

IN THE MATTER OF
NANCY LEE INSTITUTE TRADING AS NANCY LEE AND
AS MARY TITUS

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

Docket 1996. Complaint, Jan. 18, 1932—Decision, Apr. 10, 1933

Where a corporation engaged in the sale of a massage cream for the development of the bust; in advertising and describing its said product in periodicals, letters, circulars, booklets, purported testimonials and other trade literature, and through photographs purporting to be descriptive of the merits thereof,

- (a) Sold said product under the name "Nancy Lee Miracle Cream", and held out to purchasers and prospective purchasers in all letters and advertising matter dealing therewith that a woman named Nancy Lee was the manufacturer thereof and in personal charge of the sale of said product, and of correspondence with reference thereto, facts being business of the corporation, including all advertising and preparation of form letters was in charge of a man, said corporation's president, vice president, and principal stockholders were two men formerly engaged as partners in the sale of the product, and there was no Nancy Lee connected therewith, prior to action of said vice president in causing said name to be taken by his sister, who had no training as doctor, dietician or chemist, was charged with duty of sending out form letters of said corporation, and had no other connection with it other than that of a stenographer;
- (b) Represented that use of aforesaid cream would produce speedy, striking and impressive results, as specified in detail and otherwise, in the development and beautification of the bust of the user, through its action in replenishing or nourishing the glands or tissues and in other ways, as in said advertising and representations set forth, and constituted a scientific restorative, and employed photographs assertedly demonstrating such results, facts being that said cream was not a scientific preparation, had no other virtue than as a lubricant in massage, and any results to users were dependent upon the little mentioned or stressed diet, exercises, and treatments prescribed for user *following* purchase of product, and aforesaid photographs did not represent depictions of women who had employed and benefited by cream in question, but represented photographs selected by aforesaid corporation without knowledge of the person portrayed, and altered or not as deemed desirable to serve best their purpose as asserted demonstrations of the merit of the cream in question;

With tendency and capacity to mislead and deceive purchasers and prospective purchasers of said cream into believing said representations to be true, induce purchase thereof in such belief, and divert trade unfairly from competitors to it:

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

Mr. E. J. Hornibrook for the Commission.

Mr. Harry Scheer, of New York City, for respondent.

SYNOPSIS OF COMPLAINT

Reciting its action in the public interest, pursuant to the provisions of the Federal Trade Commission, the Commission charged respondent, a New York corporation engaged in the sale of "Miracle Developing Cream" under the name of "Nancy Lee", and in the sale of "Dermo Cream" under the name "Mary Titus", and with principal place of business in New York City, with misrepresenting business identity, and advertising falsely or misleadingly in said respect, and as to qualities and results of product, and testimonials relating thereto, in violation of the provisions of section 5 of such act, prohibiting the use of unfair methods of competition in interstate commerce.

Respondent, as charged, engaged as aforesaid, represents in magazines and newspaper advertisements, and in circulars containing purported testimonials and pictures that its so-called "Miracle Developing Cream is sold by a woman—Nancy Lee—that the use of this cream increases the size of the breasts and assures rounded, fully developed, beautiful breasts, that its use will fill the contours of and increase the size of breasts from one to three inches and that it will restore withered breasts to normal size, that said pictures represent the size of the breasts before and after using said cream, many women have increased the size of their breasts by its use"; the facts being that said cream "is not sold by Nancy Lee or any other woman, nor is there a woman connected with the management of the said business of respondent; the use of Miracle Developing Cream does not and cannot increase the size of the breasts nor assure rounded or beautiful or fully developed breasts nor will it fill the contours of the breasts nor restore withered breasts to normal; that the purported testimonials of women to the effect that the breasts have been enlarged by the use of Miracle Developing Cream are not true and that the said pictures purporting to show enlargement of the breasts after using such cream are not true pictures."

Respondent further, as charged, falsely represents that its said "Dermo Cream is sold by a woman—Mary Titus—that its use will fill out the neck, chest, arms, legs, or any part of the body"; facts being that said cream "is not sold by Mary Titus or any other woman, nor is there a woman connected with the management of the said business of respondent; the use of "Dermo Cream" will not fill out the neck, chest, arms, legs or increase the size of any part of the human body."

Such false and misleading statements and representations, as alleged, "had and have the capacity and tendency to induce the pub-

lic to purchase and use respondent's said Miracle Developing Cream and Dermo Cream in the belief that said statements and representations made as to each of them are true and had and have the capacity and tendency unfairly to divert trade from said competitors to respondent"; all to the prejudice of the public and competitors.

Upon the foregoing complaint, the Commission made the following

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

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 18th day of January, A.D. 1932, issued and thereafter served its complaint against the respondent Nancy Lee Institute, a corporation trading as Nancy Lee, and as Mary Titus, charging it with the use of unfair methods of competition in commerce, in violation of the provisions of said act.

Respondent having entered its appearance and filed an answer to the said complaint, hearings were had before a trial examiner theretofore duly appointed and testimony was heard and evidence taken in support of the charges stated in the complaint, and in opposition thereto. Thereafter this proceeding came on regularly for decision and the Commission having duly considered the record and being now fully advised in the premises, makes this its report, stating its findings as to the facts and its conclusion drawn therefrom:

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent is a corporation organized and existing under and by virtue of the laws of the State of New York with its principal office and place of business located in the city of New York, State of New York. It was so incorporated on the 18th day of August, 1930. Since the date of its incorporation it has traded under its corporate name and also under the name of Nancy Lee, but not under the name of Mary Titus.

Respondent is now and since the date of its incorporation has been engaged in the business of selling a massage cream which it designates as Nancy Lee Miracle Cream, and which it offers for sale as and represents to be efficacious as a bust developer. For two years prior to the date of incorporation of the respondent, this cream was sold as a bust developer by a copartnership, consisting of W. Harry Titus and Victor W. Titus, president and vice president, respectively, of respondent corporation and now the principal stockholders thereof. Victor W. Titus is the manager of respondent's said business.

The respondent's methods of sale are: It forms contact with its customers and prospective customers through magazine advertisements in which it is stated that upon the receipt of one dollar a large container of Nancy Lee Miracle Cream with instructions and free book in plain wrapper will be sent to the purchaser. Upon receipt of the dollar by respondent a three-fourths ounce jar of Nancy Lee Miracle Cream is sent to the purchaser. With this jar comes a little pamphlet containing some meager instructions as to massaging the breasts with the cream and a few suggestions as to diet and exercise. With this small container of Nancy Lee Miracle Cream is enclosed a statement that if the purchaser desires a seven ounce jar of Nancy Lee Miracle Cream she must pay five dollars for it and with it she will receive further instructions. These further instructions consist of more extensive instructions for diet and many suggestions for strenuous exercise. Nothing is now or has ever been said in respondent's magazine advertising about diet or exercise as a part of the treatment or instructions. One does not know that she must take a course of diet and exercise in order to increase the size of her bust until after she has parted with her first dollar. Prior to February 3, 1931, nothing was said in the magazine advertising about a treatment in connection with the use of this cream; since said date the words miracle cream and treatment have been used therein but this advertising which brings about the contact between the respondent and its customer does not disclose what the treatment is or what the instructions are and the purchaser is led to believe therefrom that it is the cream alone which enlarges the breasts. The respondent does an annual business in the sale of said Nancy Lee Miracle Cream of approximately \$40,000.

PAR. 2. Respondent causes said Nancy Lee Miracle Cream when so sold to be transported through the United States mails from its place of business in the city of New York, State of New York, into and through other States of the United States to purchasers who are the ultimate consumers thereof to their respective places of residence.

PAR. 3. In the course and conduct of its said business respondent is in competition with other individuals, partnerships and corporations likewise engaged in the sale and transportation in commerce between and among the various States of the United States of massage creams, apparatuses and mechanical devices for use for the same purposes as respondent's said Nancy Lee Miracle Cream; among which are F. E. Williams of the Williams Sanative Company of Buffalo, N.Y., who sells Peerless Wonder Cream used in connection with the development of the bust; the Olive Company of Clarinda, Iowa, which markets a breast pump for use in the develop-

ment of the breasts; the Renault Company of Baltimore; the Irving Strain Company of Baltimore; all of which manufacture and sell in interstate commerce a cream used in connection with the development of the breasts.

PAR. 4. Respondent advertises said Nancy Lee Miracle Cream in magazines of general circulation throughout the United States, such as Film Fun, Photoplay, True Romances, Picture Plays, Physical Culture, Corset Publications, Young's Magazine, Breezy, Movie Romances, and The Household Journal, and also in letters, circulars, booklets, purported testimonials, and other literature and photographs purporting to be descriptive of the merits of said product sent through the United States mails. In and through such media the following, among other similar statements and representations, were and are used and made by respondent in the aid of the sale of its said cream:

IN CIRCULARS, PAMPHLETS, AND LETTERS

It is so easy to have a full firm bust that fashion demands. My wonderful new Miracle Cream combination enlarges the breast 1 to 3 inches.

A lovely full firm bust. Just apply my scientific cream and follow instructions for 30 days. My new method moulds thin bust to beautiful contours. Sagging, flabbiness entirely corrected.

Let Miracle Cream give you the alluring, ravishing bust of youthful freshness, the superb womanly figure that is the centre of attraction everywhere.

Rounded, fully developed youthful breasts—that is the Miracle Cream promise that has been fulfilled for thousands of women everywhere.

A wonderful discovery—Miracle Cream—builds firm, elastic healthy tissue—magically fills out the contours—gives you breasts that are truly lovely.

A few minutes application a day, and soon your breasts will develop to beautiful fullness and shapeliness. They will be modelled, as if by a famous sculptor to exquisite perfection of form.

My wonderful new Miracle Cream Combination enlarges the breasts 1 to 3 inches.

Miracle Cream (my new scientific cream).

My Miracle Cream quickly *dissolves* all the wastes imbedded in the pores and natural elimination occurs in a few moments. The tiny passages are made clean and open and the nourishing oils of Miracle Cream are able to seep deep into the breasts—revitalizing swiftly, speeding up the circulation. Now your breasts can function normally. They can breathe once more. Once again they are able to cast off waste and poison. Now they can assimilate the natural food-oils they have been striving for. Now your breasts are in that perfect condition of receptiveness that makes development easy, quick and safe! Miracle Cream will continue to keep the pores open, fresh and clean, even while it nourishes and aids bust-building in conjunction with the natural principles of my unique treatment!

Twice a day, in the morning and evening, Miracle Cream is gently applied, according to special instructions. No fuss. No bother. And not a soul in the world knows anything about it. Yet, in a short time you notice a differ-

ence. Something is happening! Can it really be? You are amazed, delighted, to think that anything so simple and so pleasant as Miracle Cream could work so quickly.

Use your Miracle Cream today, and every day. Use it in extra generous quantities so that you may the more quickly attain the full development of your bust.

Another thing, Miracle Cream gives its best results in the summer time when the pores are open and more readily absorb in its nourishing properties.

Why not send today for your Miracle Cream?

Remember Miracle Cream is concentrated. You cannot judge its power by the size of the container any more than you can judge a man by the size of his body. Miracle Cream is not like ordinary cream. It is made of special * * * It is scientific. It frequently works with magical quickness. A few minutes each day and—presto—you have the natural womanly curves that fashion demands, that women envy and men frankly admire.

Did you notice, too, how Miracle Cream is *asorbed*. How the simple application of it stimulates the capillaries to new life and activity, thus nourishing and building up those starved cells? But naturally you can't *see* the good work that is going on. You can only see the *results*.

Just why is your bust under-developed? Do you know? I'll tell you! It's because of *paralyzed pores*. Your body lacks the vital oils that nature provides to nourish and build up the breasts. The pores of your breasts are paralyzed and so clogged with wastes and impurities that they cannot breathe. If you have used other developing creams or lotion, you have gotten no results because they could not penetrate beyond those stopped-up pores. Therein lies the great secret of the superiority of my famous *Miracle Cream*. It penetrates!

IN TESTIMONIALS

Since I have been using the Miracle treatment my appearance has improved wonderfully. My dresses look much better on me and this summer when I put on a bathing suit I was no longer conscious of small thin breasts. I cannot say enough for your treatment. It does all you claim for it and more.

My wonderful new Miracle Cream combination enlarges the breasts one to three inches.

I heard of your Miracle Cream. However I didn't think it could be much good—but I took a chance and I am certainly glad I did! What a difference! I don't look like the same girl. I am just raving about your Miracle Cream to all my friends.

Your Miracle Cream method is everything you say it is. My bust was beginning to sag and now it is as firm as ever.

A wonderful discovery—*Miracle Cream*—builds firm, elastic, healthy tissue. Magically fills out the contours—gives you breasts that are truly lovely.

I take much pleasure in writing you about the wonderful results I have obtained through the application of your wonderful Miracle Cream.

Please—In fairness to yourself—don't delay a single day. Use my Miracle Cream treatment faithfully—I know it will do for you what it has already done for me. Only a few minutes application a day and soon your breasts will develop to wonderful beauty and shapeliness. They will be modeled, as if by a famous sculptor, to exquisite perfection of form.

Dorothy Dawn, famous movie star, joins many other lovely stars of the screen and stage in saying: "I think Miracle Cream is wonderful! One Jar

Findings

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Rounds Out Bust. I feel that I must write a few lines about your Miracle Cream. It is just what you say it is."

Pictorial arrangements.—Respondent sends out many pictures purporting to show the busts of many women before and after using Nancy Lee Miracle Cream showing enlargements of the bust purporting to be due to the use of Nancy Lee Miracle Cream.

In magazines.—The following testimonials appear in the advertisements of Nancy Lee Miracle Cream in 1932 issues of the magazines named in paragraph 4 hereof:

I feel that I must write a few lines about your Miracle Cream method—it is just what you say it is. My chest was so thin, but it surely is rounding out and my bust is coming along fine.

Just tell the world if they want to know anything about your Miracle Cream treatment, to enclose a stamp and I will tell them, but I don't want my name and address in full in public.

M. H. E., *Sioux City, Iowa.*

Thank you for your kindness. The first jar of Miracle Cream did a lot of good. It certainly forms your breasts to a marvelous shape. I am enclosing a picture of myself in a bathing suit.

Miss M. D. Kapak, *New York.*

I am the mother of four children, although very young, my bust became flabby and started to sag. I really thought there was no possible chance of ever restoring them to their original firmness.

Now, after completing the treatment of the 5-ounce jar, I have once again achieved for myself that feminine loveliness which I thought was out of my life forever. You sure did give it the proper name *Miracle Cream*.

Mrs. M. M., *New York, N.Y.*

The respondent has expended the sum of approximately \$12,000 per annum in so advertising the said product.

PAR. 5. The statements and representations described in paragraph 4 hereof are false and misleading in that:

(1) Nancy Lee Miracle Cream does not and cannot nourish the tissues of starved or shrunken breasts or stimulate the circulation thereof;

(2) Nancy Lee Miracle Cream will not work wonders nor will its use increase the size of the breasts;

(3) Nancy Lee Miracle Cream will not prevent the sagging or drooping of the breasts;

(4) Nancy Lee Miracle Cream will not increase the size of the breasts from one to three inches nor at all;

(5) Nancy Lee Miracle Cream does not and cannot fill out the contours of the breasts;

(6) The use of Nancy Lee Miracle Cream will not bring about full, firm, lovely breasts, or fashionable forms or either of them;

(7) The use of Nancy Lee Miracle Cream does not insure permanently or at all round or firm breasts.

(8) Nancy Lee Miracle Cream does not and cannot replenish or nourish the glands or tissues nor does it restimulate them nor does it make them elastic or youthful or energetic. Nancy Lee Miracle Cream does not penetrate the flesh nor does it stir sluggish cells to activity nor does it restore or revitalize tissues.

(9) Nancy Lee Miracle Cream does not and cannot prevent the weakening of vital tissues.

(10) Nancy Lee Miracle Cream does not reach every organ or any organ of the breasts either inside or out.

(11) One may not and cannot mould the breasts to different shapes by the use of Nancy Lee Miracle Cream.

(12) The advertising of respondent holds out that Nancy Lee Miracle Cream is scientifically prepared. In Commission's Exhibit 54 the following appears as a part of respondent's advertising:

It is scientific. The treatment works with magic quickness. A few minutes each day—and presto—you have the natural womanly curves that fashion demands, that women envy and men frankly admire.

No one but Victor W. Titus, vice president of respondent, a youth of 23, with no professional training whatsoever, has testified that the cream is scientifically prepared. The formula for this mixture was purchased by the said Victor W. Titus and his brother about four years ago, according to the testimony of the said Victor W. Titus, from a physician whose name he does not now recall. According to the testimony of Alexander G. Murray, chemist, P. W. Spickard, M.D., and V. S. McDaniel, M.D., all of the Food and Drug Control of the Department of Agriculture, Nancy Lee Miracle Cream is not scientifically prepared.

Nancy Lee Miracle Cream consists approximately of 30 to 60 percent water, a mixture of paraffin products, such as petroleum and a fatty or waxy substance, such as wool fat, approximately 40 percent, with a trace of borax. Nancy Lee Miracle Cream is no more effective than vaseline in developing the breasts of a woman and vaseline is not effective at all. Nancy Lee Miracle Cream acts only as a lubricant but there is no value to its use as a breast developer. Nancy Lee Miracle Cream is nothing but a massage cream. It is not scientifically prepared.

(13) In all of respondent's advertising it is the virtues of the cream, not the treatment, that are featured. In some of its advertisements the treatment is not mentioned. Wherever the word

treatment is used by respondent in its advertisements it is so negligibly set forth and the words Miracle Cream so featured as to deceive even a careful reader into the belief that it is the cream alone for which all claims are made. It appears therefrom that it is the cream which will develop the bust from one to three inches by the mere application thereof; that it is the cream that will lift the sagging breasts; and that it is the cream that will restore feminine loveliness.

(14) There was no woman by the name of Nancy Lee connected with the respondent until about four months ago. After several hearings in this matter were had, Victor W. Titus, vice president of the respondent, caused the name of his sister to be changed by the courts of New York to the name of Nancy Lee. At this time the true name of his said sister was Edna Weimer but she had assumed the name of Mary Titus. Edna Weimer is and was connected with the respondent as a stenographer only. Her duties are to send out form letters on the subject of bust development. Edna Weimer, Mary Titus, or Nancy Lee, or by whatever name she may be called, is 22 years of age and has had no training as a doctor, dietician, or chemist. For four years this cream has been sold under the name of Nancy Lee Miracle Cream. All letters and advertising matter dealing with this cream hold out to purchasers and prospective purchasers that there is a woman named Nancy Lee who is the manufacturer of and who is personally in charge of the sale of and correspondence with reference to this cream. In truth and in fact the manager and person in charge of the business of respondent, including all advertising and the preparation of these form letters, is a man.

(15) Many pictures of women with tremendous busts are used by respondent in its advertising of the said cream, the reasonable inference being that these large busts are obtained by the use of Nancy Lee Miracle Cream. Some of these pictures are mere photographs of drawings dressed up to look like actual photographs of women. Others are of women who have not used Nancy Lee Miracle Cream at all.

The following is illustrative of how respondent obtains some of these pictures. On page 1 of Commission's Exhibit 39 appears the picture of a very beautiful woman. It is the picture of Miss Jeanne Carroll, of New York City, and depicts her as possessing a beautiful, shapely and well-developed bust. This picture was obtained and used by respondent without Miss Carroll's consent. It has been "dressed up" so as to show an abnormally developed bust, while

Miss Carroll's bust is actually small. The following is some of Miss Carroll's testimony with reference to this picture:

That is my picture on page 1 of Ex. 39;
It is not a true production;
The bust has been enlarged;
I never had a bust as large as the one pictured there;
I have never used Nancy Lee Miracle Cream;
I never authorized the use of this picture;
I do not know how respondent came in possession of it;
I did not know that they were in possession of it until my attention was called to its use in respondent's advertising last July;
Until that time I did not know there was such an institution as Nancy Lee Institute;
I never had any correspondence with them;
I never had any business relations with them in any way;
Since then I have seen my picture in connection with the advertisements of Nancy Lee in periodicals;
They were True Romances, the Hollywood Magazines, the Silver Screen, Screen People;
It was the same picture as appeared here on the first page of Com. Ex. 39;
All of these pictures had the exaggerated size of the bust that is shown in Com. Ex. 39.

The following is the explanation of Victor W. Titus, vice president of respondent, as to how this picture was obtained:

I wanted a picture for the front page of the book (referring to the front page of Com. Ex. 39) so we went to the Mitchell Studio, 1496 Broadway and I went in there and asked for a picture of a girl to use in the pamphlet. I mentioned just what it was for and we went through about 500 pictures and I picked this particular picture out and I purchased it and paid him for it and got a receipt for it and I have been using it for about two years in the front of the book.

Q. Do you change all of the pictures?

A. Not all. In some cases where the woman has a large bust we do not change and in some cases we do. In the case of the Jeanne Carroll picture there was nothing done to the picture only to darken the negative just a little, to bring out the bust and make them a little more prominent.

PAR. 6. Each and all of the representations as to the efficacy of Nancy Lee Miracle Cream, contained in the advertising as set forth above, had and have the tendency and capacity to mislead and deceive the purchasers and prospective purchasers of respondent's said Nancy Lee Miracle Cream into the belief that such representations are true and to induce them to purchase respondent's said Nancy Lee Miracle Cream in such belief, and had and have the tendency and capacity to unfairly divert trade from said competitors to respondent.

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PAR. 7. Prior to the filing of the complaint herein respondent ceased the manufacture and sale of Dermo Cream and ceased to trade under the name of Mary Titus.

CONCLUSION

The practices of the said respondent, under the conditions and circumstances described in the foregoing findings, are to the prejudice of the public and respondent's competitors, and are unfair methods of competition in interstate commerce, and constitute a violation 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."

ORDER TO CEASE AND DESIST AND ORDER DISMISSING COMPLAINT AS TO CERTAIN CHARGES THEREIN

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission, the answer of the respondent, the testimony, evidence, briefs, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated 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",

It is now ordered, That respondent Nancy Lee Institute, a corporation, its agents and employees, in connection with the selling or offering for sale or in aid of the sale of Nancy Lee Miracle Cream in interstate commerce between and among the several States of the United States and the District of Columbia, cease and desist from representing in advertising, through magazines, newspapers, booklets, pamphlets, pictures, letters, circulars, testimonials, or otherwise that—

(a) Nancy Lee Miracle Cream nourishes the tissues of starved or shrunken breasts, or stimulates the circulation thereof;

(b) The use of Nancy Lee Miracle Cream will increase the size of the human breasts;

(c) The use of Nancy Lee Miracle Cream will prevent the sagging or drooping of the breasts;

(d) The use of Nancy Lee Miracle Cream will increase the size of the breasts from one to three inches or increase them at all;

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(e) The use of Nancy Lee Miracle Cream will fill out the contours of the breasts;

(f) The use of Nancy Lee Miracle Cream will bring about full, firm, lovely, or fashionable forms or either of them;

(g) The use of Nancy Lee Miracle Cream will insure permanently, or at all, round or firm breasts;

(h) The use of Nancy Lee Miracle Cream replenishes or nourishes the glands or tissues of the breasts;

(i) The use of Nancy Lee Miracle Cream makes the breasts elastic, or youthful, or energetic, or either of them;

(j) Nancy Lee Miracle Cream is a scientific restorative;

(k) The use of Nancy Lee Miracle Cream penetrates the flesh, stirs sluggish cells to activity; restores or revitalizes tissues, or either of them;

(l) The use of Nancy Lee Miracle Cream prevents the weakening of vital tissues;

(m) The use of Nancy Lee Miracle Cream reaches every organ or any organ of the breasts either inside or out;

(n) The use of Nancy Lee Miracle Cream will mould the breasts to different shapes;

(o) That Nancy Lee Miracle Cream is sold by a woman;

(p) Or from using any words, pictures, devices, or means which import or imply that the use of Nancy Lee Miracle Cream will increase the size of a woman's bust, or that it has any virtue other than as a lubricant in massage;

(q) Or from advertising Nancy Lee Miracle Cream in connection with any treatment for developing the bust unless it is clearly indicated that its only virtue is as a lubricant in massage.

It is further ordered, That the charges of the complaint as to Dermo Cream and as to respondent's trading under the name of Mary Titus be, and they are hereby dismissed.

It is further ordered, That the said respondent 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

17 F.T.C.

IN THE MATTER OF
DAVID FELDMAN, INDIVIDUALLY AND TRADING AS
FELDMAN & SONS

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

Docket 2076. Complaint, Nov. 30, 1932—Order, Apr. 10, 1933

Consent order requiring respondent individual, his representatives, agents and employees, in connection with sale or offer in interstate commerce, of men's shirts, to cease and desist from using words "fast color" or "commercial fast color" or other words of like import in describing, advertising or labeling product in question unless color or dye therein, "is a true fast color and will not fade or blanch when subjected to laundering."

Mr. Henry C. Lank for the Commission.

Mr. Erwin I. Feldman, of Baltimore, Md., 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 David Feldman, individually and trading as Feldman & Sons, hereinafter referred to as respondent, has been and is using unfair methods of competition in interstate commerce in violation of the provisions of section 5 of the said act, and states its charges in that respect as follows:

PARAGRAPH 1. Respondent is an individual trading under the name of Feldman & Sons with his office and principal place of business located in the city of Baltimore, State of Maryland. Respondent is now and for more than 2 years last past has been engaged in the manufacture of men's shirts and in the sale and distribution thereof to retail dealers and jobbers located at points in the various States of the United States and causes said shirts when so sold to be transported from his principal place of business in the State of Maryland into and through other States of the United States to the purchasers thereof at their respective points of location. In the course and conduct of his said business respondent is in competition with other individuals, partnerships and corporations engaged in the manufacture of men's shirts and in the sale and distribution thereof in interstate commerce.

PAR. 2. In the sale and distribution of his shirts throughout the United States as hereinabove described, respondent has caused and still causes large and substantial numbers of said shirts to be adver-