

Complaint

IN THE MATTER OF

E. R. SIERING, DOING BUSINESS UNDER THE TRADE
NAME OF DR. CHEESEMAN MEDICINE COMPANYCOMPLAINT AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF SEC. 5
OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 2092. Complaint, Feb. 28, 1933—Order, Sept. 25, 1933*

Consent Order requiring respondent, trading under the name and style of Dr. Cheeseman Medicine Co., his agents, etc., in connection with the sale or offering in interstate commerce of a certain medicinal preparation, to desist from advertising or in any otherwise representing directly or by implication that (a) said preparation can be depended upon for relief in female troubles, or (b) that letters or other statements concerning the efficacy of the said preparation in the treatment of any ailment have been authorized or signed by C. S. Cheeseman, M.D., when in truth and fact such letters or statements are not so authorized or signed.

Mr. Robert H. Winn for the Commission.

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", said Commission charges that E. R. Siering, trading under the name of Dr. Cheeseman Medicine Company, hereinafter referred to as respondent, has been and is using unfair methods of competition in commerce, in violation of the provisions of Section 5 of said act, and states its complaint in that respect as follows:

PARAGRAPH 1. Respondent is an individual, having his principal office and place of business at 11 East Twelfth Street, New York City. Respondent is now and has been for more than two years last past engaged in advertising and selling a medicinal preparation, designated "Dr. Cheeseman's Pills", which is represented as a treatment for delayed or suppressed menstruation. Respondent causes said medicinal preparation, when sold, to be transported from his place of business in the City of New York, State of New York, into other States of the Union to purchasers thereof at their respective locations.

PAR. 2. Respondent, in the course and conduct of his business, has made false or misleading statements and representations in advertisements inserted in various publications having interstate circula-

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tion, including "American Farming", issue of December, 1931, and otherwise:

Ladies positive relief for delayed or overdue periods. Harmless * * *

Dr. Cheeseman's Pills—For delayed or suppressed periods, give positive relief * * * Double strength in stubborn cases. Harmless * * *

* * * For delayed or suppressed periods give positive relief in stubborn cases.

Millions of women throughout the world have used our famous pills for their wonderful health giving powers.

Dr. Cheeseman's Pills regulate the system and quickly allay suffering and relieve irregularities.

Every woman who values her health should always have a box of these wonder pills convenient.

Avoid serious consequences—keep healthy—neglect is often dangerous.

They have banished untold suffering from millions of women throughout the world.

* * * removes all worry and danger of suppressed periods.

The irregularities that menace the health and cause most of the headache, backache, colic, and nervousness with which women are periodically afflicted are eliminated through the use of Dr. Cheeseman's Pills.

They have given relief in the most stubborn cases—and have proven one of the greatest blessing womanhood has received from science.

There is no longer reason to suffer the periodic pangs of distress and pain. Let Dr. Cheeseman's Pills solve your problem.

A trial will convince any woman.

They are officially guaranteed under the Pure Food and Drugs Act.

Dr. Cheeseman's Pills are certain to allay the suffering that comes from monthly irregularities due to any cause.

Their reputation is founded on * * * unfailing satisfaction.

They are * * * certain in their results.

These pills may be taken with perfect safety according to directions.

* * * Dr. Cheeseman's Pills have relieved women of worry and pain. Let them do the same for you.

In truth and in fact said statements and representations were and are incorrect in certain respects and exaggerated in others, in that said preparation cannot be depended upon generally to induce menstruation; it does not possess health-giving powers; it is not harmless, and has not been guaranteed under the Pure Food and Drugs Act. Said statements and representations have the capacity and tendency to mislead and deceive the purchasing public into buying said medicinal preparation, in the erroneous belief that they are true, and that the use of said preparation will accomplish the results set out or indicated in said advertisements.

PAR. 3. In the course and conduct of his business, respondent has also distributed, in interstate commerce, to prospective purchasers of his medicinal preparation, aforesaid, circular letters purporting to have been signed by C. S. Cheeseman, M.D., when in truth and in

fact said letters were not signed by C. S. Cheeseman, M.D., nor by his direction.

PAR. 4. In the course and conduct of his business respondent is in competition with corporations, partnerships, firms and individuals engaged in the sale and shipment in interstate commerce of medicinal preparations used for the treatment of ailments similar to those for which respondent recommends his "Dr. Cheeseman's Pills", whose ability to compete successfully with respondent has been and is being lessened and injured by the methods of respondent set forth in paragraphs 2 and 3 hereof.

PAR. 5. The practices and methods of competition utilized by respondent, described in paragraphs 2 and 3 hereof, are to the detriment of the public and respondent's competitors, and constitute unfair methods of competition in 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

This proceeding having come on for final disposition by the Federal Trade Commission upon the complaint and respondent's answer waiving hearing on the charges set forth in the complaint and refraining from contesting the proceeding, thereupon pursuant to paragraph (2) of Rule III of its Rules and Regulations duly adopted for the purpose of carrying out 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 Commission having considered that respondent by such answer has thereby consented that the Commission may make, enter and serve upon him an order to cease and desist from the unfair methods, and the Commission being fully advised in the premises:

It is now ordered, That the respondent E. R. Siering, trading under the name and style of "Dr. Cheeseman Medicine Company" and his agents, servants, representatives, and employees, in connection with the sale or offering for sale in interstate commerce of a certain medicinal preparation known and designated as "Dr. Cheeseman's Pills" cease and desist from advertising or in any otherwise representing, directly or by implication:

(1) That said preparation can be depended upon generally to induce menstruation; or that it possesses health-giving powers; or that it is harmless; or that it has been guaranteed under the Pure

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Food and Drugs Act; or that it has any therapeutic value whatsoever other than is actually the case;

(2) That letters or other statements concerning the efficacy of the said preparation in the treatment of any ailment have been authorized or signed by C. S. Cheeseman, M.D., when in truth and fact such letters or statements are not so authorized or signed.

It is further ordered, That respondent shall within 60 days from the date of the service upon him of a copy of this order file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order herein set forth.

Complaint

IN THE MATTER OF

HIRES TURNER GLASS COMPANY

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

Docket 1935. Complaint, Nov. 4, 1931—Decision, Sept. 26, 1933

Where a corporation engaged in the manufacture and sale of mirrors, designated and advertised as "copper back", or "copper backed", or "backed with copper", products made by it under licensed process involving the covering of the reflecting medium with a mixture of shellac and copper dust, spread thereon by brush or spray, notwithstanding fact that (1) said products were not the more costly, expensive, durable and favorably known mirrors, long prior thereto generally understood by the trade and ultimate consumers from said terms as those in which the reflecting medium is covered with a protective coating consisting of a continuous film or sheath of solid metallic copper applied through the electro plating process, and (2) said applications did not result in the application to the glass of a solid continuous metallic copper coating or film;

With tendency and capacity to confuse, mislead and deceive the trade and members of the purchasing public as to the nature of manufacture of its aforesaid mirrors, and induce the purchase and use thereof in such erroneous belief, and divert trade to it from competitors engaged in the sale of ordinary or similar mirrors, and from competitors engaged in the sale of the genuine and more costly "copper back" or "copper backed" mirrors, and who do not misrepresent the kind, structure or mode of manufacture of their respective products:

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

Mr. Harry D. Michael for the Commission.

Mullen, Mullen, Shea & Massey, of Washington, D.C., 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, a Pennsylvania corporation, engaged in the manufacture of mirrors and other glass products, and with principal place of business in Philadelphia, with misrepresenting product as to nature or manufacture, and advertising falsely or misleadingly in said respects, 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 in sale of said mirrors to furniture manufacturers, contractors, builders, and other