

Syllabus

21 F. T. C.

IN THE MATTER OF

JAMES D. BOULGER, TRADING AS EASTERN
TEXTILE COMPANYCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 2287. Complaint, Jan. 26, 1935—Decision, July 2, 1935*

Where an individual engaged in the sale of cotton remnants by mail order to individual purchasers in the various States; in advertising said remnants in newspapers and magazines of general and wide circulation among the States,—

- (a) Offered and described the same as "dress goods" and as "new and clean", and used the words "4 yds. of each or more" to describe the yardage of the remnants sent purchasers, in such a manner as to mislead and deceive the purchasing public into the belief that all of said remnants were suitable for making dresses, and were new and clean goods, and that each pattern or selection sent purchasers would contain four yards or more in one piece, the facts being that most of them were not of sufficient size or quality to be suitable for making dresses and were not new and clean, but contained tears and misprints in the case of many and were damaged and stained, and none of the selections or patterns sent contained four yards or more of the particular pattern or selection;
- (b) Used the statement "5 yds. extra" in offering said remnants, in such a manner as to cause purchasers thereof to believe that five yards were given with each order without additional charge, and held out special offers or bargains or prices as available only to buyers making their purchases at once or within a limited period, through using the words "this month" in conjunction with or in close proximity to the words "special offer" or "special bargain", the facts being he did not give such extra yardage without additional charge, and said special offers, bargains or prices were not thus limited, but were available to any and all purchasers at any time; and
- (c) Described said remnants as sold "direct to you" and "direct from the mills", notwithstanding the fact he neither owned nor operated any mill or factory of any kind whatsoever; with the result that the purchasing public was misled into the belief that he owned and operated a mill or factory in which said remnants were produced;

With the effect of diverting business to said individual from competitors, including those who in nowise misrepresent their goods, and with tendency so to divert, to their injury and prejudice:

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

Before *Mr. Edward M. Averill*, trial examiner.

Mr. S. Brogdyné Tev, II for the Commission.

Mr. T. M. Hayes, of Greenfield, Mass., for respondent.

Complaint

COMPLAINT

Pursuant to the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", the Federal Trade Commission having reason to believe that James D. Boulger, doing business as Eastern Textile Company, hereinafter referred to as respondent, has been and is using unfair methods of competition in commerce, as "commerce" is defined in said act, and it appearing to said Commission that a proceeding by it in respect thereto would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Said respondent, James D. Boulger, doing business as Eastern Textile Company, is an individual and has his principal office and place of business in the city of Greenfield and in the State of Massachusetts. Said respondent has been for some time past engaged in the advertisement, sale and distribution of dress goods between and among the different States of the United States. Said respondent has advertised, sold, and distributed, and has caused and still causes the said articles in which he deals to be transported from his place of business into and through other States of the United States to various purchasers located at points in the various States of the United States.

In the course and conduct of his said business, the respondent is in competition with other individuals, partnerships and corporations engaged in the sale, distribution and transportation of like and similar goods, wares and merchandise in commerce between and among the various States of the United States.

PAR. 2. The respondent advertises his business in newspapers and magazines having general circulation in the various States of the United States. The following statements and representations appear in such advertisements:

[Here appears, stacked one on another, picture of 5 bolts of materials of various patterns]

15 yds. DRESS GOODS

Also

Bargain!—This month 97¢ + pstg. Special offer 5 yards EXTRA gingham, percales, prints, voiles, chambrays, shirtings, crepes, etc.

New clean goods direct to you at a big saving. Latest assorted colors, 4 yards of each or more. The very newest patterns for dresses. Our finest quality.

Send no money. Pay Postman when delivered.

15 yards 97¢ plus delivery charges.

20 yards only \$1.29, postage prepaid, if money accompanies order. Satisfaction guaranteed or money back.

EASTERN TEXTILE COMPANY

Dept. F-69

Greenfield, Masa.

Findings

21 F. T. C.

PAR. 3. Statements and representations made by respondent in his advertising, as set out above, are all and each false and misleading in that, to wit:

1. The respondent does not give 5 yards extra with each order.
2. Respondent does not own or operate a factory or mill, and "direct to you" is false and untrue.
3. The wares, goods and merchandise are wholly unsuited for dress purposes.
4. Respondent does not refund money to dissatisfied customers.
5. The statement, "15 yards dress goods—97¢" is not true in that the said respondent does not give 15 yards for 97¢.
6. The 15 yards of goods are not a special bargain any month, as advertised by the respondent.
7. The goods, wares and merchandise of said respondent are not "clean" as advertised by him, but are soiled, stained and damaged.
8. The statement "4 yards of each (pattern) or more" is misleading in that purchasers believe they will receive 4 yards of each pattern in one piece. In truth and in fact, no piece of goods contains 4 yards of the same pattern.
9. The statement "the very newest, latest patterns for dresses" is false in that such patterns as delivered are not the latest.

PAR. 4. The above representations made by the respondent are each and all to the injury and prejudice of the public and of respondent's competitors, 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 a complaint upon the respondent James D. Boulger, trading as the Eastern Textile Company, charging said respondent with the use of unfair methods of competition in interstate commerce in violation of the provisions of Section 5 of said Act.

Respondent having entered his appearance and filed his answer to said complaint hearings were had and evidence introduced in support of the allegations of the complaint and on behalf of the respondent. Subsequent to said hearings counsel for the Commission

Findings

and for the respondent entered into a stipulation of the facts of the case and it was further stipulated by and between counsel for the Commission and counsel for the respondent that the Commission might make and serve upon the respondent an order to cease and desist from the unfair methods of competition alleged in the complaint.

Thereupon this proceeding came on for final hearing and the Commission having duly considered the record and being fully advised in the premises makes this its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. The respondent James D. Boulger, trading as the Eastern Textile Company, has his principal office and place of business in the city of Greenfield, State of Massachusetts.

PAR. 2. Respondent is now and has been for more than one year last past engaged in the business of merchandising cotton remnants, selling said remnants by mail order to individual purchasers located in the various States of the United States and in the District of Columbia. Said respondent in the course and conduct of his business causes said cotton remnants to be transported in interstate commerce from his said place of business in the State of Massachusetts, to, into, and through States of the United States other than Massachusetts to purchasers thereof located in the various States of the United States and in the District of Columbia.

PAR. 3. Since the time said respondent has been engaged in the sale and distribution of cotton remnants the public advertising of said respondent has been done by means of newspapers and magazines having general and wide circulation between and among the several States of the United States and in the District of Columbia.

PAR. 4. In the advertisements in which the respondent offers for sale the remnants sold as described herein the said respondent uses the words "dress goods" to describe said remnants in such a manner as to mislead and deceive the purchasing public into the belief that all of the said remnants are suitable for making dresses when in fact most of them are not of sufficient size or quality to be suitable for such purposes.

The respondent also uses the statement "5 yds. extra" in advertising the remnants offered for sale and sold by him in a manner so as to cause the purchasers of such remnants to believe that five yards of such remnants or dress goods were given with each order without additional charge. The respondent does not give five yards extra with each order without additional charge and his use of the said words is misleading and deceptive to purchasers and prospective purchasers.

Findings

21 F. T. C.

Respondent advertises the remnants sold by him as aforesaid as being sold "direct to you" and "direct from the mills" with the result that the purchasing public is misled into the belief that respondent owns and operates a mill or factory in which said remnants are produced. He does not in fact own or operate any mill or factory of any kind whatsoever.

The respondent represents in his advertising of the remnants offered for sale and sold by him as aforesaid that special offers or special bargains or prices are available only to purchasers who make their purchases at once or within a limited period, whereas the said special offers, bargains or prices are not so limited but are available to any and all purchasers at any time.

In the advertisements in which the respondent offers for sale the remnants sold as described herein the said respondent uses the words "new and clean" to describe said remnants in such a manner as to mislead and deceive the purchasing public into the belief that all of the remnants are new and clean goods, whereas in fact most of the remnants sold by respondent to purchasers are not new and clean but many of them contain tears, misprints, and are damaged and stained.

In his advertising in which the respondent offers for sale the remnants sold as described herein the said respondent uses the words "4 yds. of each or more" to describe the yardage of each remnant sent purchasers in such a manner as to mislead and deceive the purchasing public into the belief that of each pattern or selection sent purchasers there will be four yards or more of it in one piece, whereas in fact none of the selections or patterns sent purchasers by said respondent contain four yards or more of that particular pattern or selection.

PAR. 5. During the time above referred to other individuals, firms and corporations in the various States of the United States and in the District of Columbia are and have been engaged in the sale and distribution of cotton remnants in interstate commerce and such other individuals, firms, and corporations have caused and still cause their cotton remnants when sold by them to be transported to, and into, the various States of the United States and the District of Columbia. Said respondent has been during the aforesaid time in the sale of his remnants in direct competition in interstate commerce with such other individuals, firms and corporations hereinbefore mentioned.

PAR. 6. There are among the competitors of the respondent in the sale of cotton remnants those who in nowise misrepresent their goods and respondent's acts and practices as hereinbefore set out tend to and do divert business to respondent from his competitors to the injury and prejudice of such competitors.

CONCLUSION

The practices of said respondent under conditions and circumstances described in the foregoing findings are all to the injury and prejudice of the public and to respondent's competitors and constitute unfair methods of competition in commerce and are violations of the 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 coming on for final hearing before 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 respondent's answer to the Commission's complaint, the stipulation as to the facts of the case entered into by counsel for the Commission and counsel for the respondent and further agreement by the respondent herein, agreeing and consenting that the Commission may make, issue and serve upon him an order to cease and desist from the unfair 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 James D. Boulger, trading as Eastern Textile Company, his officers, directors, representatives, agents, servants, and employees in connection with the sale or offering for sale of the so-called dress remnants in interstate commerce between and among the several States of the United States and in the District of Columbia do cease and desist from:

(1) Using the words "dress goods" to describe or designate remnants sold or offered for sale by respondent unless and until in conjunction therewith in equally conspicuous letters the word "remnants" appears.

(2) Representing that five yards of each of the remnants are given with each order unless and until five yards are given with each order without additional charge.

(3) From using the words "direct to you" in conjunction with or in close proximity with the word "mill" and from using the words "direct to you" or "direct from mill" unless and until said respondent owns or operates a mill or factory from which the said remnants are shipped direct to the purchasers of said remnants.

Order

21 F. T. C.

(4) From using the words "this month" in conjunction with or in close proximity with the words "special offer" or "special bargain" unless and until such offers or special bargains are limited to a given month.

(5) From representing that the said remnants are "new and clean". unless and until such goods are new and clean and do not contain misprints, stains, and spots.

(6) From using the statement "4 yds. of each or more" unless and until respondent furnishes four yards of each pattern or selection sent to purchasers.

It is ordered, That the respondent James D. Boulger, trading as Eastern Textile Company shall within 60 days after service upon him of this order file with the Commission in writing setting forth in detail the manner and form of his compliance with this order.

Complaint

IN THE MATTER OF

EXCELSIOR SILVERWARE CORPORATION

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

Docket 2386. Complaint, May 13, 1935—Order, July 8, 1935

Consent order requiring respondent corporation, its officers, etc., in connection with the advertisement, offer and sale in interstate commerce of silver-plated products, to cease and desist from—

- (a) Use of the words "Sheffield Reproductions" or like or similar words or expressions implying or intending to imply that the said product is made or reproduced in accordance with process employed by the silversmiths of Sheffield, England, in the manufacture of "Sheffield Silverware" or "Sheffield Plate", when such is not the fact; and
- (b) Use of the word "Sheffield" either independently or in connection or conjunction with any other word or words or in any other way to designate or describe silver-plated ware which has not been made in Sheffield, England, in accordance with the process used by the silversmiths of Sheffield, England, in the manufacture of "Sheffield Silverware" and "Sheffield Plate".

Mr. Marshall Morgan for the Commission.

Naphtali & Raisman, of New York City, for respondent.

COMPLAINT

Pursuant to the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", the Federal Trade Commission having reason to believe that Excelsior Silverware Corporation, hereinafter referred to as respondent, has been and is using unfair methods of competition in commerce as "commerce" is defined in said act of Congress, and it appearing to said Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, Excelsior Silverware Corporation, is a corporation organized, existing, and doing business under and by virtue of the laws of the State of New York, with its principal office and place of business at 103-105 Mott Street in the city of New York. It is now and for more than two years last past has been engaged in the manufacture of silver-plated hollow-ware and in the sale thereof between and among the various States of the United States. It causes such silver-plated hollow-ware when sold by it to be transported to the purchasers thereof in the State of New York and to

Complaint

21 F. T. C.

other purchasers located in various other States of the United States and there is now and has been for more than two years last past a constant current of trade and commerce by respondent in such silver-plated hollow-ware between and among the various States of the United States. In the course and conduct of its said business respondent is now and for more than two years last past has been in substantial competition in commerce between and among the various States of the United States, with various other corporations, and with partnerships, firms and individuals engaged in the sale of silver-plated hollow-ware.

PAR. 2. In the course and conduct of its said business described in paragraph 1 hereof the respondent manufactures and sells two principal lines of merchandise, each being a silver-plated hollow-ware product on which the silver has been deposited by electrolytic process. One of these lines consists of silver-plated nickel ware, the other of silver-plated ware with a base of copper. Respondent company employs a salesman on a commission basis, who calls on retailers, chiefly department stores, in various States with a sample book containing photographs of Excelsior silver-plated products, such products being marked with a style number on said photographs and so billed to the customer on the invoices used by respondent.

PAR. 3. Respondent uses in the manufacture of its products what is known as the electro-plating process which consists of the deposition of an adherent coat of silver on a less noble base metal by passing an electric current through a bath or electrolyte of silver salts containing ions or atoms of silver in solution.

The plated silverware thus produced varies in quality and value according to the composition of the base metal, the workmanship upon its form, including the decoration, and the amount and fineness of the silver deposited upon the base metal. While Federal specifications for silver-plated tableware, including hollow-ware, have been adopted by the Government, no standards have been fixed by the trade for the composition of the base metal nor for the fineness or quantity of silver in the case of silver-plated hollow-ware. The quality of such ware cannot be determined except by laboratory tests and the purchasing public is obliged to depend upon the reputation of the maker or seller thereof or the reputation of the trade.

PAR. 4. About the year 1742 there was originated in Sheffield, England, a process for the production of silver-plated ware, which process involved the welding of the silver-plate to one or both sides of a sheet or bar of copper to form one thoroughly coherent mass which was rolled to the desired thickness and subsequently worked into the desired form. The ware produced by this process was properly known

as copper-rolled plate, though this name was not used as a trade name or designation. The copper-rolled plate of Sheffield, England, acquired a very considerable reputation for excellence in quality, workmanship and design, and though the name "Sheffield" was not generally impressed upon or affixed to the ware itself, which was identified by the maker's registered hallmark, the copper-rolled plate came to be generally known and is still known as Sheffield. About a century after the discovery of the copper-rolled silver-plating process above described, the cheaper electro-plating process was discovered, displacing copper-rolled plate, which practically went out of production.

Silverware and silver-plated ware made by silversmiths of Sheffield, England, have been and still are highly regarded by the trade and the public of the United States, England, and other countries, as of uniform, reliable, and dependable quality and the words "Sheffield Silver", "Sheffield Plate", and "Sheffield Silver-plate Ware", when used in connection with silverware or silver-plated ware have signified and denoted and now signify and denote to a substantial portion of the public that such silverware or plated silverware was manufactured in Sheffield, England, and is of the quality which has become associated with that name and industry. While the cheaper electro-plating process, as stated, displaced copper-rolled plate, which practically went out of production, there have been and still are from time to time importers of copper-rolled plate in the United States and there is a considerable trade in copper-rolled plate in this country at prices which reflect not only its value as plated ware but its artistic and historic value as well. The name Sheffield as applied to silver at the present time implies the quality and value peculiar to the copper-rolled process, as well as the process itself and its use is a representation thereof.

PAR. 5. In the course and conduct of its business as aforesaid respondent company has advertised, does now advertise, and has offered for sale, and sells its silver-plated copper base trays and other articles as Sheffield reproductions, said advertisements being sent to retailers in the several States of the United States, and reading in part as follows:

These four Excelsior Sheffield reproductions brought extra profits to New York Stores.

Beneath the above, printed in heavy black type, across a four-page folder, appear and have appeared photographic representations, respectively, of a vegetable dish, relish dish, and two serving trays, each made so as to imitate the engraving of Sheffield plate and stated to be in each instance "heavily silver-plated copper."

Complaint

21 F. T. C.

On bills or invoices printed by respondent company and distributed by it throughout various States of the United States to firms and individuals purchasing goods from respondent appears and has appeared the following printed in conspicuous type across the top of said invoices:

Excelsior Silverware Corporation
Manufacturers of
Silver-plated Sheffield Reproductions.

When in truth and in fact the said silver-plated hollow-ware advertised and sold in interstate commerce by respondent company as "Sheffield Reproduction" and "Sheffield Reproductions" is not and never has been a reproduction in any essential aspect or particular of the famous copper-rolled silver plate of Sheffield, England, variously known by the words or terms "Sheffield", "Sheffield Silver", "Sheffield Plate", and "Sheffield Silver-Plated Ware". Said alleged reproductions are not "copper-rolled plate" made by fusing silver plate so as to form one thoroughly united mass and do not contain other fundamental characteristics of "Sheffield" plate in connection with their fabrication, but in truth and in fact are relatively modern imitation plate made by the much cheaper process of electro-plating hereinbefore described, intended to resemble as much as possible in design and appearance the famous and highly valuable Sheffield plated ware, and are neither Sheffield plate nor reproductions thereof.

PAR. 6. The use by the respondent of the term or words "Sheffield Reproductions", as herein set out is a misrepresentation of the character and quality of respondent's products and has and has had the capacity and tendency to mislead and deceive the public into the erroneous belief that the silver-plated hollow-ware thus designated and advertised by respondent was and is of the quality and workmanship which have been and still are associated with Sheffield silver, and to purchase respondent's products in such belief; tends to create and does create an undue preference for the silver-plated ware advertised and sold by respondent, and tends to induce and does induce the purchase of such silver-plated ware by a substantial portion of the trade and the public in preference to silver-plated ware manufactured and sold by respondent's competitors some of whom deal in wares manufactured in Sheffield, England, and others of whom refrain from the use of such terms in connection with wares not manufactured by the copper-rolled plate process, of the silver-smiths of Sheffield, England.

As a result of such false and misleading representations on the part of respondent trade is diverted to respondent from such competitors in interstate commerce and thereby substantial injury is done and has been done by the respondent to substantial competition in interstate commerce and there is being and has been placed in the hands of respondent's representatives, dealers and distributors an instrument by means of which they mislead and deceive and have misled and deceived the purchasing public.

PAR. 7. Said representations of respondent contained in its respective advertising and mailing matter used by and distributed through respondent's representatives, dealers and distributors, have resulted in injury to respondent's competitors and to retail dealers and to the prejudice of the buying public, 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".

ORDER TO CEASE AND DESIST

This proceeding coming on for final hearing by the Federal Trade Commission on 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 respondent's amended answer thereto in which respondent waives hearing on the charges set forth in the complaint, refrains from contesting the proceeding and, pursuant to the provisions of the Commission's Rules of Practice with respect to answers, consents that the Commission may make, enter, and serve upon respondent 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 respondent, Excelsior Silverware Corporation, its officers, agents, servants, and employees, in connection with the advertising, offering for sale, and sale in interstate commerce and in the District of Columbia of silver-plated products do cease and desist from:

(1) The use in its advertising or printed matter distributed in interstate commerce of the words "Sheffield Reproductions" or like or similar words or expressions implying or intending to imply that the said product is made, manufactured or reproduced in accordance with the process of manufacture employed by the silversmiths of

Order

21 F. T. C.

Sheffield, England, in the manufacture of "Sheffield Silverware" or "Sheffield Plate" when such is not the fact.

(2) The use of the word "Sheffield" either independently or in connection or conjunction with any other word or words or in any other way to designate, describe, or advertise silver-plated ware which has not been made or manufactured in Sheffield, England, in accordance with the process used by the silversmiths of Sheffield, England, in the manufacture of "Sheffield Silverware" and "Sheffield Plate".

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

Syllabus

IN THE MATTER OF

J. DORSEY MARKWOOD, TRADING AS ELECTRO-MAGNETIC BELT COMPANY, AND A. A. BAIRD AND V. A. MOLITOR, COPARTNERS TRADING AS VITA-NOID OF KANSAS CITY

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

Docket 2177. Complaint, May 4, 1934—Decision, July 22, 1935

Where an individual engaged in the manufacture and sale of electro-magnetic belts or so-called "Vita-Noids" for the prevention, treatment, cure or relief of various ailments and pathological conditions by self-treatment in the home of the ultimate purchaser and user or wearer through the operation of the magnetic field created by said belt when attached to the electric circuit—

(a) Made such statements in booklets supplied by him to dealer purchasers for distribution to members of the public who bought said Vita-Noids as "stimulation of the life forces into normal activity is the object", "Vita-Noid is designed to rid the body of waste toxic matter and when properly used should begin to produce results after only a few treatments"; and

Where two individuals engaged separately and in association with one another, and as partners, in the sale of said devices or Vita-Noids purchased from the aforesaid individual, in soliciting sale thereof through advertisements in magazines, newspapers, printed circulars, letters, radio broadcasts, and in personal interviews, and with the knowledge of said first named individual—

(b) Made such statements as that science had made wonderful progress in the treatment of disease by electro-magnetism which had brought health and happiness to thousands, and that the Vita-Noid created a remarkable curative agent, had helped thousands of persons including those who, with rare exceptions, were extremely discouraged with the results of other treatments for their afflictions, in which it had produced results that were nothing short of miraculous, and that the device by reason of the electro-magnetism produced by it tended thoroughly to eliminate toxic products from the system, and that diseases which arose directly or indirectly from such poisoning, among which it included many well-known diseases and ailments of a serious nature, including arthritis, high blood pressure, heart trouble, neuritis, rheumatism, sciatica, and tumors and ulcers, had responded very successfully to treatment with said device;

The facts being that the strength of the magnetic field created thereby covered about 17 gauss near the center of the circular space formed by the belt, electro-magnetic fields covering many thousands of gauss produce no demonstrable physical or physiological effect in the body, and, while eddying electric currents, changes or stresses termed "hysterisis" are continually present in the tissues of the body both in health and disease and, when produced by the heart, are strong enough to be recorded, measured and read by a physical apparatus, there is no instrument capable