

IN THE MATTER OF

B. M. ROSS

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

Docket 2078. Complaint, Feb. 23, 1933 — Decision, Oct. 23, 1934

Where an individual, engaged in the shipping and sale, by mail, of twenty so-called "prescription courses" consisting of one, two, three or four ingredients as the case might be, as treatments for specified ailments and afflictions, represented in its booklet "Tested Prescription", sent in response to advertisements in newspapers and periodicals of nation-wide circulation, and pamphlets and circular letters inviting the reader to send for "free book of tested prescriptions on nervous and chronic diseases by a specialist of over 30 years of practice and experience", "used successfully in thousands of cases by said specialist", that said "courses" were all approved, tested, harmless, scientifically indicated, effective, and complete treatments and cures for kidney and bladder troubles, diseases of women, rheumatism, venereal diseases, and numerous other conditions and afflictions, some of the symptoms of which it there described, and invited the prospect to order by identifying number the particular course listed for the ailment he thought he had, with or without competent medical advice or other means of knowledge;

The facts being that none of them constituted a complete, proper, effective, or safe treatment for any of said afflictions and conditions in any and all persons and in any and every case, but might be helpful, harmful, or useless, depending on the varying and unknown physical condition of the individual purchaser and user, who could not know without competent medical examination, advice, and supervision, whether in his case the particular course would be helpful, harmful, or useless, and that in some instances a course which was not beneficial might be potentially harmful in lulling the customer into a false sense of security and thereby delaying the obtaining of proper and adequate treatment;

With capacity and tendency to confuse, mislead, and deceive members of the public into the belief that said courses constituted cures, remedies or competent and adequate treatments for the various afflictions and conditions for which variously recommended, as aforesaid, and that they would give relief in all such cases to all purchasers when bought and used as directed, and to induce members of the public to buy and use said medicines because of such erroneous beliefs thus engendered, and thereby divert trade to it from competitors engaged in sale of similar preparations, and of those intended for the treatment of the aforesaid various ailments and conditions, and from competitors engaged as manufacturing chemists in sale and distribution of substantially similar, and of identical proprietary medicines which they had long made and sold, and the advertisement of which was limited by most of them to a correct statement of the medicines' therapeutic effects; to the substantial injury and prejudice of competitors who do not misrepresent the effects of their products, and to the injury of the public:

¹ Amended.

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

Mr. Henry C. Lank for the Commission.

Mr. Marshall Solberg, of Chicago, Ill., for respondent.

COMPLAINT ²

Acting in the public interest pursuant to the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", the Federal Trade Commission charges that B. M. Ross, hereinafter referred to as respondent, has been and is using unfair methods of competition in interstate commerce in violation of the provisions of Section 5 of said Act, and states its charges in that respect as follows:

PARAGRAPH 1. Respondent B. M. Ross, is an individual with his principal place of business located in the city of Chicago, State of Illinois. Respondent for several years last past has been engaged in the practice of medicine and in the business of selling and distributing medicines and drugs for the alleged relief of blood disorders, weakness, nervous diseases, urinary diseases, and venereal diseases. Respondent sells the said medicines and drugs to purchasers thereof located in the various States of the United States and causes said medicines and drugs when so sold to be transported from his place of business in the city of Chicago, State of Illinois, through and into other States of the United States to purchasers thereof at their respective points of location. In the course and conduct of his business as aforesaid, respondent is in competition with other individuals, corporations, and partnerships engaged in the sale and distribution in interstate commerce of medicines and drugs in competition with those of respondent.

PAR. 2. In the course and conduct of his business as described in paragraph 1 hereof, the respondent has been and is now soliciting the sale of and selling his said medicines and drugs by means of advertisements inserted in various publications having circulation in interstate commerce and by pamphlets and circular letters. In said advertisements, pamphlets, and circulars, respondent represents or

² Amended.

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so words the same as to imply that his said medicines are an effective remedy for or beneficial in the treatment of—

* * * syphilis, gonorrhea, gleet, pollutions, chancroids, masturbation, venereal warts, stricture, kidney and bladder troubles, spermatorrhea, impotence, prostatic trouble, leucorrhea, amenorrhoea, dysmenorrhoea, menorrhagia, rheumatism, nervous debility, diabetes, anemia, high blood pressure, eczema, psoriasis, acne, sterility and bed wetting.

While in truth and in fact a few of the drugs included in respondent's medicines are sometimes employed with results more or less beneficial in certain stages of some of the above diseases or ailments, yet it is false and misleading to allege or represent or to imply that the said medicines or drugs will provide adequate treatment for the above-mentioned diseases or ailments.

PAR. 3. In the course and conduct of his business as described in paragraphs 1 and 2 hereof, the respondent has been and is now soliciting the sale of and selling his medicines and drugs by means of advertisements inserted in various publications having circulation in interstate commerce. In said advertisements, the respondent causes various statements and representations to be made that respondent will send to anyone requesting it a "Free Book of Tested Prescriptions." Typical of such advertisements is that appearing in the "Household Journal" for December 1930, which is as follows:

Blood disorders, weakness, nervous, urinary and chronic diseases. Men and women send for free book of tested prescriptions used successfully in thousands of cases by a specialist of over thirty years of practical experience. Write to Dr. B. M. Ross, 35 S. Dearborn St., Room 573, Chicago.

The representations and statements made by the respondent, as hereinabove mentioned, that he will send to men and women suffering from blood disorders, weakness, nervous, urinary, and chronic diseases, a free book of tested prescriptions represented as having been used successfully in thousands of cases by a specialist of over thirty years of practical experience, are false and misleading because (1) in truth and in fact respondent does not and has not furnished a free book of tested prescriptions for the treatment of any diseases or ailments, but has furnished and does furnish free a book not containing prescriptions but containing offers to sell to persons suffering from such ailments, for prices stated in such book, medicines and drugs for the purported treatment and cure of various diseases and ailments mentioned in said book, and because (2) such representations and statements are made by respondent for the purpose of promoting and advancing the sale by him of drugs and medicines to persons who, suffering from any of such diseases and ailments, write to respondent in the expectation that they will receive from him a book of free prescriptions for the treatment of such diseases and ailments. The aforesaid statements and representations by the respondent

ent have been and are made with the intent and for the purpose of promoting and advancing the sale by him of drugs and medicines by inducing persons suffering from the diseases and ailments mentioned and who write to the respondent in the expectation that by sending for such book they will receive free prescriptions for the treatment and cure of their ailments, to purchase drugs and medicines from respondent for the treatment of the above named ailments and diseases.

PAR. 4. The use by respondent of the false, misleading, and deceptive advertisements and representations, as hereinabove referred to, constitute practices or methods of competition which tend to and do (a) prejudice and injure the public, (b) unfairly divert trade from and otherwise prejudice and injure respondent's competitors, and (c) operate as a restraint upon and a detriment to the freedom of fair and legitimate competition in the sale of medicines and drugs in interstate commerce.

PAR. 5. Said false, misleading, and deceptive acts, practices, and methods of respondent, under the circumstances and conditions hereinabove alleged, are unlawful 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.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", the Federal Trade Commission issued and served an amended complaint upon the respondent, B. M. Ross, charging him with the use of unfair methods of competition in interstate commerce in violation of the provisions of said act.

Respondent filed his answer, and the case was set down for the taking of evidence before an examiner of the Commission. Evidence was adduced in support of the charges of the complaint. No evidence was offered by the respondent.

Thereupon, this proceeding came on for hearing on the briefs of counsel for the Commission and for the respondent, and upon the record. The Commission, now having considered the matter and being fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts and its conclusion drawn therefrom:

FINDINGS AS TO THE FACTS

PARAGRAPH 1. The respondent, B. M. Ross, is an individual, with his principal office and place of business in Chicago, Ill. He is, and for several years last past has been engaged in the business of selling and distributing medicines and drugs for the alleged treatment of certain diseases of the human body. He has conducted this medicine and drug selling business for several years by a mail order method in which he advertised for customers in various newspapers and in various magazines and periodicals having a nation-wide circulation, and by means of pamphlets and circular letters. When orders are received respondent sends the particular medicine or drugs by mail from his principal place of business in the city of Chicago in the State of Illinois into and through the several States of the United States and the District of Columbia to the customers ordering the same at their respective points of location in the several States of the United States.

PAR. 2. Respondent sends to prospective customers answering his several advertisements a booklet prepared by him and entitled "Tested Prescription." Prospective customers are directed to send for this booklet in the advertisements of respondent appearing as aforesaid in magazines and periodicals of nation-wide circulation. Examples of such advertisements are:

Write for free book of tested prescriptions on nervous and chronic diseases by a specialist of over 30 years of practical experience.

Dr. B. M. Ross, 35 S. Dearborn St.,
Room 595, Chicago, Ill.

Blood disorders, weakness, nervous, urinary and chronic diseases, men and women send for free book of tested prescriptions used successfully in thousands of cases by a specialist of over thirty years of practical experience.

Write to Dr. B. M. Ross, 35 S. Dearborn St.,
Room 591, Chicago, Ill.

This booklet did not contain any prescriptions for medicines or drugs but described some of the symptoms of the following diseases, ailments or habits: anemia or poor blood, bad blood, gonorrhea, gleet or chronic gonorrhea, syphilis, kidney and bladder troubles, diseases of women, sterility, rheumatism, diabetes, acne, psoriasis, eczema, nervousness or nervous debility, masturbation or self-abuse, pollutions or night losses, prostatic trouble, impotence or sexual weakness commonly called "lost manhood", spermatorrhea, high blood pressure. The prospective customer is therein invited to order by number the prescription course respondent has listed for the disease, ailment or habit that each such prospective purchaser, with or without competent medical advice, or other means of knowledge, thinks he has.

Respondent in and by his said booklet either expressly or by implication represents to the purchasing public and to each purchaser and user of said prescription course of medicines and drugs that each of said prescription courses is an approved, tested, safe, harmless, scientifically indicated, effective, and complete treatment and cure for the particular disease, ailment or habit for the treatment or cure of which the same is indicated and offered in said booklet.

PAR. 3. The respondent does not send to his customers written prescriptions but sells to such customers prepared medicines which he refers to as Prescription Courses. The prescription courses sold and distributed by respondent as aforesaid consist of 1, 2, 3, or 4 prepared medicines or drugs. Said courses are given certain numbers and are sold as a treatment for certain specified diseases. The medicines and drugs and the diseases, ailments or habits for which respondent sells them as a treatment are as follows:

PREScription COURSE #200

FOR SYPHILIS

Prescription #20:

Rx. Extr. Red Clover Blossoms.....	½ grain.
Extr. Stillingia.....	¼ grain.
Extr. Xanthoxylum.....	¼ grain.
Extr. Lappa.....	¼ grain.
Extr. Phytolacca.....	¼ grain.
Extr. Blue Flag.....	¼ grain.
Extr. Nux Vomica.....	¼s grain.
Extr. Echinacea.....	1½ grains.

Directions: Take one tablet after each meal with half a glass of water.

MIXED TREATMENT (UPJOHN)

Prescription #27:

Rx. Potassium Iodide.....	2 grains.
Syrup Ferrous Iodide.....	5 min.
Mercuric Chloride.....	¼s grain.
Donovan Solution.....	2 min.
Tr. Nux Vomica.....	2 min.

Directions: Take one pill three times daily during meals.

Prescription #37:

Rx. Tr. Berberis Lloyd's.....	2 ounces.
Glycerine.....	2 ounces.
Alcohol.....	1 ounce.
Essence of Pepsin ad q. s.....	16 ounces.

Directions: Take one teaspoonful with little water three times a day after each meal. **SHAKE BOTTLE BEFORE USING.**

Prescription #38:

Rx. Potassium Chlorate.....	5 grains.
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Direction: Dissolve slowly one tablet in the mouth every two hours.

Prescription #8:

Rx. Concentrated Diastasis Malt with Cod Liver Oil
(John Wyeth & Bros.)

Directions: One Teaspoonful with a glass of milk three times a day.

Prescription #10:

Rx. Calcium Phosphate, 3 x.....	3 grains each.
(Calcares Phos.)	
(P. H. Mallen & Co.)	

Directions: 2 tablets three times per day before each meal.

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PRESCRIPTION COURSE #200—Continued

MIXED TREATMENT—continued

Prescription #12:

Rx. Berberis (Lloyd's).....	2 ounces.
Iron (Lloyd's).....	1½ ounces..
Fowler Solution.....	2 drams.
Glycerine.....	2 ounces.
Alcohol.....	1 ounce.
Essence of Pepsin q. s. ad.....	16 ounces..

Directions: One teaspoonful after each meal.

PRESCRIPTION COURSE #120

FOR BAD BLOOD

(Not due to syphilis)

Prescription #11:

Rx. Stillingia (Lloyd's).....	1 ounce.
Berberis (Lloyd's).....	2 ounces.
Iron (Lloyd's).....	12 drams.
Fowler's Solution.....	2 drams.
Glycerine.....	2 ounces.
Alcohol.....	1 ounce.
Essence of Pepsin q. s. ad.....	16 ounces.

Directions: One teaspoonful three times a day in water after each meal.

Prescription #9:

Rx. Calcium Sulphide.....	¼ grain..
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Directions: Take one three times a day during meals.

Prescription #20:

Rx. Extr. Red Clover Blossom.....	¼ grain..
Extr. Stillingia.....	½ grain.
Extr. Xanthoxylum.....	½ grain.
Extr. Lappa.....	½ grain.
Extr. Phytolacca.....	¼ grain.
Extr. Blue Flag.....	¼ grain.
Extr. Nux Vomica.....	⅛ grain.
Extr. Echinacea.....	1½ grains..

Directions: Take one tablet after each meal with half glass of water.

PRESCRIPTION COURSE #600

FOR SPERMATORRHEA

Prescription #56:

Rx. Tr. Salix Nigra.....	4 ounces.
Tr. Avena.....	4 drams.
Tr. Staphisagria.....	4 drams.
Glycerine.....	1 ounce.
Essence Pepsin q. s.....	16 ounces..

Directions: Take one teaspoonful in water three times a day before meals.

Prescription #57 (Sugar coated, yellow tablets):

Rx. Lupulin Concentrated.....	½ grain.
Scutellarin Concentration.....	½ grain.
Ergotin (Bonjean).....	¼ grain.
Cimicifugin Concentration.....	¼ grain.
Hyoscyamine Sulphate.....	⅛ grain.
Zinc Bromide.....	⅛ grain.

Directions: Take two capsules after each meal.

PRESCRIPTION COURSE #650

FOR IMPOTENCE

Prescription #17:

Rx. Powder Cantharides.....	⅛s grain..
Extr. Nux Vomica.....	¼ grain.
Zinc Phosphide.....	⅛ grain.
Damiana.....	2 grains.
Gold and Sodium Chloride.....	⅛ grain..

Directions: Take one tablet four times a day with water.

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PRESCRIPTION COURSE #650—Continued

FOR IMPOTENCE—continued

Prescription #18:

Rx. Combined Hypophosphites, Cloudy.....	15 ounces.
Lloyd's Iron.....	1 ounce.
Tr. Cochineal q. s. or Tr. Cadbear.....	60 drops.

Directions: One teaspoonful before each meal.

Prescription #19:

Rx. Yohimbine Hydrochloride.....	¼ grain.
Orchic Sunst. Desiccated.....	1½ grains.
Pituitary Body Anterior Lobe.....	1½ grains.
Suprarenal Gland Desiccated.....	1½ grains.
Thyroid Gland Desiccated.....	¾ grain.
Powdered Charcoal q. s.....	

Directions: Take one capsule immediately after meals.

PRESCRIPTION COURSE #700

FOR PROSTATIC TROUBLES

Prescription #77:

Rx. Gaultheria.....	1 ounce.
Salix Nigra.....	4 ounces.
Saw Palmetto.....	4 ounces.
Staphisagria.....	4 drams.
Glycerine.....	2 ounces.
Syrup q. s.....	16 ounces.

Directions: Take teaspoonful before meals in wineglassful of water. SHAKE BOTTLE BEFORE USING.

Prescription #87:

Rx. Amonium Ichthyolate.....	2 grains.
Ext. Belladonna Leaves.....	¼ grain.
Ext. Stramonium Leaves.....	¼ grain.
Ext. Hamamelis.....	1 grain.
Eucalyptol.....	1 grain.
Oil Theobroma q. s.....	

Directions: Insert one suppository into the rectum every night at bedtime and every morning after the bowels have moved. KEEP THESE SUPPOSITORIES IN A COOL PLACE.

Prescription #40:

Rx. Hyoscyamine.....	½000 grain.
Atropine Sulphate.....	½000 grain.
Cannabis Sativa Spec. Tinc.....	¼ grain.
Benzole Acid.....	¼0 grain.
Salol.....	1 grain.
Hexamethylenetetramine.....	3 grains.

Directions: One tablet four times a day.

PRESCRIPTION COURSE #750

FOR MASTURBATION OR SELF-ABUSE

Prescription #51:

Rx. Lupulin & Bromide Compound, Improved (Upjohn) coated blue.

Directions: Take two tablets after each meal with water.

Prescription #53:

Rx. Salix Nigra (Lloyd's).....	4 ounces.
Avena (Lloyd's).....	4 drams.
Glycerine.....	2 ounces.
Essence Pepsin q. s.....	16 ounces.

Directions: Take one teaspoonful in wineglassful of water after each meal.

PRESCRIPTION COURSE #280

FOR NERVOUSNESS AND NERVOUS DEBILITY

Prescription #25:

Rx. Pulsatilla (Lloyd's).....	4 drams.
Avena (Lloyd's).....	4 drams.
Ignatia (Lloyd's).....	60 min.
Iron (Lloyd's).....	1 ounce.
Glycerine.....	2 ounces.
Essence of Pepsin q. s. ad.....	16 ounces.

Directions: One teaspoonful every three hours in water.

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PRESCRIPTION COURSE #280—Continued

FOR NERVOUSNESS AND NERVOUS DEBILITY—continued

Prescription #57:

Rx. Lupulin.....	¼ grain.
Scutellarin.....	¼ grain.
Ergotin.....	¼ grain.
Macrotin.....	¼ grain.
Hyoscyamine Sulphate.....	¼ooo grain.
Zinc Bromide.....	¼o grain.

Directions: Two capsules three times a day.

PRESCRIPTION COURSE #300

FOR RHEUMATISM

Prescription #20 (Trifolium Comp. Tablets):

Rx. Extr. Red Clover Blossoms.....	¼ grain.
Extr. Stillingia.....	¼ grain.
Extr. Xanthoxylum.....	¼ grain.
Extr. Lappa.....	¼ grain.
Extr. Phytolacca.....	¼ grain.
Extr. Blue Flag.....	¼ grain.
Extr. Nux Vomica.....	¼s grain.
Extr. Echinacea.....	1¼ grains.

Directions: Take one tablet after each meal with half glass of water.

Prescription #44:

Rx. Salicylate Sodium.....	2 ounces.
Iodide Sodium.....	1 ounce.
Tinc. Macrotys (Lloyd).....	8 drams.
Hexamethalinamine.....	1 ounce.
Tinc. Podophyllum (Lloyd).....	1¼ drams.
Glycerine.....	10 drams.
Essence Pepsin q. s.....	16 ounces.
Essence of Peppermint.....	10 drops.

Directions: One teaspoonful in water after each meal.

Prescription #60:

Rx. Sodium Phosphate U. S. P. colored blue by Mallinkrodt's.

Directions: Dissolve two heaping teaspoonsful in a glassful of water before breakfast. If bowels move more than twice a day, take only one teaspoonful.

PRESCRIPTION COURSE #350

FOR DISEASES OF WOMEN

Prescription #65:

Rx. Iron (Lloyd's).....	8 drams.
Leontin (Lloyd's).....	2 ounces.
Macrotys (Lloyd's).....	1 ounce.
Pulsatilla (Lloyd's).....	4 drams.
Glycerine.....	1 ounce.
Essence Pepsin q. s.....	16 ounces.

Directions: Take one teaspoonful in water after each meal.

Prescription #66:

Rx. Phenacetin (Acetphenetidin).....	2 grains.
Acetylsalicylic Acid.....	4 grains.
Camphor Monobromated.....	½ grain.
Coloring.....	q. s.

Directions: To relieve pain during the menstrual period only. Take one capsule with water. Take another capsule in two hours if necessary, if pain still continues.

Prescription #67:

Rx. Powd. Potassium Alum.....	8 parts.
Zinc Sulphate.....	2 parts.
Copper Sulphate.....	1 part.
Sodium Borate.....	1 part.
Morton's Iodized Salt.....	12 parts.
Menthol.....	q. s.
Methyl Salicylate.....	q. s.

Directions: Dissolve thoroughly three teaspoonsful of the powder in two quarts of hot water. Use as a vaginal douche night and morning.

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PRESCRIPTION COURSE #350—Continued

FOR DISEASES OF WOMEN—continued

Prescription #81 (John Wyeth & Bros. #424):

Rx. Glyce-ole of Tannin.....	10 percent.
Boroglyceride and gelatin.....	q. s.

Directions: Moisten the suppository in water and insert into vagina at bed time. Use a sanitary napkin during night to protect linen from soiling. Do not use during menstrual period.

PRESCRIPTION COURSE #400

FOR STERILITY IN WOMEN

Prescription #65:

Rx. Iron (Lloyd's).....	8 drams.
Leontin (Lloyd's).....	2 ounces.
Macrotys (Lloyd's).....	1 ounce.
Pulsatilla (Lloyd's).....	4 drams.
Glycerine.....	1 ounce.
Essence Pepsin q. s.....	16 ounces.

Directions: Take one teaspoonful in water.

Prescription #69:

Rx. Ovary (whole tablet) made by Hynson and Westcott.

PRESCRIPTION COURSE #450

FOR DIABETES

Prescription #30:

Rx. Chionanthus (Lloyd's).....	12 drams.
Lycopus.....	12 drams.
Fragrant Sumach.....	12 drams.
Sodium Benzoate.....	10 grains.
Glycerine.....	1 ounce.
Water q. s. ad.....	16 ounces.

Directions: One teaspoonful after each meal with water.

Prescription #31:

Rx. Island of Langerhans, desiccated, Kerakote 5 grains each. Give 90 capsules.

Directions: One capsule after each meal with water.

PRESCRIPTION COURSE #500

FOR KIDNEY AND BLADDER TROUBLE

Prescription #39:

Rx. Eryngium.....	6 drams.
Erigeron.....	6 drams.
Hydrangea.....	2 ounces.
Triticum Repens.....	2 ounces.
Saw Palmetto.....	3 ounces.
Essence Pepsin q. s.....	16 ounces.

Directions: One teaspoonful in water before each meal.

Prescription #40, Cystitis Tablets #045A (Chic. Pharm. Co. Sugar coated pink):

Rx. Hyoscyamine.....	½000 grain.
Atropine Sulphate.....	½000 grain.
Sp. Tinc. Cannabis Sativa.....	¼ grain.
Benzole Acid.....	¼0 grain.
Salol.....	1 grain.
Hexamethylenetetramine.....	3 to 4 grains.

Directions: Take one tablet four times a day.

PRESCRIPTION COURSE #550

FOR POLLUTIONS OR NIGHT LOSSES

Prescription #52, Sugar coated pills:

Rx. Lupulin Concentrated.....	½ grain.
Scutellarin Concentration.....	½ grain.
Ergotin (Bonjean).....	¼ grain.
Cimicifugin Concentration.....	¼ grain.
Hyoscyamine Sulphate.....	¼000 grain.
Zinc Bromide.....	¼0 grain.

Directions: Take two pills three times a day before each meal.

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PRESCRIPTION COURSE #550—Continued

FOR POLLUTIONS OR NIGHT LOSSES—continued

Prescription #55:

Rx. Staphisagria (Lloyd's).....	4 drams.
Salix Nigra.....	4 ounces.
Avena.....	4 drams.
Aromatic Cascara.....	4 drams.
Glycerine.....	2 ounces.
Essence Pepsin q. s.....	16 ounces.

Directions: Take one teaspoonful in wineglassful of water before each meal.

PRESCRIPTION COURSE #150

(GLEET OR CHRONIC GONORRHEA)

Prescription #72:

Rx. Uritone capsules.....	5 grains.
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Directions: Open one capsule and dissolve the powder in a glassful of water and drink it. Do this three times a day.

Prescription #74:

Rx. Zinc Phenolsulphonate.....	5 grains.
Aluminum Sulphonate.....	5 grains.
Berberine Sulphate.....	1/40 grain.
Cannabine Tannate.....	1/40 grain.
Dissolve 6-7 capsules in one pint of distilled water.	

Directions: Inject three times a day. First urinate, then inject very slowly one syringe-ful into the urethral canal. Retain the solution in the canal for five minutes. If there is much discharge present, inject every 3 hours. SHAKE BOTTLE BEFORE USING.

Prescription #75:

Rx. Staphisagria (Lloyd's).....	4 drams.
Avena (Lloyd's).....	4 drams.
Pulsatilla (Lloyd's).....	2 drams.
Saw Palmetto (Lloyd's).....	2 ounces.
Glycerine.....	2 ounces.
Essence of Pepsin q. s. ad.....	16 ounces.

Directions: Take one teaspoonful with little water three times a day after each meal. SHAKE BOTTLE BEFORE USING.

PRESCRIPTION COURSE #100

FOR GONORRHEA IN MEN

Prescription #71:

Rx. Lunisol (Hille).....	192 grains.
Aqua dist. q. s.....	8 ounces.

Directions: Inject three times a day. First urinate, then inject very slowly one syringe-ful into the urethral canal. Retain the solution for five minutes. If much discharge, inject every 3 hrs.

Prescription #73:

Rx. Zinc Sulphocarbolate.....	24 grains.
Zinc Acetate.....	8 grains.
Glycerine.....	1 dram.
Fluid Hydrastis (Merrill).....	2 drams.
Aqua dist. q. s.....	8 ounces.

Directions: After the injection #71 has been all used up, then start using this bottle as injection. Inject three times a day.

Prescription #72:

Rx. Uritone capsules.....	5 grains.
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Directions: Open capsule and dissolve powder in a glassful of water and drink it. Do this three times a day.

Prescription #76:

Gonocystol or Kavalaetol made by Tosse & Co., Hamburg, Germany.

Directions: One capsule three times a day with water.

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PRESCRIPTION COURSE #110

GONORRHEA IN WOMEN

Prescription #65:

Rx. Iron (Lloyd's).....	8 drams.
Leontin (Lloyd's).....	2 ounces.
Macrotys (Lloyd's).....	1 ounce.
Pulsatilla (Lloyd's).....	4 drams.
Glycerine.....	2 ounces.
Alcohol.....	1 ounce.
Essence of Pepsin q. s.....	16 ounces.

Directions: Take one teaspoonful in water after each meal.

Prescription #67:

Rx. Powd. Potassium Alum.....	8 parts.
Zinc Sulphate.....	2 parts.
Copper Sulphate.....	1 part.
Sodium Borate.....	1 part.
Morton's Iodized Salt.....	12 parts.
Methol.....	q. s.
Methyl Salicylate.....	q. s.

Directions: Dissolve thoroughly three teaspoonsful of the powder in two quarts of hot water. Use as a vaginal douche night and morning.

Prescription #68 (Wyeth & Co. #427):

Rx. Protargol 2%.

Boroglyceride and gelatin q. s., to make 100 grains.

Directions: Moisten the suppository in water and insert in the vagina at bed time. Use a sanitary napkin during night to protect the linen from soiling. Do not use during menstrual period.

PRESCRIPTION COURSE #125

FOR HIGH BLOOD PRESSURE

Prescription #59 (Chicago Pharmacal #307B):

Rx. Sodium Nitrate.....	1 grain.
Sodium Glycocholate.....	1/10 grain.
Echinacea Sp. Tr.....	1 min.
Berberis Vulgaris.....	1/4 grain.
Belladonna.....	1/16 grain.

Directions: One tablet before each meal and at bed time.

Prescription #60:

Rx. Sodium Phosphate U. S. P. Colored blue by Mallinkrodt.

Directions: Dissolve two heaping teaspoonsful in a glassful of water before breakfast. If bowels move more than twice a day, take only one teaspoonful.

PRESCRIPTION COURSE #250

FOR ACNE

Prescription #6:

Rx. Calcium Sulphide.....	1/2 grain.
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Directions: Take one after meals with water.

Prescription #12:

Rx. Iron (Lloyd's).....	12 drams.
Berberis.....	2 ounces.
Fowler Solution.....	3 drams.
Glycerine.....	1 ounce.
Essence of Pepsin q. s. ad.....	16 ounces.

Directions: One teaspoonful after each meal.

Prescription #92:

Rx. Zinc Ointment.....	8 ounces.
Lanolin.....	8 ounces.
Calomel.....	1 ounce.
Ammoniated Mercury.....	1 ounce.

Directions: Apply sparingly to affected parts at night and in the morning.

Findings

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PRESCRIPTION COURSE #260

FOR PSORIASIS

Prescription #6:

Rx. Calcium Sulphide..... ½ grain.

Directions: Take one tablet after each meal with a little water.

Prescription #12:

Rx. Lloyd's Iron..... 1½ ounces.
 Berberis..... 2 ounces.
 Fowlers Solution..... 3 drams.
 Glycerine..... 1 ounce.
 Alcohol..... 1 ounce.
 Essence Pepsin q. s..... 16 ounces.

Directions: One Teaspoonful after each meal with a little water.

Prescription #91:

Rx. Kerolysin (Upjohn) contains:

Acid Benzole..... 12 percent.
 Acid Salicylic..... 6 percent.
 Thymol..... 1¼ percent.

Directions: Apply freely on the affected parts, after first removing any loose scales. Use it at night and in the morning. After several days of use, when the surface shows only fine scaling, discontinue this ointment and start applying ointment #93 for a week. If a perfect smooth fresh skin does not result, begin over again by using #91 for a few days and follow up with #93 for a week.

Prescription #93:

Rx. Calomoin Ointment (Upjohn).

Directions: See prescription #91.

PRESCRIPTION COURSE #270

FOR ECZEMA

Prescription #6:

Rx. Calcium Sulphide..... ½ grain.

Directions: Take one after meals.

Prescription #12:

Rx. Lloyd's Iron..... 1½ ounces.
 Berberis..... 2 ounces.
 Fowlers Solution..... 3 drams.
 Glycerine..... 1 ounce.
 Alcohol..... 1 ounce.
 Essence Pepsin q. s..... 16 ounces.

Directions: One teaspoonful after each meal.

Prescription #90:

Rx. Acid Salicylic..... 3 grains.
 Menthol..... 3 grains.
 Sulphur Precipitate..... 30 grains.
 Zinc Oxide..... 1 dram.
 Oil Cade (Muth)..... 50 grains.
 Amyll..... 107 grains.
 Ung. Petrolatum..... 1 ounce.

Directions: Apply twice a day.

Prescription #94:

Rx. Calamine..... 120 grains.
 Zinc Oxide..... 120 grains.
 Phenol..... 40 grains.
 Glycerine..... 180 grains.
 Aqua dist. ad..... 8 ounces.

Directions: To be used where there is too much itching.

PAR. 4. While certain of the aforesaid medicines or drugs are sometimes used by the medical profession in the treatment of the respective diseases ailments or habits so listed in cases in which the ascertained physical conditions of respective patients indicate such use as proper and helpful for such several patients, none of said prescriptive courses of drugs and medicines is complete, proper, effective, or safe

treatment for any of said diseases, ailments or habits in any and all persons and in any and every case. Each of said prescriptive courses of drugs or medicines may be helpful or harmful or useless to the several purchasers and users thereof, according to the varying and unknown physical condition of each several purchaser and user thereof. A purchaser and user of any of said prescriptive courses of drugs or medicines, without competent medical examination, advice, and supervision does not know in any case whether such prescriptive course of drugs or medicines will be helpful, or harmful or useless. Among purchasers and users of said prescriptive courses of drugs or medicines, the same will be helpful to some, injurious to others and of no value to others of them. In some of the diseases, ailments or habits the medicines furnished are actually harmful or dangerous and the actual symptoms or physical or organic condition of the respective customer indicate the necessity for entirely different remedies. In other instances the medicines furnished are not beneficial for the particular customer and are potentially harmful because they lull the customer into a false sense of security and thereby delay the obtaining of proper or adequate treatment.

PAR. 5. 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 competition with respondent and 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 herein 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. 6. Numerous manufacturing chemists sell and distribute in competition with respondent proprietary medicines containing practically the same drugs and in practically the same quantities as the medicines sold by respondent and some of the medicines sold by respondent are exactly the same as proprietary medicines which have long been manufactured and sold by such manufacturing chemists.

Conclusion

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The majority of such manufacturing chemists confine their advertising and claims to a correct statement of the therapeutic effect which may be expected of such medicines. These numerous proprietary medicines are sold by such manufacturers to wholesale and retail drug stores throughout the country.

PAR. 7. 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 prescriptive courses of drugs or 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 all such cases when bought and used by any and all purchasers thereof. In truth and in fact each of said prescriptive courses of drugs or medicines has only such therapeutic value and power as are specifically found in paragraph 4 hereof. 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 said 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. 8. There are among the said competitors of respondent in the sale of his said medicines and drugs 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 said competitors, to the substantial injury and prejudice of such competitors and to the injury of the public.

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 amended complaint of the Commission, the answer of the respondent, the testimony in support of the charges of said amended complaint and briefs filed herein by counsel for the Commission and for the respondent, 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 the respondent B. M. Ross, his agents, representatives, and employees in connection with the sale, offering for sale or distribution in interstate commerce and the District of Columbia, do cease and desist from representing by express statement, by implication or by the use of statements, testimonials or endorsements of others—

(1) That the medicines sold by respondent as Prescription Course #200 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for syphilis;

(2) That the medicines sold by respondent as Prescription Course #180 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for poor blood or anemia;

(3) That the medicines sold by respondent as Prescription Course #600 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for spermatorrhea;

(4) That the medicines sold by respondent as Prescription Course #650 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for impotence;

(5) That the medicines sold by respondent as Prescription Course #700 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for prostatic troubles;

(6) That the medicines sold by respondent as Prescription Course #750 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for masturbation;

(7) That the medicines sold by respondent as Prescription Course #280 or any medicines of the same or substantially the same ingredi-

ents under any other name are a cure, remedy or competent and adequate treatment for nervousness and nervous debility;

(8) That the medicines sold by respondent as Prescription Course #300 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for rheumatism;

(9) That the medicines sold by respondent as Prescription Course #350 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for diseases of women or leucorrhoea, amenorrhoea, dysmehorrhoea and menorrhagia;

(10) That the medicines sold by respondent as Prescription Course #400 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for sterility;

(11) That the medicines sold by respondent as Prescription Course #450 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for diabetes;

(12) That the medicines sold by respondent as Prescription Course #500 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for kidney and bladder trouble;

(13) That the medicines sold by respondent as Prescription Course #150 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for gleet or chronic gonorrhea;

(14) That the medicines sold by respondent as Prescription Course #550 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for pollutions;

(15) That the medicines sold by respondent as Prescription Course #100 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for gonorrhea in men;

(16) That the medicines sold by respondent as Prescription Course #110 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for gonorrhea in women;

(17) That the medicines sold by respondent as Prescription Course #125 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for high blood pressure;]

(18) That the medicines sold by respondent as Prescription Course #250 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for acne;

(19) That the medicines sold by respondent as Prescription Course #260 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for psoriasis;

(20) That the medicines sold by respondent as Prescription Course #270 or any medicines of the same or substantially the same ingredients under any other name are a cure, remedy or competent and adequate treatment for eczema.

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

IN THE MATTER OF

**M. KUFFERMAN, SAMUEL LAN, S. LAVINE, AND J.
FEIGHERY, COPARTNERS, DOING BUSINESS UNDER
THE TRADE NAME LEIPZIG IMPORTING 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 2141. Complaint, Dec. 22, 1933—Decision, Oct. 23, 1934

Where a firm engaged in sale of a proprietary article designated "Philodermin Salbe", for treatment of dandruff and other conditions of hair and scalp, represented in advertisements in newspapers and periodicals that said product was "developed by a great German scientist", destroyed dandruff quickly, restored health to the scalp, prevented baldness, saved the hair that was left, and would open the pores, grow new hair in many cases, and halt signs of baldness, and had been sold and used in Germany, and made thousands of friends, and been tried and proved effective; Facts being said product consisting of 1 percent sulphur mixed with petroleum, together with some perfume, did not constitute an efficient therapeutic agent for cure or prevention of dandruff or loss of hair, and could not cause new hair to grow, or restore health to the scalp;

With effect of deceiving and misleading members of the public who had purchased and used same in reliance upon such representations, and with capacity and tendency so to do, and effect of diverting trade to it from competitors who deal in articles or preparations for treatment of hair and scalp, and temporary removal of dandruff, and some of whom do not represent that through use of their products said condition may be prevented or cured, loss of hair and baldness be prevented, or new hair caused to grow:

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

Mr. Edward E. Reardon for the Commission.

SYNOPSIS OF COMPLAINT

Reciting its action in the public interest, pursuant to the provisions of Section 5 of the Federal Trade Commission Act, the Commission charged respondent partners, engaged in the sale of a proprietary article called "Philodermin Salbe" for treatment of various conditions of the hair and scalp and with principal place of business in East Orange, N. J., with advertising falsely or misleadingly as to qualities or properties of product, in that they falsely represent that the use of said preparation will prevent baldness, dandruff, or loss of hair, restores health to the scalp and gives the