

Syllabus

IN THE MATTER OF
THE CHARLES R. SPICER COMPANY, INC.COMPLAINT (SYNOPSIS), FINDINGS, AND ORDER IN REGARD TO THE ALLEGED
VIOLATION OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 2089. Complaint, Feb. 3, 1933—Decision, June 26, 1934*

Where a corporation engaged in the sale and distribution of various proprietary medicines direct to the purchasing public, by mail, or through agents, and through wholesale druggists; in advertising the same through booklets, folders and circulars, newspapers, magazines, and testimonials.

- (a) Represented that its "Palvo" or "Palvo Vegetable Compound" constituted a cure, remedy, or competent and adequate treatment for female troubles generally, and included among those specified, serious diseases and pathological conditions classified under the general heading of female diseases, facts being that many of those named require surgical treatment for relief, and preparation in question, with mild laxative and sedative effects and antispasmodic and slight tonic properties, and a tendency to relieve pains incident to certain conditions and ailments of women, was not curative of, or an effective treatment for any serious condition of the female organs, had no curative effects where any definite pathology existed, or any effect on the causes underlying or forming the basis of female troubles and would not cure specific ailments named, but, used for pain, was purely symptomatic in its effects;
- (b) Represented that its "Spicer's Compound" was a "blood tonic and system builder" and purified the blood, and would "work the cold, bile, filth, malaria, and impurities from your system in a surprising manner, and build you up all over", and was a cure, remedy or competent and adequate treatment for "Indigestion—Sour Stomach—Constipation—Billiousness—Torpid Liver—Kidney and Bladder Troubles—Pain in the Back and Hips—Frequent Urination—Weak Bladder—Nervo Sexual Debility—Impure Blood—Sallow Complexion—Pimples and Blotches—Dull, Lazy Feeling—Loss of Appetite", facts being that preparation in question constituted a laxative, diuretic and tonic, but could not accurately or correctly be represented as a blood purifier or blood tonic, or as having results attributed to it, or as a cure, remedy or competent and adequate treatment for the various ailments or conditions mentioned; and
- (c) Represented its "Special Compound No. 141" as a cure, remedy or competent and adequate treatment for lost manhood and as a lasting tonic through such statements as "* * * It is not merely a temporary stimulant but a lasting tonic * * *", and, "Especially recommended for weak, nervous and run-down men and women who are troubled with Lost Vitality, Nervo-Sexual-Debility (lost manhood)", facts being that preparation in question, the therapeutic effects of which were limited to those of a tonic and a stimulant to the appetite, would not restore entirely lost sexual power, and had no therapeutic effect on any disease causing loss of such power, could not correctly be described as a lasting tonic, and did not constitute a cure, remedy, or competent and adequate treatment for lost manhood, lost vitality, sexual debility, or nervo-sexual debility;

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With capacity and tendency to confuse, mislead; and deceive members of the public into believing that its said medicine constituted a cure or remedy or competent and adequate treatment, respectively, for the various diseases, ailments and physical conditions for which recommended as aforesaid, or that they would give relief in such cases, when such was not the case or true to a limited extent only, and to induce members of the public to buy and use the said medicines because of the erroneous beliefs thus engendered, and divert trade to it from competitors engaged in the sale of medicines adapted to and used for the treatment of the same ailments and conditions for which it offered its preparations, or from those engaged in sale of medicines adapted to and used for treatment of the diseases which produce or cause the conditions or ailments for which it represented its medicines as treatments; to the substantial injury and prejudice of competitors who in no wise misrepresent the therapeutic effects of their products, and with effect of diverting business therefrom and tendency so to do:

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

Mr. Harry D. Michael for the Commission.

Canada & Russell, of Memphis, Tenn., 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 Tennessee corporation engaged in the sale and distribution of certain proprietary medicines or medical preparations to druggists and the consuming public, and with principal office and place of business in Memphis, with advertising falsely or misleadingly and misrepresenting product as to qualities or properties, 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 advertising certain of its said preparations in newspapers, magazines and other publications of general circulation, and in sales promotional literature such as letters, booklets, pamphlets and other similar matter, and through salesmen or solicitors, represents that (a) its "Palvo Vegetable Compound", is a new remedy for female troubles, and an effective therapeutic agent or remedy for the relief and cure of ailments peculiar to women, and has restored health and happiness to thousands of suffering women, and constitutes a tonic and effective therapeutic agent or remedy for the treatment, relief and cure of numerous specified ailments and conditions; (b) its "Compound" purifies the blood, reestablishes peristaltic action, constitutes a system builder for both men and women, and that it does and will

eliminate from the system cold, bile, malaria, and impurities, and constitutes an effective therapeutic agent or remedy for the relief and cure of weakness, nervousness, indigestion, biliousness, and various other ailments and conditions; and (c) its special "Compound No. 141" constitutes an effective therapeutic agent or remedy for the relief and cure of, and will cure nervous and rundown conditions of men and women, lost or low vitality, and nervo sexual debility, and constitutes a lasting tonic; the facts being said various preparations are not such therapeutic agents or remedies as represented, nor effective for the relief or cure of the various diseases and ailments specified, and cannot accomplish the results or effects attributed to them by respondent.

Use by respondent, as alleged, of such representations, statements and assertions "in advertising, selling and distributing said products, are false, misleading and deceptive; and have and had the capacity, tendency and effect of misleading and deceiving the purchasing and consuming public throughout the United States into purchasing said products in the erroneous beliefs that such representations, statements and assertions (1) are and were true in fact, (2) that such products are effective therapeutic agents or remedies for the relief and cure of the respective diseases or physical ailments specified * * * and (3) that the said medicinal preparations are products of the respective kind and character stated in said representations and can and will accomplish the several respective therapeutic effects or results attributed to them by such representations", and use of said false, misleading and deceptive representations, statements and assertions, as aforesaid, constitutes practices or methods of competition which are unfair to its competitors (among whom there are those who sell and distribute through truthful and fair representations, products for the alleviation and treatment of the same kind of ailments as those for which respondent recommends and sells its said products), and tend to and do (a) prejudice and injure the public, (b) unfairly divert trade from and otherwise prejudice and injure competitors, and, (c) operate as a restraint upon and a detriment to the freedom of fair and legitimate competition in the business of selling therapeutic agents or medicinal preparation for the treatment of human ailments and physical conditions; in violation of the provisions of Section 5.

Upon the foregoing complaint, the Commission made the following

REPORT, FINDINGS AS TO FACTS, AND ORDER

Pursuant to the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commis-

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sion, to define its powers and duties, and for other purposes", the Federal Trade Commission issued and served its complaint upon the respondent, The Charles R. Spicer Company, Inc., charging said respondent with the use of unfair methods of competition in interstate commerce in violation of the provisions of Section 5 of said Act.

Respondent having entered its appearance and filed its answer to said complaint, hearings were had and evidence was introduced in support of the allegations of said complaint and in opposition thereto before a trial examiner of the Federal Trade Commission theretofore duly appointed.

Thereupon this proceeding came on for final hearing, and counsel for the Federal Trade Commission and counsel for respondent having submitted briefs, oral argument having been dispensed with on account of failure of counsel for respondent to appear at the time set therefor, and the Commission, having duly considered the record and being fully advised in the premises, makes this its findings as to the facts and its conclusion drawn therefrom:

FINDINGS AS TO THE FACTS

PARAGRAPH 1. The respondent, The Charles R. Spicer Company, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Tennessee, and has its principal office and place of business in the city of Memphis in said State. Said respondent is now, and has been engaged for more than four years last past, in the business of selling and distributing in interstate commerce in and among the various States of the United States to members of the public various proprietary medicines or medicinal preparations among which are the following, which are designated and described by respondent, respectively, as:

(a) "Palvo" or "Palvo Vegetable Compound."

(b) "Spicer's Compound", also designated as "Nux-Herbs and Iron" and "Spicer's Nux-Herbs and Iron."

(c) "Spicer's Special Compound Number 141" or "Spicer's Special Tonic Number 141."

and said respondent causes and has caused its said medicines, when so sold, to be transported in interstate commerce from its said place of business in Tennessee to, into and through States of the United States other than Tennessee to persons, firms, and corporations to whom or to which its said products are or have been sold. Respondent sells its said preparations direct to the purchasing public by mail or through agents and also sells them to wholesale druggists for ultimate resale to members of the consuming public by retail stores.

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PAR. 2. During the time above mentioned other individuals, firms, and corporations in various States of the United States are and have been engaged in the sale and distribution in interstate commerce of medicinal preparations similar in kind to those of respondent and also of those designed, intended, or used for the treatment of the various diseases and bodily ailments for which respondent's said preparations are represented and advertised as hereinafter shown, and such other individuals, firms, and corporations have caused and do now cause their said preparations, when sold by them, to be transported from various States of the United States to, into, and through States other than the State of origin of the shipment thereof, to the purchasers thereof to whom or to which they are or have been sold. Such competitors sell their products to wholesale and retail druggists for ultimate resale to members of the purchasing public and in some instances, directly to the consumers. Respondent has been, during the aforesaid time, in direct and substantial competition in interstate commerce in the sale of its said preparations with such other individuals, firms and corporations.

PAR. 3. Respondent, in advertising its said products, makes use of booklets, advertising folders and circulars distributed to the purchasing public in various States of the United States. Respondent has also made use of advertisements inserted in newspapers and magazines circulated to the purchasing public in the various States of the United States. In its advertising matter in regard to Palvo, respondent represents by direct statements and by implication, that said medicine is a cure, remedy or competent and adequate treatment for "female troubles" generally, including "ovarian pains", "painful and irregular menstrual periods", "uterine displacements (falling of the womb)", "leucorrhea or whites", "pus tubes", "change of life", "pregnancy". By the use of testimonial letters, respondent represents that said medicine is a cure, remedy, and competent and adequate treatment for serious diseases and pathological conditions classed under the general heading of female diseases, many of which would require surgical treatment for relief.

The formula of Palvo is as follows:

Fluid extract:	m.
Cascara sagrada aromatic.....	30
Viburnum opulus (cramp bark).....	18
Viburnum prunifolium (black haw).....	18
Cimicifuga (black cohosh).....	18
Caulophyllum (blue cohosh).....	9
Mitchella repens (squaw vine).....	9
Aletris (unicorn root).....	9
Hydrastis (golden seal root) U. S. P.....	3

In addition 25 percent of the medicine consists of alcohol.

Neither the formula of Palvo nor its ingredients are "new". The representation that Palvo is a cure, remedy, or competent and adequate treatment for female troubles generally is misleading and untrue since it is much too broad a representation. Said medicine is not curative of, or an effective treatment for any serious condition of the female organs. It has no curative effects where any definite pathology exists. It will not cure or remedy ovarian pains, uterine displacements, leucorrhea, pus tubes, enlargement or inflammation of the generative organs, fibroids of the uterus, cyst of the ovary, cancer of the uterus, infections of the uterus or of the Fallopian tubes, all of which are included in the term "female troubles". It has no effect on the causes underlying or forming the basis of female troubles. It is not a general tonic for women.

Palvo is a mild laxative and has a sedative effect and anti-spasmodic properties. It will tend to relieve constipation and some few types of pain such as menstrual pains. In its use for pain, its effects are purely symptomatic. It will tend to relieve pains incident to the menstrual periods of women and in connection with amenorrhea, dysmenorrhea, and menorrhagia, but will not be curative of any definite pathology producing or causing the same. It has, also, slight tonic properties.

In its advertising of Spicer's Compound, respondent represents, among other things, that it is a "Blood Tonic and System Builder" and that it "Purifies the Blood". Respondent has also represented that "It will work the cold, bile, filth, malaria, and impurities from your system in a surprising manner, and build you up all over"; that it is a cure, remedy or competent and adequate treatment for "Indigestion—Sour Stomach—Constipation—Biliousness—Torpid Liver—Kidney and Bladder Troubles—Pain in the Back and Hips—Frequent urination—Weak Bladder—Nervo Sexual Debility—Impure Blood—Sallow Complexion—Pimples and Blotches—Dull, Lazy Feeling—Loss of Appetite."

The formula for Spicer's Compound is as follows:

Each 50 gallons contains an infusion consisting of:

Alexandria senna leaves.....	7 lb. 8 oz.
Buchu leaves (short).....	2 lb. 4 oz.
Juniper berries.....	2 lb. 4 oz.
Rhubarb root.....	2 lb. 4 oz.
Jalap root.....	1 lb. 12 oz.
Compound licorice powder.....	1 lb.

The above infusion is mixed with the following solution :

Epsom salts.....	100 lbs.
Fluid extract nux vomica.....	24 oz.
Fluid extract belladonna root.....	6 oz.
Fluid extract cascara sagrada aromatic.....	98 oz.
Tincture iron chloride.....	24 oz.
Sodium benzoate.....	2 lbs.
Saccharine.....	3¼ oz.
Caramel color.....	1 gal.

The total amount being 50 gallons.

Spicer's Compound is a laxative, a diuretic, and a tonic as stated on the label. Any representations beyond such therapeutic effects are either greatly exaggerated or grossly inaccurate. The iron content would tend to restore the hemoglobin content of the blood and to increase the red blood corpuscles in cases where there is a lack of iron in the diet, but absorption of the iron may be prevented by the laxative effect of other ingredients. Said preparation further acts as a stimulant to the appetite by reason of ingredients that have the effects of bitters. It is not correct to represent it as purifying the blood. It has no effect on impure blood except such effect as a laxative would have where the impurities in the blood are such as are caused by constipation. It is not accurate to represent said medicine as a "blood tonic" since its effects on the blood are limited to those stated above. It is incorrect to represent that Spicer's Compound "will work the cold, bile, filth, malaria and impurities from your system" because its effects in such cases would be limited to those attendant upon evacuation of waste matter from the bowels. Said medicine is not an adequate or competent treatment for malaria and is not indicated in the treatment thereof. It will have no effect on colds except that produced by its laxative properties. It is not a cure, remedy or competent and adequate treatment for indigestion, sour stomach, constipation, biliousness, torpid liver, kidney and bladder troubles, pain in the back and hips, frequent urination, weak bladder, nervo-sexual debility, sallow complexion, pimples, and blotches, dull and lazy feeling, or loss of appetite.

Such representations are either inaccurate, unwarranted, too general, or lacking in specific limitation. Its effects in indigestion and sour stomach are limited to the effects produced by a laxative in such cases. Its use in constipation gives temporary relief only. It has no direct effect on the liver and its only effect in biliousness and torpid liver is such as may result from a cleaning out of the intestines. Its effect in kidney and bladder troubles is limited to that produced by a diuretic which is merely to increase the flow of urine. Its effect

in cases of pain in the back and hips is limited to those cases where the condition is caused by constipation. It would be of no therapeutic effect in cases of frequent urination. Its only effect in nervo-sexual debility would be that given by a mild tonic. It will not give relief in cases of sallow complexion, pimples and blotches except in those cases occasioned by constipation. It will give relief in cases of dull or lazy feeling and loss of appetite only in those cases occasioned by constipation or where a mild tonic or a stimulant to the appetite is all that would be required. It is much too broad and grossly inaccurate to represent this medicine as being a system builder. Its effects on the system would be limited to those herein set out.

Spicer's Special Compound No. 141 is represented as being a cure, remedy or competent and adequate treatment for lost manhood and as a lasting tonic. Representations that have been made by respondent in this regard are as follows:

Especially recommended for nervo-sexual debility (lost manhood).

Spicer's Special Tonic Number 141 is especially recommended for weak, nervous, and run-down men and women who are troubled with low vitality, nervo-sexual debility (lost manhood).

. . . it is not merely a temporary stimulant but a lasting tonic . . .

Especially recommended for weak, nervous and run-down men and women who are troubled with lost vitality, nervo-sexual debility (lost manhood).

The formula for Spicer's Special Compound No. 141 is as follows:

Damiana	80 gr.
Saw palmetto	80 gr.
Muirapuama	40 gr.
Nux vomica	8 gr.
Iron pyrophosphate soluble	8 gr.
Alcohol	22%

The term "lost manhood" includes the entire loss of sexual power as distinguished from a temporary suspension. So do likewise the terms "lost vitality", "sexual debility" and "nervo-sexual debility". This medicine will not restore sexual power when it has been entirely lost. It has no therapeutic effect on any disease causing loss of sexual power. Its therapeutic effects are limited to those of a tonic and a stimulant to the appetite. Some of the ingredients of this medicine are used for their supposed aphrodisiac effect but controlled clinical tests have failed to demonstrate any such effect. It is not correct to describe this medicine as a lasting tonic. The iron ingredient would tend to build up the hemoglobin content of the blood and to increase the red blood corpuscles in cases where there is a lack of iron in the diet. Said medicine is not a cure, remedy or com-

petent and adequate treatment for lost manhood, lost vitality, sexual debility or nervo-sexual debility. It may be of some benefit in run-down conditions not caused by any serious diseased condition or by old age and then principally because of its tonic properties.

PAR. 4. The representations of respondent as aforesaid, have had and do have the capacity and tendency to confuse, mislead and deceive members of the public into the belief that respondent's said medicines are a cure, remedy or competent and adequate treatment, respectively, for the various and sundry diseases, ailments and physical conditions of the human body for which they are recommended by respondent as aforesaid or that they will give relief in such cases when such are not the facts or only to a limited extent. Said representations have had and do have the tendency and capacity to induce members of the public to buy and use the said medicines because of the erroneous beliefs engendered as above set forth, and to divert trade to respondent from competitors engaged in the sale in interstate commerce of medicines adapted to and used for the treatment of the various diseases, ailments and physical conditions of the human body for which respondent represents its said preparations, respectively, or from competitors engaged in the sale as aforesaid of medicines adapted to and used for the treatment of the diseases which produce or cause the conditions or ailments for which respondent represents his medicines, respectively, to be treatments.

PAR. 5. There are among the competitors of respondent in the sale of its said products those who in no wise misrepresent the therapeutic effects of their competing products, and respondent's acts and practices as hereinbefore set forth tend to and do divert business to respondent from its competitors, to the substantial injury and prejudice of such competitors.

CONCLUSION

The practices of said respondent, under the conditions and circumstances described in the foregoing findings, are all to the injury and prejudice of the public and of respondent's competitors, and constitute unfair methods of competition in commerce and are in 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

This proceeding having been duly heard by the Federal Trade Commission upon the complaint of the Commission, the answer of

respondent, the testimony in support of the charges of said complaint and in opposition thereto and briefs filed herein by counsel for the Commission and for respondent, oral argument having been dispensed with on account of failure of counsel for respondent to appear at the time set therefor, and the Commission having made its findings as to the facts and its conclusion that said 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 ordered, That respondent, The Charles R. Spicer Company, Inc., a corporation, its officers, directors, agents, representatives, servants and employees in connection with the sale, offering for sale, or distribution in interstate commerce and the District of Columbia of its preparation known as Palvo or of any medicine of the same or substantially the same ingredients under any other name, cease and desist from representing by express statement, by implication or by use of the statements, testimonials or endorsements of others, that said medicine is a cure, remedy, or competent and adequate treatment for female troubles or female diseases, ovarian pains, painful and irregular menstrual periods, uterine displacements, falling of the womb, leucorrhea or whites, pus tubes, or any diseased condition of the female organs or of ailments incident to change of life or pregnancy; or that it will give relief in any diseased condition of the female organs other than giving some relief from pain and such relief as may be brought about in such cases by laxative effects; or that it will relieve female troubles unless such term is specifically limited to relief from pain in the ordinary menstrual period and in amenorrhea, dysmenorrhea, and menorrhagia, where no definite pathology exists, and to such relief in such cases as may result from the laxative and sedative properties of said medicine.

It is further ordered, That respondent, its officers, directors, agents, representatives, servants and employees, in connection with the sale, offering for sale or distribution in interstate commerce and the District of Columbia of its preparation known as Spicer's Compound, or of any medicine of the same or substantially the same ingredients under any other name, cease and desist from representing, by express statement or by implication, or by use of the statements, testimonials or endorsements of others, that said medicine is a cure, remedy, or competent and adequate treatment for indigestion, sour stomach, constipation, biliousness, torpid liver, kidney troubles, bladder troubles, pain in the back and hips, frequent urination, weak bladder, nervo-sexual debility, impure blood, sallow complexion, pimples,

blotches, dull or lazy feeling, loss of appetite, colds or malaria; or that it will purify the blood, unless it is specifically limited to the effect on the blood of the removal of waste matter from the bowels in cases where the blood has been affected by constipation; or that it is a blood tonic, unless it is specifically limited to a tendency to increase the hemoglobin content of the blood and to increase red blood corpuscles in cases where there is a lack of iron in the diet; or that it is a system-builder, unless it is specifically limited to its effect on the blood as just stated and to its tonic effects and to its effects in stimulating the appetite; or that it works the cold, bile, filth or impurities from the system unless it is specifically limited to the effects of the laxative properties and the evacuation of the waste matter from the bowels; or that it is a treatment for malaria; or that it will relieve indigestion or sour stomach, unless such relief is limited to cases due to constipation; or that it will relieve constipation, unless it is limited to temporary relief; or that it acts directly on the liver; or that it will relieve biliousness or torpid liver, unless it is limited to cases where no definite pathology exists and to such relief as may be occasioned by the removal of waste products from the intestinal tract; or that it will relieve kidney or bladder trouble unless it is limited to the soothing effect of the diuretic; or that it will relieve pain in the back and hips, unless it is limited to cases resulting from constipation; or that it will relieve frequent urination; or that it will relieve nervo-sexual debility, unless it is specifically limited to a slight tonic effect in minor cases and to those not caused by disease or old age; or that it will relieve sallow complexion, pimples, or blotches unless it is specifically limited to cases of any such nature due to constipation; or that it will relieve colds, unless it is limited to the effects of a laxative in such cases; or that it will relieve dull or lazy feeling, unless it is limited to cases due to constipation and to the effects of a tonic and a stimulant to the appetite; or that it will relieve loss of appetite, unless it is limited to its tonic effects, to the effects of a temporary stimulant to the appetite and to the laxative effect in cases due to constipation.

It is further ordered, That respondent, its officers, directors, agents, representatives, servants and employees, in connection with the sale, offering for sale or distribution in interstate commerce and in the District of Columbia, of its preparation known as Spicer's Special Compound No. 141, or of any medicine of the same or substantially the same ingredients under any other name, cease and desist from representing by express statement, or by implication, or by use of the statements, testimonials or endorsements of others, that

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said medicine is a cure, remedy, or competent and adequate treatment for lost manhood, lost vitality, sexual debility or nervo-sexual debility; or that it will relieve any such condition unless it is specifically limited to cases not occasioned by disease, old age, or other cause producing permanent loss of sexual power, and unless it is limited to minor cases of lowered sexual ability of a temporary nature and to the effects produced by a tonic, a stimulant to the appetite, and the iron ingredient tending to increase the hemoglobin content and the red corpuscles in the blood in cases where there is a deficiency of iron in the diet.

It is further ordered, That respondent, within 60 days from and after the date of the service upon it of this order, shall file with the Commission a report in writing, setting forth in detail the manner and form in which it is complying with the order to cease and desist hereinabove set forth.

Syllabus

IN THE MATTER OF
CURRIER'S TABLETS, INC.COMPLAINT (SYNOPSIS), FINDINGS, AND ORDER IN REGARD TO THE ALLEGED
VIOLATION OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 20, 1914*Docket 2095. Complaint, Mar. 14, 1933—Decision, June 26, 1934*

Where a corporation engaged in the manufacture of a medicine for ailments and diseases of the stomach and digestive organs, the ingredients in which constituted at one time a popular stock combination with drug houses as a reputed remedy for gastric ulcer or irritation, but was discredited among the medical profession because of its untoward effects, and in the sale of said remedy by and through mail order, selected druggists, who acted as its exclusive agents in their particular localities, and, finally, through such druggists as desired to handle its said product, and sale direct to ultimate consumers who were not able to purchase from a druggist dealer; in describing the same in newspaper and radio advertising, and in bulletins and circulars distributed to druggist dealers—

Falsely represented that said tablets never failed to rid sufferers of gas pains, indigestion, ulcers, heartburn, acidosis and constipation, were guaranteed to rid one of stomach troubles and bring instant and positive relief, constituted a "positive remedy" for gastritis, acute indigestion, hyperacidity, stomach ulcers, or any ailments caused by an excessive acid condition, regardless of the patient's condition, contained nothing that could possibly hurt one, a child could take a whole bottle without the slightest ill effects, X-ray pictures proved that they had rid 2,441 sufferers of gas pains and ulcers, and their discovery had startled the civilized world;

The facts being that the combination concerned merely provided temporary relief, might actually aggravate conditions and do more harm than good, involved actual danger to the user through presence of certain ingredients, and, for self-medication, constituted a dangerous combination in that it might actually harm one taking it without expert medical advice, and in that any possible temporary relief might give a false hope to a person with some serious disease needing immediate medical attention, and preparation did not possess such therapeutic value so that it could truthfully be designated or referred to as a cure or safe remedy for sufferers from stomach troubles, ulcers, acidosis, indigestion, nausea, or similar diseases, on fifteen days' trial or otherwise, nor give lasting relief;

With effect of inducing the consuming public to purchase said product in the erroneous belief that it was a remedy or cure for aforesaid various ailments and other diseases of the stomach, and use thereof would relieve or completely restore health to the persons suffering therefrom, and of diverting trade from and otherwise injuring competitors, and with tendency so to divert:

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