

Complaint

IN THE MATTER OF

A. G. ASHLEY, TRADING AS CHIC-AMERICAN
DISTRIBUTING COMPANY

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

Docket 2172. Complaint, Apr. 26, 1934—Order, June 12, 1934

Consent order requiring respondent individual, his agents, etc., to cease and desist from representing, directly or indirectly, in advertisements or otherwise in offering for sale and selling his said product, Chic Herb Tea, in interstate commerce and in the District of Columbia; that said product—

- (1) Relieves irritability, headache, loss of energy, skin trouble, coated tongue or bad breath;
- (2) Prevents poisons from forming and entering the blood;
- (3) Acts as a digestant, and aids in the process of digestion and proper eliminations to stop indigestion;
- (4) Is an effective treatment for Bright's Disease, kidney trouble, liver trouble or gall bladder trouble;
- (5) Will reduce the weight, control flesh, strengthen and renew the body or improve the figure; or
- (6) That it, or any product of similar composition, is a competent or adequate cure, remedy or treatment for constipation, indigestion, diseases or affections of the kidneys, liver or gall bladder, or is an adequate cure, remedy or treatment for auto-intoxication, or obesity, or that it has any therapeutic properties other than mild laxative, diuretic, carminative or stomachic properties.

Mr. Robt. N. McMullen for the Commission.

COMPLAINT

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, having reason to believe that A. G. Ashley, trading as "Chic-American Distributing Company", hereinafter referred to as respondent, has been and is using unfair methods of competition in commerce, as "commerce" is defined in said act, and it appearing to said Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, A. G. Ashley, is an individual doing business under the name Chic-American Distributing Company,

with his principal office and place of business in the city of New Brunswick, State of New Jersey. The business done by the respondent now consists and for more than two years last past has consisted in the sale and distribution by him in interstate commerce, of a product, among others, designated by him as "Chic Herb Tea". The respondent, in the course and conduct of his business has caused, and still causes, the said product "Chic Herb Tea" to be transported in interstate commerce from his place of business in New Brunswick, N. J., to, into, and through States of the United States other than New Jersey to various members of the purchasing public to whom it is and has been sold. The respondent has sold, and still sells, the said product "Chic Herb Tea" directly to the purchasing public by and through the use of the mails.

Respondent is now and for more than two years last past has been in competition in interstate commerce with other individuals and with corporations, firms and partnerships engaged in the sale of preparations designed and used for the treatment of diseases and unhealthy physical conditions for which respondent represents said "Chic Herb Tea" to be a remedy. Such other individuals, firms, partnerships, and corporations have caused and now cause the said preparations sold by them to be transported in interstate commerce to, into, and through various States of the United States in which said competitors of the respondent have their respective places and into various States other than those in which they have their respective places of business. Such competing products are sold in some instances direct to the consumer, and in other instances to wholesale and retail dealers for ultimate resale to the purchasing public.

2. The respondent, in promoting the sale of "Chic Herb Tea" now causes and has caused advertisements to be inserted in magazines and other publications circulated throughout the various States of the United States, and has distributed and still distributes advertising circulars by mail to prospective customers in the various States of the United States. In such advertisements and circulars respondent has stated and still states, among other things:

CHIC HERB TEA

The Chic Herb Tea is a special Blend of American and Foreign herbs scientifically prepared to produce the most beneficial results.

Chic Herb Tea Makes You
EAT BETTER—SLEEP BETTER—FEEL BETTER
Start today on the road to health

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CONSTIPATION

The person who is irritable, who is subject to headaches, loss of energy, has skin trouble, coated tongue, and bad breath—is generally constipated.

Drink Chic Herb Tea after meals and at bedtime thereby assisting the intestines to clear itself regularly, preventing poisons from forming and entering the blood. By preventing this cause you are not subject to colds easily or tire quickly, your food is digested better.

Build up a reserve of health and vitality by drinking this famous blend of herbs.

INDIGESTION

By promoting stomach secretions, aiding the process of digestion and proper eliminations you stop this distressing ailment.

CHIC HERB TEA will help to do all these quickly, efficiently and safely. Start immediately taking Chic Herb Tea.

KIDNEYS, LIVER, AND GALL BLADDER

The inflammations, congestions, or catarrh of these organs, will cause many troubles.

Healthy kidneys pass considerable poisons from the body.

Bright's disease is a form of kidney ailment which progresses very rapidly.

Enjoy health—that is rightfully yours. Chic Herb Tea will aid the kidneys to eliminate the poisons, so that nature can build them back to a normal condition.

Now is the time to start drinking Chic Herb Tea.

The Liver (the great house cleaner of the body) should function properly to gain a sound and healthy body. Chic Herb Tea will aid the liver to function properly. The digestive organs, blood-streams and intestines depend upon the liver for carrying away their waste materials.

Enjoy good health—so that you may feel, eat and sleep better.

AUTO INTOXICATION

This disease is caused by food poisoning due to waste masses clogging the alimentary canal. When the intestines are filled with decayed foods, acrid acids—or toxins are formed. Other parts of the body receive these poisons from the blood absorbing these poisons, causing inflammation, congestions, clogged blood supply. Constipation and fatigue become chronic.

Chic Herb Tea, and the correct habits of living will bring about the proper eliminations. Within a short time you will notice a change that will give you more vitality. Start this healthful treatment today, as time might impair your health.

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CHIC HERB TEA REGULATES AND TONES THE SYSTEM

CHIC HERB TEA

A scientific blend of beneficial herbs employed
as an aid to the control of flesh

No Rigid diets
rules or drastic exercises
to follow. Two or more cups of
CHIC HERB TEA daily after Meals
and you will be happy, cheer-
ful and normal while
reducing.

Reduce in a Comfortable Sensible
and Healthful Way.

TO CONTROL FLESH

You simply cannot be at your best either in appearance or health if you are overweight. And do not both of these facts mean that you cannot possess the charm that is rightfully, your own?

It applies, not quite so decidedly but still in a definite way, if you are considerably overweight.

It is not necessary to go on a starvation diet—or strenuous exercises to reduce, common sense tells us—that such fantastic ideas are injurious to our body and health.

Is there not a woman today who does not want to stay young and retain that youthful appearance and be charming and fascinating? Of course.

The modern way of reducing today is with Chic Herb Tea. This pleasant herbal mixture will aid in reducing the flesh without discomfort or disturbance of the digestive functions, mildly laxative in nature, and will strengthen and renew the body while assisting it to gradually discard its over abundant tissue. A marked change in that distressing feeling of fullness will be soon noticeable.

Start today, on the road to regaining that grade of figure and movement which can add so much to your charm and happiness.

* * * * *

The Chic Herb Tea way of reducing is simple. Find out your exact height (in stocking feet) then consult the chart for your proper weight.

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After you have gained your normal weight start eating any food you like, but continue drinking Chic Herb Tea. Any competent physician will tell you, it is not the food, but the manner in which it is digested that creates superfluous flesh, the gastric juice working the wrong way. Chic Herb Tea corrects this tendency so that the food you eat gives your body only what it needs. Hence there is no more Taking on Fat while the flesh is reduced to normal.

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PAR. 3. In truth and in fact, respondent's said Chic Herb Tea is not a competent or adequate cure, remedy or treatment for constipation, indigestion, diseases or afflictions of the kidneys, liver or gall bladder, and is not an adequate cure, remedy or treatment for auto-

intoxication, obesity, or any other unhealthy physical condition. And in truth and in fact said Chic Herb Tea has no therapeutic value nor any properties which will produce beneficial results in the treatment of any human sickness, disease, ailment, infirmity, or any unhealthy condition.

PAR. 4. The representations of the respondent, as set out in paragraph 2 hereof, have had and still have the tendency and capacity to confuse, mislead and deceive the purchasing public into the beliefs that respondent's said Chic Herb Tea is a cure, remedy or adequate treatment for constipation, indigestion, diseases or afflictions of the kidneys, liver or gall bladder, auto-intoxication, obesity and other unhealthy physical conditions, and said representations have had and still have the tendency and capacity to induce the purchasing public to buy said Chic Herb Tea and to use the same because of the erroneous beliefs engendered as hereinabove set forth, and thus to divert trade to respondent from competitors engaged in the sale in interstate commerce of medicines adapted and used for treating the various ailments and unhealthy physical conditions for which respondent represents his said Chic Herb Tea to be a cure, remedy or adequate treatment, and thereby substantial injury is done to substantial competition.

PAR. 5. The above acts and things done by respondent are all to the injury and prejudice of the public and the competitors of respondent 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

And now this day comes on for consideration the above matter;

And it appearing to the Commission that the respondent A. G. Ashley, doing business as Chic-American Distributing Company, has filed herein an answer stating that he desires to waive hearing on the charges set forth in the complaint, and refrains from contesting the proceeding, and consents that the Commission may make, enter and serve upon him an order to cease and desist from the violations of law alleged in the complaint, all as permitted by the rules of practice and procedure of the Federal Trade Commission;

And the Commission having considered the complaint and answer and having been fully advised in the premises:

It is hereby ordered, That the respondent, A. G. Ashley, his agents, employees, and representatives, forthwith cease and desist from representing, directly or indirectly, in advertisements or other-

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wise, in offering for sale and selling his said product, Chic Herb Tea, in interstate commerce and in the District of Columbia:

(1) That irritability, headache, loss of energy, skin trouble, coated tongue or bad breath are or will be relieved by the administration of the respondent's said product;

(2) That the use of said product will prevent poisons from forming and entering the blood;

(3) That said product acts as a digestant, and aids in the process of digestion and proper eliminations to stop indigestion;

(4) That said product is an effective treatment for Bright's Disease, kidney trouble, liver trouble or gall bladder trouble;

(5) That said product will reduce the weight, control flesh, strengthen and renew the body or improve the figure;

(6) Representing or advertising in any other way or by any other words or statements that respondent's said product, or any product of similar composition, is a competent or adequate cure, remedy or treatment for constipation, indigestion, diseases or afflictions of the kidneys, liver or gall bladder, or is an adequate cure, remedy or treatment for auto-intoxication, obesity; or that said product has any therapeutic properties other than mild laxative, diuretic, carminative or stomachic properties.

And it is further hereby ordered, That the said respondent, A. G. Ashley, shall within 60 days from the date of the service upon him of this order file with this Commission a report in writing setting forth the manner in which he has complied with this order.

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IN THE MATTER OF
THE LIGHTNING 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 2108. Complaint, July 3, 1933—Decision, June 20, 1934

Where a corporation engaged in the manufacture and sale of a purported electric battery rejuvenator, the ingredients of which in powdered form consisted of Epsom salts mixed with small amounts of alum and glycerine to which was added to the unit quantity in which shipped, a gallon of distilled water and one-half gallon of new sulphuric acid, and which preparation it sold through garage owners, chiefly, by whom it was customarily sold to automobile owners or operators at \$1 or \$1.50 a charge, of which the aforesaid quantity provided five or six—

Represented in advertising said preparation in newspapers and magazines, and in circulars distributed to customers and prospective customers, and by them to automobile owners or operators, that said preparation was a self-charging super electrolyte, which charged batteries instantly, without putting on the "line", or waiting or payment of rentals by customer, made old batteries work like new, and doubled and increased the life thereof, and would charge a totally dead battery and save the cost of a new one, could be set out in the coldest weather and was invented by a famous chemist, and that with a short run, with generator attached, battery would be fully charged, with ample current to turn over the motor, etc.;

The facts being that the ingredients of the powder had no merit, or beneficial effect whatever upon the battery in which used, and the distilled water and sulphuric acid added to make up the liquid constituted the usual mixture for storage batteries, and contributed any virtue possessed by the mixture, and representations were false in every respect, and money expended for preparation was entirely wasted;

With capacity and tendency to mislead and deceive the ultimate consumers of said preparation into the belief that said representations were true, and to induce them to purchase the same in such belief, and to divert trade to it from its competitors, including those dealing in preparations sold for similar purposes, those manufacturing storage batteries or apparatuses used to charge the same, and wholesalers of sulphuric acid when sold for use in such batteries;

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. E. J. Hornibrook for the Commission.

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 Delaware corporation engaged for more than