

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

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of measuring any hysteresis produced in the body by the use of said belt, magnetism has no effect upon bacteria, the cause of many ailments, and application or use of said device in physio-therapy does not and has not produced or caused and cannot produce or cause any demonstrable physiological change or effect in the body of any person subjected to its application or use, either for the prevention, cure or relief of any physical ailment or pathological condition or for any other purpose, and the statements and representations made to the public in respect of the results to be obtained by the public through the use thereof in self-treatment for the prevention, cure or relief of physical ailments and conditions afflicting the user were each and all palpably fraudulent, and false statements and representations, as said various individuals knew or with the use of ordinary and reasonable care should have known;

With capacity and tendency to deceive and mislead members of the public into the belief that such representations and statements were true and into purchasing said Vita-Noid in reliance upon such fraudulent statements and representations and with intent and effect of deceiving, misleading and inveigling members of the public who were the unfortunate victims of ailments and diseases, of which they in general knew little or nothing as to their causes and effects, and which in many instances were incurable, into purchasing said device for \$50 or \$75, as the case might be, and of also causing them thereby to neglect or delay obtaining competent medical advice or assistance for the treatment of their ailments, with the probability of their progressing in many cases from a condition in which competent medical skill or timely use of proper appliances in physio-therapy might have availed to relieve or cure the ailments or conditions, until the victim was beyond aid, and with the result of diverting trade in electric appliances used in physio-therapy to said individuals from their competitors:

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

Before *Mr. Charles F. Diggs*, trial examiner.

Mr. Edward E. Reardon 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 J. Dorsey Markwood, trading as Electro-Magnetic Belt Co., and A. A. Baird and V. A. Molitor, copartners trading as Vita-Noid of Kansas City, hereinafter referred to as respondents, have been and are using unfair methods of competition in violation of the provisions of Section 5 of said Act, and states its charges in that respect as follows:

PARAGRAPH 1. Respondent J. Dorsey Markwood is an individual who trades at Minneapolis, Minn., under the name of Electro-Mag-

netic Belt Company. There is no such company, and respondent Markwood is the sole owner and proprietor of the business hereinafter described in this paragraph. Since about the year 1931 the respondent J. Dorsey Markwood has been and is now engaged at the said city of Minneapolis in the business of manufacturing and selling an electric belt which, from the date of November 11, 1931, he has so sold under the name of Dorsey's Vita-Noid. Dorsey's Vita-Noid is an apparatus resembling a horse collar and consists of a coil of insulated wire, having an imitation leather covering, with a connection to be fastened in an ordinary lamp socket carrying an alternating current of electricity. Said apparatus is sold with the claims and representations of respondent that when it is applied to the human body and used according to the instructions accompanying it, it has therapeutic value and effect in the treatment of many of the ailments and diseases of mankind. This apparatus is so sold to distributors who in turn resell the same to the ultimate purchasers or users thereof. Among the said distributors are respondents C. A. Baird and V. A. Molitor.

When orders are received for such apparatuses they are packed at said city of Minneapolis, Minn., and shipped by respondent Markwood into and through other States of the United States to the places of business of such distributors, many of which are outside of the State of Minnesota. The terms of sale imposed by respondent are usually cash on delivery. Accompanying each apparatus are written instructions for its use and a so-called guaranty bond signed by respondent Markwood. The bond guarantees against defects in the materials and workmanship. The written instructions recommend the use of Vita-Noid for insomnia, anemia, low blood pressure, nervousness, functional heart trouble, rheumatism, arthritis, constipation, high blood pressure, ulcers, tumors, stomach trouble, skin diseases, neuritis, lumbago, sciatica, varicose veins, and local pains.

In the course and conduct of said business, respondent Markwood is in competition with other individuals and corporations engaged in the sale of sundry medicinal remedies and surgical and electrical instruments and appliances used in the treatment of the sick and injured in commerce between and among various States of the United States.

PAR. 2. Respondents A. A. Baird and V. A. Molitor are copartners, who for about the year last have traded and are now trading under the name Vita-Noid of Kansas City, and as such copartners and under such trade name they purchase said apparatuses from respondent Markwood and sell the same at and from Kansas City, Mo., to purchasers thereof for use by them in treating their ailments, sick-

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nesses and diseases. Many of these said purchasers reside outside of the State of Missouri, and when orders for said apparatuses are received or taken by respondents Baird or Molitor, said apparatuses with the instructions and bond mentioned in paragraph 1 hereof, are packed at said Kansas City, Mo. and shipped into and through other States of the United States to the places of residence of such purchasers.

In the course and conduct of said business, respondents Baird and Molitor are in competition with other individuals and corporations, engaged in the sale of medicinal remedies and surgical and electrical apparatus and instruments and other appliances used in the treatment of the sick and injured, in commerce between and among various States of the United States.

Respondents Baird and Molitor seek and solicit and have sought and solicited the sale of said device to the public located throughout the States of the United States, reaching said public through and by means of radio talks, advertisements in magazines having general circulation in the States of the United States, in newspapers, in letters, through and by means of circulars, booklets and printed matter containing reported testimonials and other literature and through and by means of employees, solicitors, and agents.

The said last-named respondents, in order to induce the public to purchase said device, make and have made and caused to be made many false, misleading, and deceptive statements concerning said Vita-Noid in such radio talks and such magazines, newspapers, letters, circulars, booklets and other literature and printed matter and through such employees, solicitors, and agents. Among such statements so made are the following:

Vita-Noid is not presented as a cure-all, but because electrical magnetism as produced by the Vita-Noid tends to thoroughly eliminate toxic products from the entire system, the following diseases which arise directly and indirectly from toxic poisoning have very successfully responded to the Vita-Noid:

Asthma	Nervous disorder
Arthritis	Neuritis
Bronchitis	Paralysis
Constipation	Poor circulation
Dropsy	Prostatic gland
Eczema	Rheumatism
Gall bladder	Sciatica
Goiter	Sinus trouble
Hemorrhoids	Stomach trouble
High blood pressure	Tumors
Heart trouble	Ulcers
Insomnia	Varicose veins
Lunibago	

During the past few years, the same knowledge and skill that has been applied to the perfection of almost everything else, has been applied, quite naturally, to the making of more efficient and useful therapeutic solenoids.

Today we have a solenoid that is a splendid example of the modern, scientific age in which we live. This appliance is called Vita-Noid. * * *

Science has made wonderful progress for the treatment of diseases with electro-magnetism.

Electro-magnetism has brought health and happiness to thousands. * * *

An amazing discovery proves new way to health.

New Vita-Noid proves merit.

Many remarkable recoveries reported. Powerful curative agent is produced by Vita-Noid. Thousands already helped.

Sufferers everywhere are turning to the Vita-Noid, the new appliance that has proved effective in many cases formerly thought to be hopeless.

Because Vita-Noid is no respecter of persons, isn't it reasonable to suppose that what it has done for others, who once suffered exactly as you are today, it will do for you?

Dorsey's 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. In certain stubborn, chronic cases of long standing, the patient should not expect marked relief short of two or three months use.

Respondents Baird and Molitor provide each purchaser of Vita-Noid with the book of instructions containing the statements as set forth in paragraph 1 hereof.

Respondents Baird and Molitor have been and are using two broadcasting stations in Kansas City, Mo., for the purpose of advertising the Vita-Noid apparatus. Such broadcasts, so made by said respondents, reach the people of many States. Some of the statements in these broadcasts are as follows:

Vita-Noid, that modern therapeutic appliance made for use right in your home is getting results, which in many cases seem nothing short of the miraculous. * * *

Following this several instances where people were supposed to have been cured by the use of Vita-Noid are recited.

* * * Vita-Noid has for a long time and is daily proving a decided blessing to mankind. With few exceptions the people who get Vita-Noid are the people whom nothing else has been able to help. We shall go farther than that and say that with rare exceptions the people who get Vita-Noid are a discouraged and extremely discouraged group of people; yet, among that class of individuals, the Vita-Noid is producing results that in many cases are nothing short of miraculous.

Many statements are made in these radio talks, all of which are laudatory of the therapeutic value and effect of Vita-Noid and in which in addition to the ailments mentioned in the printed advertising, claims are made that gall bladder and kidney trouble may be cured by the use of Vita-Noid.

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PAR. 3. The statements made in the book of instructions described in paragraph 1 hereof and the advertising of respondents Baird and Molitor described in paragraph 2 are false and misleading in that:

(a) Said device Vita-Noid is not a scientific invention, nor a scientific apparatus.

(b) That said apparatus will not cure, aid in the cure, nor is its use proper treatment for any of the diseases or afflictions mentioned in paragraph 1 or paragraph 2 hereof nor will it cure or relieve diseases, sicknesses or the ailments of mankind of any kind or nature.

(c) That the said apparatus, when used as directed, or otherwise, is incapable of transmitting energy or remedial force to the human body in such an amount as to have therapeutic value or effect.

PAR. 4. At the time of entering business relations for the purchase and sale of said Vita-Noid, to wit, in the summer of 1933, respondent Baird, representing himself and his copartner respondent Molitor, met with respondent Markwood at the latter's place of business in the said city of Minneapolis, Minn., and it was then and there agreed between respondents that respondent Markwood would furnish with each Vita-Noid apparatus, for use in advertising the same, the book of instructions described in paragraph 1 hereof and that respondents Baird and Molitor would use the same together with the advertising described in paragraph 2 hereof and through the media named and described therein in the sale and promotion of the sale of said apparatus.

That respondent Markwood did so furnish to the other respondents said book of instructions and that the same together with the advertising described in paragraph 2 hereof was and is now used by them in the sale and promotion of the sale of the said apparatus in the manner and form as set forth in paragraphs 1 and 2 of this complaint.

PAR. 5. The aforesaid false, misleading, and deceptive statements and representations, used by respondents, as in this complaint heretofore set forth have and have had the capacity and tendency to, and do induce the public to purchase and use the device Vita-Noid in the belief that said statements and representations are true, and to divert trade to this respondent from its said competitors.

PAR. 6. The above alleged acts and practices of respondent Markwood and the above alleged acts of respondents Baird and Molitor are each and all to the prejudice of the public and to the competitors of respondent Markwood and respondents Baird and Molitor, and

the acts of respondent Markwood and the acts of respondents Baird and Molitor as above set forth consist of 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, 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 (38 Stat. 717), the Federal Trade Commission issued and served its complaint upon the above-named respondents charging them with the use of unfair methods of competition in commerce in violation of the provisions of said Act.

The respondents having filed their answers herein to the complaint, hearings were had and evidence was thereupon introduced on behalf of the Commission and the respondents before an examiner of the Federal Trade Commission duly appointed.

Thereupon this proceeding came on for final hearing on the brief filed on behalf of the Commission, and the Commission having duly considered the record 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 the conclusion drawn therefrom:

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent J. Dorsey Markwood is an individual residing in Minneapolis, Minn. He is and has been, at all times, since sometime in or about November 1931, engaged, under the trade name Electro-Magnetic Belt Co. and with a usual place of business at Minneapolis, in the business of the manufacture and sale of electro-magnetic belts, called Dorsey's Vita-Noid, an appliance hereinafter more particularly described, which is made and sold to be used or operated by connecting it with an alternating electric current, such as is usually supplied by public service corporations to residences for ordinary household purposes. The electro-magnetic belts of the respondent are hereinafter referred to as Dorsey's Vita-Noids.

PAR. 2. During all the times above mentioned, the respondent Markwood made and sold Dorsey's Vita-Noids for use by members of the public in self-therapeutic treatment for the purpose of the prevention, the cure, or the relief of the user from any one or more physical ailments, diseases, or pathological conditions of the human body, among those mentioned and referred to hereinafter, to which the user was subject, or to which the user thought or believed he was subject or suffering from.

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In the course of his business the respondent, Markwood, sold Dorsey's Vita-Noids, at the average price of \$22.50 each, among others, to dealers, including respondents Baird and Molitor, purchasers thereof, located in various States of the United States, other than Minnesota and including Iowa, Nebraska, Missouri, and Wisconsin, for resale by respondents Baird and Molitor and the other dealers to members of the public for their use in self-therapeutic treatment as above stated.

The respondent Markwood caused Dorsey's Vita-Noids, when so sold by him, to be transported from Minnesota to the purchasers, including respondents Baird and Molitor, located in other States.

PAR. 3. Respondent A. A. Baird is an individual residing in Sioux City, Iowa. He was engaged at all times, from sometime in November 1931 to February 1934 in the business of the sale of Dorsey's Vita-Noids to members of the public for their use in self-therapeutic treatment as stated in paragraph 2 hereof, at first, with a place of business at Waterloo, Iowa, and later with places of business at Lincoln, Nebr. and Kansas City, Mo.

In 1933 and 1934 he and respondent Molitor, as copartners, doing business under the trade name, Vita-Noid of Kansas City, were engaged in the sale of Dorsey's Vita-Noids to members of the public, for the use mentioned and referred to above, with a place of business at Kansas City, Mo.

PAR. 4. Respondent V. A. Molitor is an individual residing in Minneapolis, Minn. He became associated in 1931 with respondent Baird, as manager of the business of respondent Baird at Waterloo, Iowa, in the sale of Dorsey's Vita-Noids to members of the public for use in self-therapeutic treatment as set forth in paragraph 2 hereof. He was also associated with respondent Baird at Kansas City, Mo. in the sale of Dorsey's Vita-Noids to members of the public for the use above mentioned and referred to, and in 1933 and 1934 he and Baird conducted business, as copartners, in the sale of Dorsey's Vita-Noids to members of the public for the said use under the trade name, Vita-Noid of Kansas City, with a place of business at Kansas City, Mo.

PAR. 5. During the times mentioned in paragraphs 3 and 4 hereof, respondents, Baird and Molitor, sold Dorsey's Vita-Noids, some at \$50 and others at \$75 each, as set forth in said paragraphs, to members of the public, purchasers thereof, located in Kansas, Oklahoma, and various other States of the United States, other than Missouri or the State of origin of the shipment, and they caused Dorsey's Vita-Noids, when so sold by them, to be transported from Missouri, or from the State of origin of the shipment, to the purchasers.

PAR. 6. During all the times mentioned and referred to above, other individuals, firms, and corporations, located in various States of the United States and hereinafter referred to as sellers, are and have been engaged, respectively, some of them in the business of the manufacture and sale, and others in the business of the sale of various appliances, that are and have been made and sold to be used or operated for use in therapeutic treatment for the prevention, cure or relief from physical ailments, diseases, or pathological conditions of the human body by connecting them with an alternating electric current, such as is supplied by public service corporations to residences for ordinary household purposes.

Some of the appliances are and have been sold by the sellers to members of the public and to dealers for resale to the public for use in self-therapeutic treatment in the case of certain physical ailments, diseases or pathological conditions of the human body including some of the ailments, diseases, or conditions, referred to in paragraph 2 hereof. Others of the appliances are and have been sold by the sellers to members of the public, physicians and others skilled in their use for the therapeutic treatment of certain other physical ailments, diseases or pathological conditions of the human body.

The sellers during said times, have sold the respective appliances above referred to and described to dealers for resale and to members of the public, purchasers thereof, located in States other than the State of the seller or the State of origin of the shipment and the sellers, respectively, have caused the appliances, when so sold by them, to be transported from the State of the seller, or the State of origin of the shipment, to the purchasers.

PAR. 7. The respondent Markwood, and the respondents Baird and Molitor, during all the times mentioned and referred to in paragraphs 2 and 5 hereof, are and have been, respectively, in substantial competition in interstate commerce in the sale of the appliances, Dorsey's Vita-Noids, with the individuals, firms, and corporations referred to as sellers in paragraph 6 hereof.

PAR. 8. During the times above mentioned and referred to, the appliance, called Dorsey's Vita-Noid, consisted of a coil containing about 470 turns of No. 20 American wire gauge wire which appeared to be aluminum. The separate layers of wire were insulated from each other by brown paper. The inside of the coil was stiffened with a piece of impregnated burlap. The whole was wrapped in padding and sewed up in a covering of artificial leather. When assembled and ready for use, it somewhat resembled a horse collar in size and general appearance. Permanently attached to the covering

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was a metal housing provided with two toggle switches, marked "off-on" and "high-low".

When in use by a member of the public for the treatment of ailments, diseases, or pathological conditions of the human body, it was connected with the electric current in the residence of the user.

The frequency of the alternating electric current supplied to residences by public service corporations varies in different cities. It lies between 50 and 65 cycles per second.

When the appliance, Dorsey's Vita-Noid, is connected to an 115-volt, 60 cycle alternating current with the toggle switch in the "high" position and with a current of 1.27 amperes flowing, a magnetic field is created. The strength of the magnetic field so created measures about 17 gauss near the center of the circular space formed by the apparatus.

When the appliance, Dorsey's Vita-Noid, is connected to an 115-volt, 60-cycle alternating current, the values of the current and power with the toggle switch in each of the positions "high" and "low" are stated in the table below. From these data the effective resistance and reactance of the appliance can be computed and is as given in the table. In the table there are also included the values of resistance obtained from measurements with direct current. The table of measurements referred to is as follows:

	Switch position	
	"Low"	"High"
Volts applied.....	115	115
Current in amperes.....	1.21	1.27
Power in watts.....	108	74
Effective resistance in ohms.....	74	46
Effective reactance in ohms.....	59.7	78.5
Direct-current resistance in ohms.....	45.3	45.4

PAR. 9. Immediately prior to the time when the respondents Baird and Molitor began the sale of Dorsey's Vita-Noids in 1931, they had each been engaged from 1929 to 1931, in the sale of electro-magnetic belts called the Theronoid¹ to members of the public, for use in self-therapeutic treatment for the same purpose of use mentioned and referred to in paragraph 2 hereof for which Dorsey's Vita-Noids were sold.

PAR. 10. The Theronoid Belt, above mentioned and referred to, consisted of a coil containing about 612 turns of No. 20 American wire gauge wire which appeared to be aluminum. The separate layers

¹ See 17 F. T. C. 298.

of wire were insulated from each other by brown paper. The inside of the coil was stiffened with a piece of impregnated burlap. The whole was wrapped in padding and sewed up in a covering of artificial leather. When assembled and ready for use, it resembled a horse collar in size and general appearance. The appliance was provided with two toggle switches, marked "off-on" and "high-low."

When in use by a member of the public for the treatment of ailments, diseases or pathological conditions of the human body, it was connected with the electric current in the residence of the user.

When the Theronoid Belt was connected to an 120-volt, 60-cycle alternating current, with the toggle switch on and in the "high" position and a current of 1.34 amperes flowing, a magnetic field was created. The strength of the magnetic field so created measured about 22 gauss near the center of the circular space formed by the belt.

When the Theronoid Belt was connected to an 120-volt, 60-cycle alternating current, the values of the current and power with the toggle switch on and in each of the positions "low" and "high" are stated in the table below. From these data the effective resistance and reactance of the Theronoid Belt can be computed and is as given in the table, as follows:

	Switch on—	
	"Low"	"High"
Volts applied.....	118	119.2
Current in amperes.....	1.34	1.46
Power in watts.....	123	93
Effective resistance in ohms.....	68	43.6
Effective reactance in ohms.....	55	69

The construction of Dorsey's Vita-Noid Belt and its use and the effect of its use is and has been similar in all essential respects to the construction and use and the effect of the use of the Theronoid Belt.

There is iron in the blood plasms and in the red corpuscles, and in the muscles. There are traces of iron in nearly all human or animal tissues. Such iron is nonmagnetic. It is not permanently or spontaneously magnetic. Electro-magnetic fields measuring many thousands of gauss can produce no demonstrable physical or physiological effect in the human body. The electro-magnetic fields produced by Dorsey's Vita-Noids or the Theronoid measure only from 17 to 22 gauss.

PAR. 11. Electrical changes, or stresses, or eddying electric currents or differences in electrical stress or potential are continually present in all tissues of the human body both in health and in disease. They vary with the intensity of the activity at the time and vary in different parts of the body. The body normally is continually under the influence, or in the fields of those electrical stresses. They are by-products of the chemical changes of life, and under their influence, or despite them, health or growth proceeds, and while under their influence the various ailments, diseases, or pathological conditions of the human body, including those for the prevention, the cure or the relief of which Dorsey's Vita-Noids and the Theronoid were sold to members of the public, develop, progress, and sometimes kill the person afflicted with them.

Such stresses or eddying electric currents are termed hysteresis, and are produced in the human body, among other activities, by the beating heart. When produced by the beating heart they are strong enough to be recorded, measured and read by a physical apparatus. But, there is no instrument known to exist that is capable of recording or measuring any hysteresis that may be produced in the human body by the use of Dorsey's Vita-Noid Belt.

PAR. 12. The respondent Markwood, in the course of his business in the sale of Dorsey's Vita Noids, as set forth in paragraph 2 hereof, delivered a booklet of information concerning the operation and use of Dorsey's Vita-Noids with each Vita-Noid that he sold to his dealer-purchasers, including respondents Baird and Molitor, which he intended the dealers to deliver to each member of the public who purchased a Vita-Noid for self-treatment as above set forth. The dealers, in turn, delivered one of the booklets to each member of the public to whom they sold a Vita-Noid.

Among other statements, the booklet so delivered to the public contained the following:

Stimulation of the life forces into normal activity is the object.

When the maximum benefits have been obtained, it is not necessary to use the appliance daily.

Dorsey's 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. In certain stubborn, chronic cases of long standing, the patient should not expect marked relief short of two or three months' use.

Remember, it is not advisable to continue using the appliance after the desired results have been obtained by the patient.

Since Dorsey's Vita-Noid is designed to stimulate vital processes of oxidation by which processes toxic waste matter is prepared for normal elimination from the body, it is recommended that the patient drink one or two glasses of water before each treatment, and a total of eight or ten glasses daily.

PAR. 13. Respondents Baird and Molitor, in the course of their business in the sale of Dorsey's Vita-Noids as above set forth, and at all times to the knowledge of respondent Markwood, solicited members of the public throughout various States of the United States by means of advertisements in magazines, newspapers, printed circulars, and letters, and through numerous radio broadcasts and in personal interviews to purchase Dorsey's Vita-Noids for self-therapeutic treatment for the purpose above described and referred to.

In the course of such solicitation and by the said means the respondents Baird and Molitor made and caused statements and representations to be made to the public, concerning the use and the effect of the use of Dorsey's Vita-Noids, among others, statements, and representations to the effect, as follows:

That science has made wonderful progress in the treatment of disease by electro-magnetism; that electro-magnetism has brought health and happiness to thousands, and that thousands were already helped by it; that Dorsey's Vita-Noids create a remarkable curative agent which has helped thousands of persons; that people who get the Vita-Noids and are helped by its use are those who, with rare exceptions, are extremely discouraged with the results of other means of treating their ailments or diseases, yet, that the Vita-Noid has produced results in such instances that are nothing short of miraculous; that the Vita-Noid because of the electrical magnetism produced by it tends thoroughly to eliminate toxic products from the entire system and that diseases which arise directly and indirectly from toxic poisoning have very successfully responded to treatment with the Vita-Noid; and that amongst such diseases were the following, and many others:

Asthma	Nervous disorder
Arthritis	Neuritis
Bronchitis	Paralysis
Constipation	Poor circulation
Dropsy	Prostatic gland
Eczema	Rheumatism
Gall bladder	Sciatica
Golter	Sinus trouble
Hemorrhoids	Stomach trouble
High blood pressure	Tumors
Heart trouble	Ulcers
Insomnia	Varicose veins
Lumbago	

PAR. 14. Magnetism has no effect upon bacteria, the cause of many ailments or diseases, either upon their growth, their reproduction or their virulence. The application or use of Dorsey's Vita-Noids in physio-therapy (that is, treatment by mechanical appliances or ap-

paratus, as distinguished from medical therapy), does not and has not produced or caused, and it cannot produce or cause any demonstrable physiological change or effect in the body of any person subjected to its application or use either in treatment for the prevention, the cure, or the relief of any physical ailment, disease or pathological condition, or for any other purpose.

PAR. 15. The respondents knew, or with the use of ordinary and reasonable care should have known, that the statements and representations, above mentioned and referred to, made and caused to be made by them to the public, of the results of the use of Dorsey's Vita-Noids, obtained or to be obtained by members of the public in self-treatment for the prevention, cure or relief from the physical ailments, diseases or pathological conditions, which afflicted the user, as the case might be, were each and all false statements and representations. The statements or representations to the effect that the application or use of Dorsey's Vita-Noid would help, or has helped any purchaser of it whom nothing else was able to help, in the case of those suffering from the diseases above mentioned, were absurd and palpably fraudulent.

The respondents' said statements had the capacity and tendency to deceive and mislead members of the public into the belief that they were true and in reliance upon that belief into purchasing Dorsey's Vita-Noids. The statements and representations were fraudulent when made and were made and caused to be made by them with the intent and purpose of seducing, deceiving, misleading and inveigling members of the public, unfortunate victims, suffering from ailments and diseases, the causes and effects of which in general they knew little or nothing, and which were in many instances incurable or beyond assistance from medical science or skill, into purchasing Dorsey's Vita-Noids for the substantial sums of \$50 and \$75 for use in self-treatment as above described and referred to. And members of the public were seduced, deceived, misled and inveigled thereby into purchasing the same to their great loss in money, and in further consequence thereof were thereby caused to neglect, or delay obtaining competent medical advice or assistance with the still further consequence that the physical ailments or diseases, to which they were subject, were likely in many instances to progress from a condition, where competent medical science or skill or proper appliances used in physio-therapy, if timely applied, might avail to relieve or cure, to a condition where the afflicted persons were beyond human aid.

The respondents by means of the said statements and representations in the sale of Dorsey's Vita-Noids caused trade in appliances used in physio-therapy to be diverted to them from competitors.

CONCLUSION

The practices of the respondents under the conditions and circumstances described in the foregoing findings are and have been to the prejudice of the public and of respondents' competitors and are unfair methods of competition in commerce and constitute a violation of Section 5 of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes".

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission, upon the complaint of the Commission, the answer of the respondents, testimony and evidence introduced, and upon the brief upon the part of the Commission, and the Commission having made its findings as to the facts and its conclusion that the respondents, J. Dorsey Markwood, trading as Electro-Magnetic Belt Co., and respondents, A. A. Baird and V. A. Molitor, copartners trading as Vita-Noid of Kansas City, have 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 now ordered, That respondent J. Dorsey Markwood, trading as Electro-Magnetic Belt Company, or under his own or any other trade name; the respondents A. A. Baird and V. A. Molitor, individually, and as copartners trading as Vita-Noid of Kansas City; the agents, representatives, and employees of the respondents, in the sale of or in offering the appliance called Dorsey's Vita-Noid for sale in interstate commerce to dealers for resale or to the public for use; or in the sale similarly of any other appliance sold or offered for sale by them in interstate commerce under any other name or designation which is designed and constructed to create an electro-magnetic field by means of electric current caused to flow through the appliance and which is intended, represented, and sold to be used in therapeutic treatment for the prevention, the cure, or the relief of the user from any one or more physical ailments, diseases or pathological conditions, to which the user is or may be subject, by having the subject of the treatment within the electro-magnetic field created by the appliance and without being in physical contact with the electric current creating the electro-magnetic field during the treatment, do

Cease and desist from making or causing others to make statements or representations to the public throughout the various States of

the United States by means of advertisements in magazines or newspapers, in printed circulars or in correspondence by letters, or through radio broadcasts, or verbally in personal interviews, as follows, or substantially to the same effect, namely:

That science has made progress in the treatment of disease by electro-magnetism; that electro-magnetism has brought health and happiness to thousands and that thousands were already helped by it; that Dorsey's Vita-Noids, or any appliance similarly designed and constructed for similar purpose of use, has created or will create a curative agent which has helped thousands of persons who have become discouraged with the results of other treatments for ailments or diseases; that Dorsey's Vita-Noids or any other similar appliance because of the electrical magnetism produced by it tends, or will tend to eliminate toxic products from the human system and that diseases which arise directly or indirectly from toxic poisoning have responded or will respond to treatment with Dorsey's Vita-Noid or any other appliance similarly designed and constructed for the same purpose or use; that among the diseases which have successfully responded or will respond to treatment with Dorsey's Vita-Noid or any other appliance similarly designed and constructed for similar purpose or use are the following and many others:

Asthma	Nervous disorder
Arthritis	Neuritis
Bronchitis	Paralysis
Constipation	Poor circulation
Dropsy	Prostatic gland
Eczema	Rheumatism
Gall bladder	Sciatica
Golter	Sinus trouble
Hemorrhoids	Stomach trouble
High blood pressure	Tumors
Heart trouble	Ulcers
Insomnia	Varicose veins
Lumbago	

It is further ordered, That the respondents, J. Dorsey Markwood and A. A. Baird and V. A. Molitor, shall within 30 days after the issuance 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.

Complaint

IN THE MATTER OF

WHOLESALE RADIO SERVICE CO., INC.

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

Docket 2458. Complaint, June 26, 1935—Order, July 22, 1935

Consent order requiring respondent corporation, in connection with the sale in interstate commerce of hacksaw blades, to cease and desist from using the word "Tungsteel", or words of similar import, to describe such blades until and unless the steel from which they are manufactured contains tungsten metal in such quantity and proportion as to be steel commonly known and described as tungsten steel.

Mr. Edw. W. Thomerson for the Commission.

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 the Wholesale Radio Service Co., Inc., a corporation, 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 thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent is a corporation organized and existing under and by virtue of the laws of the State of New York with its principal office and place of business in the city of New York, State of New York, and with branch offices and places of business in the city of Newark, State of New Jersey, and in the city of Atlanta, State of Georgia.

PAR. 2. Respondent is now and has been for the several years last past engaged in the mail-order wholesale business, offering for sale and selling, among other things, hacksaw blades to customers located at various points in the several States of the United States, and in causing said hacksaw blades, when so sold, to be transported from its said place of business located in the States of New York, New Jersey, and Georgia, as above alleged, into and across the several States of the United States to the said purchasers thereof located at various points in said several States of the United States