

IN THE MATTER OF  
J. G. DODSON AND MRS. C. M. DODSON, TRADING UNDER  
THE NAME AND STYLE OF IRONIZED YEAST CO.

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

*Docket 1972. Complaint, Jan. 19, 1933<sup>1</sup>—Decision, June 27, 1934.*

Where a firm engaged in the sale of its so-called "Ironized Yeast" tablets, the principal ingredient of which was yeast, and which also contained iron and two ingredients, with stimulating and laxative effects respectively, presence of which was not disclosed in the advertising or labels; in advertising their said tablets in newspapers and periodicals, and in pamphlets and circulars—

-(a) Represented that said preparation would end indigestion, constipation, and nervousness and that through its use the blood would be purified, the complexion cleared, weight, strength, and nervous force gained, and thin or emaciated persons developed and transformed into persons with normal, firm, and solid flesh whose gracefully curved forms command admiration; and

-(b) Represented that the combination of iron and yeast in their said product had a more beneficial and effective result than the administration or use of yeast and iron separately;

The facts being that said statements and representations were wholly false or grossly exaggerated, and in excess of any probable accomplishment through use of the preparation, which as a source of vitamin B and iron would cure the conditions for which offered only in the event that such conditions were caused by a deficiency thereof and not by serious organic ailments or diseases, or many other causes not due to said deficiencies, and there was no advantage in a combination or compound of iron and yeast compared with results accomplished through the administration of the two separately;

With capacity and tendency to mislead and deceive, and with effect of furnishing wholesale and retail dealers with means of misleading and deceiving, the purchasing public into believing that said preparation would cure aforesaid various ailments for which offered, purify the blood, expel poisons from the system, build weight, strength, and nervous force, and transform weak into strong persons, and "skinny", scrawny, pimply persons into those with shapely and attractive forms and clear complexions, and that through the use thereof, the benefits to be derived from iron and yeast, taken separately, would be enhanced in such combination, which enabled the two mutually to serve each other in giving full effect to the virtues of both, and to induce purchase of said product in reliance on such erroneous beliefs; and

With result of inducing persons whose symptoms or conditions were not caused by deficiency of said vitamin or iron to take and use the preparation in the erroneous belief that they were being benefited thereby through the temporary relief afforded by its stimulant and laxative qualities, and

<sup>1</sup> Amended complaint.

thus delay ascertainment of the true causes of their condition, through adequate medical diagnosis, until their ailments had progressed so far that, curable in their incipency, they had become incurable or inoperable, and with capacity and tendency to, and effect of diverting trade from competitors selling similar preparations or products offered for the same purposes:

*Held*, That such acts and practices were all to the prejudice of the public and competitors, and constituted unfair methods of competition.

*Mr. James M. Brinson* for the Commission.

*Davies, Beebe, Busick & Richardson*, of Washington, D. C., for respondents.

#### SYNOPSIS OF COMPLAINT.<sup>2</sup>

Reciting its action in the public interest, pursuant to the provisions of the Federal Trade Commission Act, the Commission charged respondent, J. G. Dodson, as engaged with respondent, Mrs. C. M. Dodson, in dealing in a preparation described as "Ironized Yeast", and as theretofore so engaged at various times in his individual capacity and through a corporation organized, operated, and controlled by him for such purpose, and respondent, Mrs. C. M. Dodson, engaged as aforesaid, with advertising falsely or misleadingly as to qualities, properties, results, and composition of product, in violation of the provisions of Section 5 of such Act, prohibiting the use of unfair methods of competition in interstate commerce.

Respondents, as charged, engaged as aforesaid, falsely represent that their so-called "Ironized Yeast" will, without qualification, aid digestion, constipation, rheumatism, and nervousness, purify the blood, clear the complexion, result in a gain in weight, strength, and nervous force, and convert thin or emaciated persons into persons with normal, firm, and solid flesh, whose graceful curved forms will command admiration, and assure all of the public afflicted with the ailments or annoyances involved that, irrespective of their origin, cause, progress, or history, they can and will be cured through the use of such preparation.

Such misrepresentations and statements are made through the following statements, among others, employed by respondents in their advertisements:

Put good solid flesh on those ugly bones. New Yeast and Iron builds weight quickly—Imagine just three weeks to change from a "skinny" tired person to a strong well-filled-out man or woman that everybody admires. Thousands tell how ugly hollows in face and neck vanish. "Broomstick" limbs become round and chubby. Tired feeling disappears. Blemished skin clears like magic. \* \* \* Only when Yeast is Ironized is it more effective. \* \* \* Doctors know the value of vegetable iron and yeast in building up and improv-

<sup>2</sup> Amended.

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ing the body. Ironized Yeast is a highly concentrated form, contains all the blood building properties of vegetable iron with yeast. It will give results in half the time required by yeast and iron taken separately. \* \* \*

Ironized Yeast is two tonics in one—weight-building Yeast and strengthening Iron. This Yeast is treated with pure, vegetable iron. \* \* \* Only when Yeast is ironized in this way is it more effective for iron is needed to bring out the weight-building, strengthening values of yeast. \* \* \*

Start taking Ironized Yeast today. You will not only feel better, but you will look better, as Ironized Yeast clears out the old deadening poisons and brings new healthy color to your cheeks and sparkle to your eyes. \* \* \* See ugly lines give way to graceful curves. Feel a new vitality and strength you haven't for years. \* \* \*

Don't go around skinny, tired, and sallow-looking when Ironized Yeast will build you up and bring lovely, fresh color \* \* \* quickly. New Ironized Yeast builds weight, strength, nerve force—quick. Ends constipation, indigestion, nervousness, clears complexion.

Whoopee! Rheumatism Pains and Agony all Gone. \* \* \*

Ironized Yeast contains the blood and body building properties of yeast and iron in a new concentrated form that is nine times more effective than yeast and iron taken separately.

The facts are said preparation is not ironized yeast except in name, contains no vegetable iron nor iron in any form in sufficient amount, if at all, to be effective in cases requiring the administration thereof, nor yeast in sufficient quantity or quality to be effective when used as recommended by respondents, in cases suggesting or requiring the medical use thereof; and respondents' said statements and representations are either wholly false or grossly exaggerated and in excess of any probable accomplishment through use of the preparation in question, which has neither the life-giving or flesh-producing properties attributed to it by respondents, has not cured and cannot cure indigestion, constipation, rheumatism, nervousness, or any other disease, or purify the blood or produce weight or strength, has not and cannot accomplish the results otherwise attributed by respondents to the use thereof, and the combination of iron and yeast in no way increases the utility or value of either ingredient, since those who need the administration of iron do not always need that of yeast or vitamin B, or other elements thereof, or vice versa, and the two substances are adapted to and useful for certain remedial purposes which are by no means identical and may be entirely different.

Respondents further, as charged, have made it their practice, in order to illustrate and emphasize the merits of their said preparation and the results attributed by them to the use thereof, to display and feature purported "before and after" pictures, or photographs purporting to illustrate through individuals displayed, results accomplished by the use of the preparation in question, exhibiting emaciated persons and the same persons, purportedly, as strong

and robust individuals with graceful and shapely figures, resulting from their use of respondents' said preparation, the facts being that the pictures or photographs in question were not of the same individuals before and after using such ironized yeast.<sup>a</sup>

Respondents further, as charged, have made it their practice, as a further inducement to the purchase of their said product, to represent falsely that the purchase price thereof will be returned to any one not delighted with its effects, after the use of a "full sized treatment", the facts being they return to purchasers in such cases only the price of the first package of the preparation used, and one package does not constitute such a treatment, according to the course outlined by respondents, for accomplishment of any satisfactory result.

Such acts and practices, as charged, have had and have the capacity and tendency to mislead and deceive, and have furnished and furnish dealers, wholesale and retail, with the means to mislead and deceive, the purchasing public into the belief that said preparation can and will cure indigestion and the other ailments for which offered as aforesaid, and can and will purify the blood and accomplish other results attributed to it as hereinabove set forth, and that through use thereof, the benefits of iron and yeast, taken separately, will be enhanced through the combination thereof in the product in question, which enables the two ingredients mutually to serve each other in giving full effect to the virtues of both and to influence purchase of said preparation in reliance on such erroneous belief, and such acts and practices, further, have had and have the capacity and tendency to disparage products of competitors and to divert trade to respondents from competitors selling similar products as to composition, or products offered for the same purposes; 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 Commis-

<sup>a</sup> Thus, in respondents' advertisements there are depicted purported before and after pictures of a girl, with such captions as "So skinny she could not work—Gains 21 pounds and new strength", and a statement attributed to such individual elaborating upon the results attributed to such preparation; of a person with the caption, "Minister run down in health gains 7 pounds in 3 weeks"; of a "Young Mother, once thin, weak, gains 5 pounds and new strength"; of a "School Teacher (who) quickly gains 18 pounds and new energy"; of a "Nurse (who) gains 7 pounds in 2 weeks"; and of a "College Girl (who) tells how she cleared skin and gained 12 pounds"; the facts being that the pictures or photographs in question were either pictures or photographs of other individuals who had not been using the preparation, or fanciful pictures designed to exaggerate the merits, if any, of such preparation and thereby influence its purchase.

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sion, to define its powers and duties, and for other purposes", the Federal Trade Commission issued and served a complaint upon the respondent J. G. Dodson trading under the name and style of Ironized Yeast Company charging him with unfair methods of competition in interstate commerce in violation of the provisions of the said act to which complaint he duly filed his answer wherein it was alleged that since April 1, 1930, the business theretofore conducted by him as Ironized Yeast Company had been, was, and is a copartnership consisting of himself and his wife, Mrs. C. M. Dodson.

In the course of a hearing before the examiner of the Commission theretofore duly appointed for such purpose, it appeared that Ironized Yeast Company was and is the trade name of a copartnership consisting of respondent J. G. Dodson and his wife Mrs. C. M. Dodson, as alleged in the complaint. Thereupon an amended complaint was issued and served upon respondents J. G. Dodson and Mrs. C. M. Dodson charging them with unfair methods of competition in interstate commerce in violation of the provisions of said act. Several hearings having been had before issuance of the said amended complaint, it was stipulated by and between Mrs. C. M. Dodson in her own capacity and attorneys for the respondents J. G. Dodson and Mrs. C. M. Dodson on the one hand and the Federal Trade Commission by its trial attorney in this proceeding on the other hand that Mrs. C. M. Dodson waived service of the amended complaint and notice of all hearings theretofore had in this proceeding, that the appearance of the attorneys for respondent J. G. Dodson might be deemed to be entered as the appearance for the respondent Mrs. C. M. Dodson as of the date of the filing of his answer, that the respondent Mrs. C. M. Dodson be deemed to have been and to be a party to this proceeding to the same degree and extent as fully and for all intents and purposes as if she had been made a party to the original complaint, that the evidence theretofore taken in this proceeding should be regarded as evidence for and against the said Mrs. C. M. Dodson to the same extent as if she had been a party from the outset of this proceeding, and that the acts of the attorneys for respondent J. G. Dodson from the beginning of this proceeding shall be considered and regarded as the acts of the attorneys for respondent Mrs. C. M. Dodson. Thereafter respondents filed their answer and hearings before the examiner proceeded, testimony and evidence were received in support of the charges of the amended complaint and on behalf of the respondents, and all of such testimony including that taken prior to amended complaint and amended answer was reduced to writing and filed in the offices of the Commission.

Thereupon this matter having come on for final hearing before the Commission on the amended complaint and the amended answer, the testimony and evidence, briefs and oral arguments by counsel for the Commission and counsel for respondents and the Commission having considered the record and being fully advised in the premises and finding that there is public interest in this proceeding now makes this its report in writing in which it states its findings as to the facts and its conclusion drawn therefrom:

#### FINDINGS AS TO THE FACTS

**PARAGRAPH 1.** Respondents J. G. Dodson and Mrs. C. M. Dodson are individuals trading as Ironized Yeast Company, with their office and principal place of business in the city of Atlanta in the State of Georgia. Until 1922, respondent J. G. Dodson conducted the business of selling a product described as "Ironized Yeast" under the trade name of the "Ironized Yeast Company." On or about March 1, 1922, he caused the said business to be incorporated under the laws of the State of Georgia, and from and after such incorporation the business was conducted as a corporation known as the "Ironized Yeast Company." It was owned, dominated, and controlled by respondent J. G. Dodson and served solely as a corporate instrumentality or means for his conduct of such business. On or about April 30, 1929, the said corporation was dissolved and its charter surrendered, and from such date until March 31, 1930, respondent J. G. Dodson again conducted the said business as an individual using as his trade name the "Ironized Yeast Company." On or about April 1, 1930, respondent J. G. Dodson transferred the said business to a copartnership consisting of himself and Mrs. C. M. Dodson, his wife, and from that date to the present time the said business has been operated by such copartnership under the name the Ironized Yeast Company.

Respondent J. G. Dodson, prior to the information of such copartnership and for many years theretofore either through the corporation the Ironized Yeast Company which he owned, dominated, and controlled as aforesaid, or by or under his trade name the Ironized Yeast Company offered for sale and sold, and since the formation of such copartnership respondents J. G. Dodson and Mrs. C. M. Dodson, his wife, have offered for sale and sold and are now offering for sale and selling, in commerce among or between the various States of the United States, a so-called tonic treatment in the form of tablets, designated, and described as "Ironized Yeast." Prior to such copartnership respondent J. G. Dodson caused and thereafter respondents J. G. Dodson and Mrs. C. M. Dodson, his

wife, have caused and now cause such product, when sold, to be transported from the aforesaid place of business in the city of Atlanta and State of Georgia, to purchasers thereof located in the various States of the United States other than the State of Georgia.

In the course and conduct of such business prior to the formation of such copartnership, respondent J. G. Dodson, trading under the name and style of the Ironized Yeast Company, and afterwards through the corporation Ironized Yeast Company which he owned and controlled, has been and was, and since the formation of said copartnership respondents J. G. Dodson and Mrs. C. M. Dodson, likewise trading under the name and style of the Ironized Yeast Company, have been, were, and are, in competition with individuals, partnerships, and corporations offering for sale, selling, transporting, or causing to be transported, similar products in like commerce, and with individuals, partnerships, and corporations offering for sale, selling, transporting or causing to be transported, in such commerce, products consisting of, containing, or featuring iron or yeast, or iron and yeast in combination, or products designed for, or adapted to or useful for, the same purposes, or some of them, for which respondents sell Ironized Yeast.

PAR. 2. It has been and was the practice of respondent J. G. Dodson, when operating through his corporate instrumentality the Ironized Yeast Company or in his individual capacity under the trade name the Ironized Yeast Company, and it has been, was, and is the practice of respondents J. G. Dodson and Mrs. C. M. Dodson, as a copartnership, under the trade name and style of Ironized Yeast Company, to solicit the sale of his, its or their product Ironized Yeast by causing it to be advertised in newspapers and other periodicals which have had and have a circulation in and through the various States of the United States, and also in pamphlets and circulars which have been and are distributed among customers and prospective customers in various States of the United States. In such advertisements, periodicals, pamphlets, and circulars respondent J. C. Dodson used, prior to formation of the copartnership described in paragraph 1 hereof, and since the formation of such copartnership respondents J. G. Dodson and Mrs. C. M. Dodson have used false statements and false representations to the effect that Ironized Yeast will end indigestion, constipation, nervousness and that by its use the blood will be purified, the complexion cleared, weight, strength, and nervous force gained, thin or emaciated persons developed, converted or transformed into persons with normal, firm, and solid flesh, whose gracefully curved forms will command admiration. Such false statements and representations have been and are accom-

panied by no qualifications, reservations, or exceptions but have assured all of the people afflicted with the said diseases, troubles, or physical deficiencies or annoyances irrespective of their origin, cause, progress or history, that they can and will be ended by or through the use of Ironized Yeast.

The words used by respondents in their advertisements to describe the value of their product and the results of its use have been and are the words "end", "vanish overnight", "disappear overnight" or "go away" or "to free from", each of which has signified and meant and means that Ironized Yeast has been and is an effective cure for the diseases or conditions hereinabove mentioned.

They have also represented and still represent that the combination of iron and yeast in their product has a more beneficial and effective result than the administration or use of yeast and iron separately.

In truth and in fact the above and foregoing statements and representations by respondents have been and are wholly false or grossly exaggerated, and in excess of any probable accomplishment by means of the use of Ironized Yeast. This product is a source of vitamin B and iron. Its principal ingredient, yeast, is one of the richest sources of vitamin B. It is sold in bottles containing 50 tablets. Eight tablets are recommended as a minimum and 12 as the maximum daily dosage. It is sold for \$1 per bottle. Each tablet weighs 8 grains and contains the following:  $3\frac{1}{2}$  grains of concentrate of vitamin B complex, 3 grains of dry brewer yeast, one eighth grain of reduced iron, one half grain of iron peptonate, one fourth grain powdered hemoglobin. The concentrate of  $3\frac{1}{2}$  grains of yeast represents the vitamin B potency of  $24\frac{1}{2}$  grains of high-grade yeast. It is a concentrate produced by a process designated and described by scientists as the Seidell process. The minimum dosage of eight tablets is the equivalent of 220 grains in yeast, which is the average dose of yeast for the prevention of pellagra. The label on the bottle and legend on the carton in which the bottle is enclosed describe Ironized Yeast only as "A reliable Iron Tonic combined with Yeast—Stimulates the appetite—Easy-to-take tablet form."

The diseases which respondents represent the use of Ironized Yeast will cure and the physical conditions of the human body which they represent its use will correct or transform are each produced by a great many causes, neither directly nor indirectly relating to either vitamin B or iron. A deficiency of vitamin B or iron may produce the diseases or physical conditions or some of them, but Ironized Yeast cannot and does not serve any useful purpose in the treatment of such diseases or physical conditions unless they are the result of or produced solely by a deficiency of vitamin B or of iron.

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Should there be such a deficiency, not only of vitamin B and iron but of other vitamins or essential elements, Ironized Yeast could supply only a small portion of it, as one vitamin cannot supply a deficiency of any other vitamin or cure or relieve diseases or conditions not caused by its own deficiency.

As a result, Ironized Yeast as an agent for the treatment of the diseases mentioned or for physical changes or transformations in those cases where there is a deficiency of vitamin B or of iron attended by a deficiency of other vitamins or other elements is useless, except to a negligible extent.

All of the vitamins are necessary either to restore or maintain normal health and strength. A deficiency of any of them will materially affect the health of a person and may even produce his or her death. Yet Ironized Yeast is not known definitely to furnish any other vitamin than B or to supply any vitamin deficiency except that of B, in connection with the diseases represented in their advertisements as curable through use of such product.

Recourse to foods which nature so prodigally supplies is the appropriate course for an individual suffering from a deficiency of any of the vitamins. Self-diagnosis, however, or self-determination of the cause or causes of indigestion, constipation, nervousness, skin eruptions, fatigue or scrawiness, emaciation or other troubles mentioned by respondents in the advertisement of Ironized Yeast is impossible. Self-diagnosis or self-determination regarding a deficiency of vitamins is impossible. The cause of every one of such diseases or conditions can be determined only by a competent physician for no other than such physician can determine whether or not the conditions manifested by the individual are produced by a deficiency of any particular vitamin or by one or more of the great many other causes by which such conditions may be produced.

There have been persons examined by physicians without discovery of any symptoms of organic or other diseases except the tired feeling, run down condition, loss of appetite and weight or other symptoms usually reflecting Vitamin B deficiencies, and such physicians have prescribed Ironized Yeast and thereafter have observed either relief from or improvement in such conditions which they attributed to the use of Ironized Yeast.

There are also numerous diseases, the symptoms of which resemble or are identical with conditions which respondents declare the use of Ironized Yeast can cure. Such diseases as cancer, diabetes, tuberculosis, anemia, malaria, thyroid troubles and many others are attended by the so-called tired feeling and other conditions described in the advertisements of respondents and with some of them are associated nervousness and constipation. None of such diseases is

caused by deficiency of vitamin B or iron and Ironized Yeast can help none of them. While the product itself is not dangerous, the representations of respondents in respect to it presented through their advertisements are dangerous. They may and probably do and will induce persons suffering from such diseases in their incipency to use Ironized Yeast because they are unaware of their condition, have consulted no physician and rely on the false and misleading representations of respondents as to the ability of Ironized Yeast to cure them. They purchase Ironized Yeast believing that they can recover and be restored to normal health and strength. Respondents in the circular sold with Ironized Yeast advise that it be used "until your condition is corrected", employing their own language. As the result, persons whose tired feeling and other conditions result neither directly nor remotely from a deficiency of Vitamin B or iron but who commence the use of Ironized Yeast as above indicated are led by the advertisements of respondents to continue its use until the diseases from which they are suffering which in their incipency might have been cured by appropriate treatment have progressed so far that they have become incurable or inoperable.

Continuation of the use of Ironized Yeast by such class of users and others is facilitated by respondents by their incorporation among the ingredients of their products as hereinabove set forth, of nux vomica, which contains strychnin, which is a nerve stimulant, and of phenolphthalein, which is used as a purgative or laxative. The presence of nux vomica and phenolphthalein in the product has been and is disclosed neither on the label of Ironized Yeast nor in the advertisements of respondents, and concealment or withholding of such important ingredients while attributing the virtue and effect of Ironized Yeast to the iron and yeast is deceptive. Users of Ironized Yeast feeling better on account of the stimulation of their nerves by the nux vomica or by its effect as a tonic on the one hand and by the daily use of phenolphthalein, the laxative, on the other hand, are encouraged from day to day to believe that Ironized Yeast is curing them when in fact unless the diseases are produced by a deficiency of vitamin B or iron in their diet, sufferers from such diseases receive only a temporary effect. If they are suffering from one of the diseases above mentioned which is unrelated to vitamin B or iron, their condition is gravely threatened by the continued or prolonged use of Ironized Yeast and the consequent failure to receive appropriate treatment.

There is no advantage in the combination of iron and yeast in one compound. Such combinations cannot and does not produce more effective or beneficial results than the administration of iron and yeast separately.

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PAR. 3. There have been for several years last past and now are many individuals, partnerships and corporations offering for sale and selling in commerce among and between the various States of the United States in competition with Ironized Yeast products consisting of, containing or featuring iron or yeast or iron and yeast in combination, or vitamin B.

PAR. 4. The acts and practices of respondents set out in paragraph 2 hereof have had and have the capacity and tendency to mislead and deceive, and they have furnished and furnish dealers, wholesale and retail, with the means to mislead and deceive, the purchasing public into the belief that Ironized Yeast can and will cure indigestion, constipation, nervousness and that it can and will purify the blood, expel poisons from the system, build weight, strength and nervous force, transform weak into strong persons, "skinny" scrawny, pimply persons into persons with shapely and attractive forms, and clear complexions, and that by use of Ironized Yeast, the benefits to be derived from iron and yeast separately taken can and will be enhanced through the combination employed in the product of respondents, which enables the iron and yeast mutually to serve each other in giving full effect to the virtues of both, and to induce the purchase of respondents' product in reliance on such erroneous belief.

The said acts and practices of respondents have had and have the capacity and tendency to divert trade to respondents from competitors selling similar products in interstate commerce or products consisting of, or containing, or featuring iron, or yeast, or both of them, or other products offered for sale or sold for the same purposes for which Ironized Yeast has been and is offered for sale by respondents, as described in paragraph 2 hereof.

## CONCLUSION

The acts and practices described in paragraph 2 hereof are all to the prejudice of the public and of respondents' competitors, and have been, and are unfair methods of competition in interstate commerce in violation of the provisions of Section 5 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 heard on amended complaint issued and served upon respondents J. G. Dodson and Mrs. C. M. Dodson, trading under the name and style of Ironized Yeast Company and

answer thereto, testimony, evidence, briefs and arguments of counsel for the Commission and counsel for respondents and the Federal Trade Commission having made its report in writing stating its findings as to the facts with its conclusion drawn therefrom, that said respondents have been and are violating 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 respondents J. G. Dodson and Mrs. C. M. Dodson trading under the name and style of Ironized Yeast Company, or severally or jointly trading under their own names or under any other names, their employees and agents, in connection with offering for sale or selling their product known as Ironized Yeast or any other product of the same or substantially the same composition and ingredients in interstate or foreign commerce or in the District of Columbia, cease and desist from representing in magazines, trade journals, newspapers, or in other periodicals or in house organs, pamphlets, or in radio broadcasts, or in any other advertising matter by words or pictures, directly or indirectly, expressly or impliedly, specifically or in substance—

(1) That use of Ironized Yeast can or will end, cause to go away or to vanish over night or disappear over night, indigestion, constipation, nervousness, the tired feeling, or skin eruptions, or that Ironized Yeast can and will free users thereof from such diseases, or that by use of Ironized Yeast such diseases or conditions can and will be cured or relieved, except when they result from or are produced by a deficiency of vitamin B or of iron or of both of them.

(2) That skinny or scrawny persons or those deficient in shape or form can or will by use of Ironized Yeast develop well-rounded and curved limbs and otherwise become transformed into shapely persons, or that Ironized Yeast furnishes the means for attainment of beauty or attractiveness, except in so far as the health of persons which have been impaired by deficiencies in vitamin B or in iron or in both may be improved and appetite and weight gained, by the use of Ironized Yeast.

(3) That by combination of iron and yeast in Ironized Yeast it is more effective or produces better or more beneficial results than yeast and iron used separately.

*It is further ordered*, That the respondents shall within 30 days after the service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist hereinabove set forth.

## IN THE MATTER OF

## MINNIE L. FLOURNOY AND MATTIE FLOURNOY, TRADING AS C. J. MOFFETT MEDICINE COMPANY

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

*Docket 2110. Complaint, May 23, 1934<sup>1</sup>—Order, July 20, 1934*

Consent order requiring respondents, in connection with the sale or offer in interstate commerce of their "Dr. Moffett's Teethina Powder", to cease and desist from representing, directly or by implication, that said product—

- (a) Has been used for three generations in its present form, is endorsed by doctors or nurses, is the original formula discovered by Dr. C. J. Moffett, or one prepared by a baby specialist, or has any miraculous curative powers;
- (b) Regulates the stomach or liver or insures healthy sleep, or will relieve stomach or bowel trouble, without restricting such last claim to certain conditions as in the order specified;
- (c) Will prevent, cure or relieve certain diseases and conditions of infants, including "liver trouble", "dangerous illness", and others. or "colds", "high fever", or "feverish conditions", without restricting such last claim as in the order specified; and
- (d) Is efficacious in the treatment or cure of diarrhea or has therapeutic value in the treatment or relief of constipation, without limiting such claims as specified.

*Mr. PGad B. Morehouse* for the Commission.

*Mr. Daniel R. Forbes*, of Washington, D. C., and *Hatcher & Hatcher*, of Columbus, Ga., for respondents.

COMPLAINT<sup>1</sup>

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 Minnie L. Flourney and Mattie Flourney, and each of them, copartners, trading under the name and style of C. J. Moffett Medicine Company, have been or are 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 amended complaint stating its charges in that respect as follows:

PARAGRAPH 1. The respondents Minnie L. Flourney and Mattie Flourney are copartners, trading under the name and style of C. J. Moffett Medicine Company, with their principal place of business

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<sup>1</sup> Amended.