

Complaint

20 F. T. C.

IN THE MATTER OF

SARAH R. GROSSMAN, TRADING AS EYESIGHT NORMAL-
IZING COMPANY, AND SASHA R. GROSSMAN, ALIAS
ALEX R. GROSSMAN.

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

Docket 2328. Complaint, Mar. 14, 1935—Order, May 31, 1935.

Consent order requiring respondent, Sarah R. Grossman, trading as aforesaid, and respondent Sasha R. Grossman, alias Alex R. Grossman, in connection with the sale in interstate commerce, by advertisements, advertising literature, radio broadcasts, or in any other manner or means whatsoever of its so-called eye normalizing device, to cease and desist from directly or indirectly falsely representing that said device—

- (a) Will enable anyone to throw away glasses or is a new, revolutionary, scientific discovery, making unnecessary the use thereof;
- (b) Will cure or correct farsightedness, astigmatism, crosseyes, old age sight and failing vision, or, used only a few minutes a day, will cure or correct such defects;
- (c) Is an achievement of science and research, making it possible for one to enjoy perfect vision without resorting to the use of glasses, or is a scientific discovery offering persons a way out of eye trouble, and helps anyone to correct defective vision on an entirely new principle;
- (d) Is advocated in theory and principle by all internationally famous optometrists and morphologists, and is the latest and greatest discovery of research in ailments of the eye, made in the past hundred years, with thousands of happy and pleased users in all parts of the world;
- (e) Will enable one to have normal vision without glasses, and constitutes the latest sensational discovery, and that glasses may be discarded and normal vision regained; or
- (f) Is a scientific eye muscle exerciser and will help to correct nearsightedness, eye muscle trouble, weak eyes, squint eyes, and other ailments hereinbefore set forth, and that all credit for its construction, development and formulation is due to masters in optometry and morphology.

Mr. S. Brogdyne Teu, II for the Commission.

COMPLAINT

Acting in the public interest pursuant to the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", the Federal Trade Commission charges that Sarah Grossman, individually and trading as Eyesight Normalizing Company, and Sasha R. Grossman, alias Alex R.

Grossman, hereinafter referred to as respondents, have been, and are, using unfair methods of competition in interstate commerce in violation of the provisions of Section 5 of said Act and states its charge in that respect as follows:

PARAGRAPH 1. Respondents, doing business individually and under the trade name and style of Eyesight Normalizing Company, have their principal place of business in the City of New York, in the State of New York. They are engaged in the manufacture, sale and distribution to individuals and wholesalers of a device known as a "Nu-Eye-Life". Respondents have caused said device sold to said individuals and wholesalers to be transported from their aforesaid place of business to, into, and through other States of the United States other than the State of origin of said business and in the District of Columbia. In the course and conduct of their business respondents are in competition with other individuals, partnerships and corporations engaged in the manufacture, sale and distribution of spectacles and other aids to vision between and among the various States of the United States and in the District of Columbia.

PAR. 2. In the course and conduct of the aforesaid business the respondents have advertised in various newspapers and magazines as follows:

(1) "You can Throw Away your Eyeglasses. New Revolutionary Scientific Discovery Makes Eye Crutches Unnecessary."

(2) "If you are farsighted, astigmatic, crosseyed, old age sighted, or if your vision is failing, it is because the news of this blessed discovery has not reached you."

(3) "'Nu-Eye-Life' which if used but a few minutes a day in your home over a short period makes it easy to correct any of the above defects and enables you to discard and dispense with eyeglasses as unnecessary."

In truth and in fact the so-called "Nu-Eye-Life" device will not enable anyone to throw away eyeglasses; it will not cure or correct farsightedness, astigmatism, crosseyes or old age sight; sufferers from the aforementioned diseases or malformations of the eye cannot cure or correct said diseases or malformations of the eye by using the "Nu-Eye-Life" device a few minutes each day.

PAR. 3. In the course and conduct of the aforementioned business by the respondents the following statements appeared, and still appear, in the advertising literature of said respondents:

(1) "Through an achievement of science and research it is now possible to enjoy *perfect* vision *without* resorting to the use of eyeglasses . . .

Complaint

20 F. T. C.

"Science now offers you a way out of your troubles. This new discovery called 'Nu-Eye-Life' helps to correct your vision on an entirely new principle."

(2) "Advocated in theory and principle by all internationally famous optometrists and morphologists."

(3) "Nu-Eye-Life is the latest and greatest discovery of science and research in ailments of the eye made in the past hundred years, with thousands of happy and pleased users in all parts of the world."

(4) "Now—Vision *Without Glasses*. Now—Vision without glasses with Nu-Eye-Life the latest sensational discovery. Eye Crutches Discarded, Normal Vision Regained."

Nu-Eye-Life, a scientific eye-muscle exerciser, helps correct these defects.

Nearsightedness, Farsightedness, Astigmatism, Old Age Sight, Crosseyes, Fading Vision, Eye-Muscle Trouble, Weak Eyes, Squint Eyes."

(5) "All credit for the construction, development, and formulation of Nu-Eye-Life Normalizer is due to . . . Masters in Optometry and Morphology. Our share in the work is only that of mechanics, not Scientists, and is therefore infinitesimal. These specialists and scientists have our heartfelt gratitude."

In truth and in fact the so-called "Nu-Eye-Life" device will not enable anyone to enjoy perfect vision without glasses; it is not a new scientific discovery; it is not advocated in theory or principle by internationally famous optometrists and morphologists; it will not give correct vision without glasses; it is not the latest sensational discovery; it is not a scientific eye-muscle exerciser; it will not cure or correct farsightedness, nearsightedness, astigmatism, old age sight, crosseyes, failing vision, eye-muscle trouble or squint eyes; masters in optometry and morphology have in no way shared or aided in the development of the so-called "Nu-Eye-Life" device.

PAR. 4. The said respondents, in their advertising and sales literature, credit the following professors with the development and formulation of "Nu-Eye-Life Normalizer"; G. J. Beer; Bates; Donders; Dalton; Wartman; Deconde; Paton; Pros; Kuntz; Kohn; Goronowitch; Held; Von Apathy; Froriep; Dohon; Chicarugi; Richardson; Noyes; Weir; Hewiston.

In truth and in fact none of the aforementioned professors had anything in any way to do with the so-called development of "Nu-Eye-Life".

PAR. 5. The respondents, in their advertising literature, represent that the "Nu-Eye-Life" device will cure or correct Hypertropia,

Presbyopia, Astigmatism, Asthenopia, and Strabismus, as well as other functional disorders of the eyes.

In truth and in fact the so-called "Nu-Eye-Life" will not in any way cure or correct the above mentioned functional disorders of the eyes.

PAR. 6. The said respondents, in their advertising literature, guarantee to purchasers of "Nu-Eye-Life" a refund of money paid therefor if the said device is unsatisfactory or fails to accomplish the results claimed for it.

In truth and in fact the respondents do not refund money to purchasers of the "Nu-Eye-Life" device.

PAR. 7. The use by said respondents of the aforesaid advertising phrases and representations has the capacity and tendency to mislead and deceive individuals, wholesalers and the consuming public into the belief that the said device will cure or correct the aforesaid diseases or malformations of the eye.

In truth and in fact the said device will not cure or correct the aforementioned diseases or malformations of the eye.

PAR. 8. There are among the competitors of said respondents individuals, partnerships and corporations engaged in the manufacture, sale and distribution in interstate commerce of spectacles and other aids to vision who truthfully represent their products.

All of the above acts and practices of respondents are all to the prejudice of the public and respondents' competitors and constitute unfair methods of competition within the intent and meaning of Section 5 of an Act of Congress entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", approved September 26, 1914.

ORDER TO CEASE AND DESIST

This proceeding coming on for final hearing by the Federal Trade Commission upon the record including the complaint of the Commission issued under 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", and the respondents' answer thereto, stating that they waive hearing on the charges set forth in the complaint, refrain from contesting the proceeding, and pursuant to the provisions of the Commission's Rules of Practice with respect to answers, consent that the Commission may make, enter and serve upon the respondents without a trial, without evidence and without findings as to the facts or other intervening procedure, an order to cease and desist from the

method or methods of competition alleged in the complaint; and the Commission having duly considered the matter and being fully advised in the premises—

It is now ordered, That the respondents, Sarah Grossman, trading as Eyesight Normalizing Company, and Sasha R. Grossman alias Alex R. Grossman, individuals, in connection with the advertising and selling, in interstate commerce, of their products either by advertisements, advertising literature, radio broadcasts or by any manner or means whatsoever, cease and desist from:

1. Directly or indirectly representing that the so-called eye normalizing device will enable anyone to throw away eyeglasses, that the said eye normalizing device is a new, revolutionary, scientific discovery making unnecessary the use of eyeglasses, unless and until the said eye normalizing device will enable one to discard eye glasses and unless and until the said eye normalizing device is a new, revolutionary, scientific discovery making the use of eyeglasses unnecessary.

2. Directly or indirectly representing the so-called eye normalizing device will cure or correct farsightedness, astigmatism, cross-eyes, old age sight, and failing vision, unless and until the said eye normalizing device will cure or correct the aforementioned ocular defects.

3. Directly or indirectly representing the so-called eye normalizing device, if used only a few minutes a day will cure or correct any of the ocular defects heretofore mentioned in paragraph 2 above, unless and until the said eye normalizing device will cure or correct the ocular defects mentioned in paragraph 2 above.

4. Directly or indirectly representing the so-called eye normalizing device as an achievement of science and research which makes it possible for one to enjoy perfect vision without resorting to the use of eyeglasses, unless and until such eye normalizing device will enable one to enjoy perfect vision without the use of eyeglasses.

5. Directly or indirectly representing the so-called eye-normalizing device as a scientific discovery which offers persons a way out of eye troubles and that it helps anyone to correct defective vision on an entirely new principle, unless and until the said eye normalizing device is a scientific discovery and enables people to overcome ocular defects and unless and until the so-called eye normalizing device corrects defective vision on an entirely new principle.

6. Directly or indirectly representing the so-called eye normalizing device as being advocated in theory and principle by all internationally famous optometrists and morphologists, unless and until the said

eye normalizing device is advocated in theory and principle by all internationally famous optometrists and morphologists.

7. Directly or indirectly representing that the so-called eye normalizing device is the latest and greatest discovery of research in ailments of the eye made in the past 100 years, with thousands of happy and pleased users in all parts of the world, unless and until the so-called eye normalizing device is the latest and greatest discovery of research in ailments of the eye made in the past 100 years, and unless and until it has thousands of happy and pleased users in all parts of the world.

8. Directly or indirectly representing the so-called eye normalizing device will enable one to have normal vision without glasses; that it is the latest sensational discovery; and that eyeglasses may be discarded and normal vision regained, unless and until the said eye normalizing device is and will do the aforementioned things.

9. Directly or indirectly representing that the so-called eye normalizing device is a scientific eye muscle exerciser, and that it will help to correct nearsightedness, farsightedness, astigmatism, old age sight, crosseyes, eye muscle trouble, weak eyes, and squint eyes, unless and until the said eye normalizing device will correct the aforementioned ocular defects.

10. Directly or indirectly representing that all credit for construction development and formulation of the so-called eye normalizing device is due to Masters in Optometry and Morphology, unless and until such representations are true.

It is further ordered, That respondents Sarah Grossman trading as Eyesight Normalizing Company and Sasha R. Grossman alias Alex R. Grossman, shall within 60 days after the service upon them of a copy of this order, file with the Federal Trade 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.

Complaint

20 F. T. C.

IN THE MATTER OF
ROCK-OLA MANUFACTURING CORPORATION

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

Docket 2350. Complaint, Mar. 30, 1935—Order, May 31, 1935

Consent order requiring respondent corporation, its officers, etc., in connection with the offer and sale of coin amusement machines of the pin-ball type, to cease and desist from—

- (1) Entering into contracts, agreements, or understandings with jobbers, or any of them, that respondent's products are to be resold by such jobbers at prices specified or fixed by respondent;
- (2) Procuring, either directly or indirectly, from its jobbers, promises or assurances that the prices fixed by respondent will be observed by such jobbers; and
- (3) Requesting its jobbers to report the names of other jobbers who do not maintain respondent's resale prices.

Mr. Astor Hogg for the Commission.

Mr. Charles R. Pollard, of Washington, D. C., for respondent.

COMPLAINT

Pursuant to the provisions of an Act of Congress 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 Rock-Ola Manufacturing Corporation, a corporation hereinafter referred to as respondent, has been and is now using unfair methods of competition in interstate commerce as "commerce" is defined in said act, and it appearing to the Commission that a proceeding by it in respect thereof would be to the public interest states its charges in that respect as follows:

PARAGRAPH 1. Respondent is and at all times hereinafter mentioned was a corporation organized, created and existing under and by virtue of the laws of the State of Illinois, having its main office and principal place of business in the city of Chicago, in said State. It is and for more than two years last past has been engaged in the business of manufacturing and selling coin amusement machines of the pin-ball game type. Its sales are confined principally to jobbers and retailers located throughout the United States and in the District of Columbia and pursuant to such sales shipments are made from respondent's place of business in Chicago, State of Illinois, into and through various States of the United States other than the State or point of origin of such shipments and in the District of