory of a great American University; facts being tests in question were carried on by a university faculty member, assigned to duty with an affiliated research institute, and compensated by said corporation for the researches, tests, and photographs involved, none of which were authorized, made, checked, adopted, or approved by a university; and
- (b) Represented that the tests referred to showed that its paste was the only one of the ten that safely cleaned teeth without injury, and that its said preparation was not abrasive due to the presence therein of two polishing agents, instead of one; facts being that nature of tests in question did not warrant aforesaid claims of relative safety, and presence in its own, in fact slightly abrasive, paste, of a very harsh, abrasive, and of a much milder one, did not add any peculiar safety, virtue, or merit thereto;

With effect of deceiving retailers and ultimate purchasers throughout the various States into believing (1) that tests and photographs, authorized, made, checked, or adopted by a university, had demonstrated that its said paste was the only one of a number of competitive products that could be safely used without injury to the teeth, and (2) that it was safer to use the paste involved than the others due to presence therein of two polishing agents, and with capacity and tendency so to deceive and to divert trade to it from competitors:

Held, That such practices, under the circumstances set forth, were to the prejudice of the public and competitors and constituted unfair methods of competition.

Mr. PGad B. Morehouse for the Commission.
Ashcraft & Ashcraft, of Chicago, Ill., for respondent.

SYNOPSIS OF COMPLAINT

Reciting its action in the public interest, pursuant to the provisions of the Federal Trade Commission Act, the Commission charged respondent, an Illinois corporation engaged in the sale of a tooth paste, and with principal place of business in Chicago, with adver-