

Syllabus

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IN THE MATTER OF
RENESOL CORPORATION AND CHARLES GOLDBLATT
AND MAURICE GOLDBERG, INDIVIDUALLY

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

Docket 2357. Complaint, Apr. 9, 1935—Decision, Aug. 6, 1935

Where a corporation engaged in the sale of a product for the treatment of epilepsy, consisting of phenobarbital and bicarbonate of soda, and called Renesol; and two individuals, its executive officers, who controlled and owned all its stock and formed, controlled and directed its policies, practices and management; in offering and describing said preparation in advertisements, in newspapers and periodicals of general circulation, in letters in reply to inquiries, and in circulars and other printed matter—

Represented directly or by implication that said preparation constituted a cure for said ailments through such statements, among numerous others, in their extensive trade literature as "has helped thousands of epilepsy sufferers regain a new life of joyous health", "Medical science triumphs", "Complete relief from all fits and embarrassments", "This marvelous discovery", etc., "Gain health and happiness", and, while professing therein to disavow any claims to a permanent cure for said ailment, nevertheless through testimonial statements of physicians highly praising said preparation and their results therewith, and in other ways through such statements as "It is admitted by all honest doctors, and by healers of every school that there is no *single medicine*, no *special* method of treatment which will cure epilepsy", and in numerous other statements emphasizing the importance of diet and other matters, adroitly suggested cure or permanent relief through use of said preparation; facts being said preparation, though a useful agent for relieving said ailment, ameliorating its discomforts and prolonging the interval between attacks, is not a cure therefor and there is no known cure therefor;

With capacity and tendency to mislead purchasing public into belief that through use thereof, cure or permanent relief may be effected if accompanied by correct hygienic habits and proper course of diet, and to divert trade to it from competitors offering like or other competitive products for the treatment of said affliction and other nervous conditions generally:

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

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

Mr. James M. Brinson for the Commission.

Nathan D. Shapiro & Brothers, of Brooklyn, N. Y., for respondent.

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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 the Renesol Corporation and Charles Goldblatt and Maurice Goldberg, individually, have been and are using unfair methods of competition in commerce, as "commerce" is defined in said act and it appearing to said Commission that a proceeding by it in respect thereof would be in the public interest, issues its complaint stating its charges thereof as follows:

PARAGRAPH 1. Respondents Charles Goldblatt and Maurice Goldberg are now, and since September 1928, have been engaged in the business of offering for sale and selling a preparation or compound for the treatment of epilepsy.

In 1928 the said individual respondents caused to be incorporated under the laws of the State of New York, Nurosol Laboratories, Inc., and in 1929 they caused such corporation to change its name to the Renesol Laboratories, Inc. In 1933 they caused the name of the Renesol Laboratories Incorporated to be changed to the Renesol Corporation. It has been and is owned, dominated, controlled and directed by individual respondents Charles Goldblatt and Maurice Goldberg, who have controlled, managed and directed and now control, manage and direct its affairs and any and all activities of said company since its incorporation, and have been and are responsible for its policies, methods and practices.

Nurosol Laboratories Incorporated, under its original name of Renesol Laboratories Incorporated and its present name of Renesol Corporation, has been and is a corporate instrumentality through and by means of which individual respondents have conducted their business of selling their preparation or compound for the treatment of epilepsy.

In the course and conduct of the aforesaid business respondent, the Renesol Corporation, under the direction and control of the individual respondents Charles Goldblatt and Maurice Goldberg, has offered for sale and sold the said preparation or compound under the name Renesol in commerce among and between the State of New York and the various States of the United States, and the District of Columbia, and when sold it has caused the same to be transported from its place of business in the city and State of New York to purchasers of such product located in various other States of the United States than the State of New York, and in the District of Columbia.

In the course and conduct of such business respondents, Renesol Corporation and Charles Goldblatt and Maurice Goldberg, have been and are, and each of them has been and is, in competition with

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individuals, partnerships, and corporations, offering for sale or selling in interstate commerce, bromides, luminal, phenobarbital, similar products or other products or substances for use in the treatment of epilepsy.

PAR. 2. It has been and is the practice of respondent, the Renesol Corporation, and at the instance and under the direction of Charles Goldblatt and Maurice Goldberg individually and as officers thereof, to solicit purchasers for the preparation or compound as described in paragraph 1 hereof, and to offer it for sale and sell it by means of advertisements in newspapers and magazines of general circulation in and through the various States of the United States, by means of letters in reply to inquiries from prospective customers, circulars, and other written and printed matter containing false and misleading representations and statements to the effect that medical science has at last discovered a cure in Renesol, the new remedy that has been officially approved by the leading epilepsy specialists of the day and that it is the most positive and complete relief known to the medical profession today and is used and recommended by the greatest physicians the world over. It has been and is the practice of respondent to transmit to individuals suffering from epilepsy and to purchasers and prospective purchasers of its product, circular letters containing such representations and statements as the following, to wit:

RENESOL	
WILL HELP YOU—IF YOU SUFFER FROM	
EPILEPSY	CONVULSIONS
FALLING SICKNESS	FITS
SLEEPLESSNESS	NERVOUSNESS

USED AND RECOMMENDED BY PHYSICIANS THE
WORLD OVER

BEFORE YOU DECIDE

In the important matter of your Health and Happiness you owe to yourself to investigate before deciding that you can't be helped. The famous "Renesol" treatment has helped thousands of epilepsy sufferers regain a New Life of Joyous Health. It will help you too!

RENESOL IS GUARANTEED!

It is Safe, Quick and Effective!

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IT CONTAINS

No Bromides—No Opium—No Morphine.
No Habit-forming Drugs of Any Kind.

MEDICAL SCIENCE TRIUMPHS

Great specialists have waged a relentless war upon one of the most terrifying of diseases—Epilepsy. All the world now sings the praise of these great doctors who have succeeded in discovering a New Remedy that gives COMPLETE RELIEF FROM ALL FITS AND EMBARRASMENTS! This marvelous discovery, the RENESOL TREATMENT, has aroused NEW HOPE, NEW HEALTH AND NEW LIFE wherever used.

RENESOL—100% EFFICIENT

No matter who you are, what your age may be, where you live or how far the disease which is torturing you has gone—RENESOL is the magic name which spells NEW LIFE AND NEW HEALTH.

GAIN HEALTH AND HAPPINESS

It is so simple for you to again take your rightful place in your community. Strong, healthy, normal, respected by your friends and loved by your family,—all yours if you will but have faith enough in yourself to MAKE THE RENESOL TEST AT OUR EXPENSE!"

CAUTION! BEWARE OF BROMIDES

It is a generally accepted fact that in a vast number of Epileptic cases the Bromide treatment has accomplished more harm than good.

RENESOL

CONTAINS NO BROMIDES!

Renesol has helped thousands . . and it will help you too or cost you nothing.

RENESOL

IS GUARANTEED TO HELP YOU IF YOU—SUFFER—FROM—

EPILEPSY	CONVULSIONS	FALLING SICKNESS
SLEEPLESSNESS	FITS	NERVOUSNESS

A Boon to Suffering Mankind

A BLESSED REMEDY!

"RENESOL" has done all this and more for thousands of sufferers from Epilepsy everywhere. It has been used successfully by patients all over the world. Letters from sufferers throughout the civilized world testify to the beneficial results achieved by using "RENESOL".

For many years remedies consisting mostly of bromides have been used by epileptics. These bromide medicines—and most liquid medicines for epilepsy contain bromides—were often worse than useless, causing symptoms in themselves often more terrible than the disease itself.

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"RENESOL" contains no bromides or other harmful habit-forming drugs. Nor is it harmful to the stomach, kidneys or skin. In other words, there is absolutely no danger in using RENESOL. Countless epileptics may well give heart-felt thanks that such remedy, harmless and beneficial, is available to help them bring back good health and happiness.

RENESOL CAN HELP YOU

We will let you judge for yourself the effectiveness of "RENESOL". Regardless of how advanced your case may be or how many other medicines you have tried, we ask you to try our remedy. If it does not help you—and you are the sole judge—your money will be refunded upon request.

HOW TO STOP EPILEPTIC ATTACKS WITH RENESOL!

"RENESOL" has brought joy, happiness and new health to thousands of sorely afflicted epileptics.

"RENESOL" has proven effective where other remedies have failed. Epileptics who had previously given up all hope were, after using this marvelous remedy, restored to a life of usefulness and happiness.

"RENESOL" will help restore your appetite and give you the opportunity to live a normal, active life. It will avoid embarrassments and spells which have made your life a continuous misery.

BEWARE OF BROMIDES

About fifty years ago, the first scientific attempt at obtaining a relief for epileptic attacks was made. This was known as the Bromide Treatment. Immediately this treatment became known the world over and epileptics everywhere were at once given the benefit of it. Soon, however, it became apparent that the Bromide Treatment was a "false alarm", to use a colloquial expression. With the widespread use of the bromides by the medical profession, it was ascertained that not only was it untrue and preposterous to call them a positive relief, but also that they produced results which in themselves were more dangerous and harmful than epileptic fits. Anyone who had any experience at all either in taking or administering bromides is well aware of the hideous skin eruptions which they produce, as well as the manner in which they depress and stupefy the individual.

IT IS A GENERALLY ACCEPTED FACT THAT IN A VAST NUMBER OF EPILEPTIC CASES THE BROMIDE TREATMENT HAS ACCOMPLISHED MORE HARM THAN GOOD

In truth and in fact the product offered for sale and sold as Renesol has not been and is not a remedy or cure for epilepsy. The product at first was called Nurosol and consisted of phenobarbital, but when the name "Renesol" was substituted for that of "Nurosol" in selling such product, sodium bicarbonate was added by respondent to the product. The active ingredient of the compound, however, has been and still is phenobarbital, which is a coal tar derivative possessing a strong sedative action and is also a powerful and

dangerous hypnotic. It was sold, until the expiration of covering patents, under the trade name of luminal.

There is no cure of, or remedy for, epilepsy known to medical science except in some instances by operation when it occurs in the form known as Jacksonian Epilepsy, and the most that can be accomplished in the treatment of epilepsy is the mitigation or the alleviation of the disease by reducing the force or effects of seizures or convulsions, by ameliorating the pain and suffering, or by extension or prolongation of the intervals between seizures or convulsions. There are various types and degrees of epilepsy and a great multiple of variations of the disease. There are rarely two cases of epilepsy which are alike. Each case of such disease should receive and must receive individual attention in order to accomplish satisfactory results. The most common methods of relieving sufferers from epilepsy have been and are the use of so-called bromides and luminal, the former of which is the older method, having been administered for more than fifty years, while the latter has been used also since its discovery in Germany in 1911. Neither, however, is known as, nor is expected to be, a cure, and they can only afford relief.

There are many symptomatic conditions appearing in connection with epilepsy which are also characteristic of other diseases or conditions, such as brain lesions, meningitis, diseases that affect the spine or nervous system, poisoning from strychnine, which may all produce fits, spasms, and convulsions similar to epileptic seizures. It is unsafe and dangerous for individuals suffering from such diseases to use the product of respondent in such conditions which, if treated with Renesol, might produce death because of the fact that the disease from which the individual is suffering would be masked by the sedative use of the product Renesol, and by the time proper diagnosis could be made the actual disease would be too far advanced to cure. The product offered for sale and sold as Renesol cannot be safely used, except under medical supervision. Its indiscriminate use may lead to extremely dangerous results. There are convulsions in childhood also, whose outward manifestations are akin to those of epilepsy, but which are due to other causes or conditions, in connection with which the use of phenobarbital or luminal, the active principal of the product of respondent, would probably be fatal.

Renesol is not a recent discovery of medical science nor has it been or is it approved officially or otherwise by leading specialists of epilepsy as a remedy therefor. It does not furnish the most positive and complete relief from epilepsy known to the medical

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profession and it is not used and recommended by the greatest physicians throughout the world or any part of the world.

It has been and is the policy and practice of respondent by means of false and misleading representations made to purchasers and prospective purchasers to educate or influence the public or the portion thereof among whom it has been able to distribute its literature into the belief that they either have or are about to suffer from epilepsy and to present its product Renesol as the only effective method by which epilepsy may be relieved or cured or averted. To such end and for such purpose it has caused to be circulated and distributed a booklet entitled "Can Epilepsy be Cured?". It purports to be issued by the educational division of respondent corporation. Its outer page bears the legend "A frank statement to sufferers of epileptic fits who are constantly seeking a cure". The booklet contains eleven pages. It consists of a discussion of the character of epilepsy, the means of identifying it, its causes, the appropriate treatment which it declares is Renesol, and alleged testimonials purporting to be from physicians and from sufferers from epilepsy who have used Renesol. The implication therefrom is clear and definite that Renesol will effect permanent relief from epilepsy and restore the sufferer to normal health and strength provided in connection with the use of Renesol the sufferer acquires correct hygienic habits and follows a proper course of diet.

The booklet entitled "Can Epilepsy be Cured?", circulated by respondent to induce the purchase of Renesol, contains false and misleading representations to the following effect:

That one or more of the following causes produces epilepsy, to wit: mental conflict such as when high-strung persons are continually forced to work or live under distasteful conditions; food sensitivity; that just as use of particular foods produces hives, so the same "protein sensitization" that produces hives may also cause epilepsy; autointoxication, that is, poisoning of the blood stream due to acids, waste, toxins of the body resulting from constipation, hardening of the arteries, excessive use of alcohol, lead poisoning, disturbances of the thyroid, pituitary and para thyroid glands, intestinal worms, decaying teeth, eye strain or obstruction of the nasal passages, disease of the ears, tumors, tuberculosis, meningitis or abscess. The booklet also contains in large and conspicuous letters the words "How to Recognize Epilepsy". Under such title appear the following false and misleading representations "how epilepsy may be recognized by a number of minor symptoms", that is, pallor of the face, nervous irritability and dizziness, inability to remember things, thirst, or a

ravenous appetite, an inclination to scream, hot spells or other symptoms of a short duration.

In truth and in fact the causes which respondent assigns for epilepsy, or one or more of them, are daily occurrences in the lives of a substantial proportion and probably of the major proportion of the purchasing public.

The minor symptoms by which respondents represent epilepsy may be recognized are conditions, one or more of which are daily reflected in the experiences of a substantial proportion of the purchasing public.

The false representations and statements with their implications employed by respondents in the aforesaid booklet have the capacity and tendency to mislead those among whom such booklet is distributed into the belief or apprehension that they have or are about to suffer from epilepsy and into the purchase of Renesol as a positive relief therefrom.

PAR. 3. There are individuals, partnerships and corporations offering for sale and selling in interstate commerce preparations for the treatment of epilepsy and nervous conditions of every kind truthfully advertised or described.

PAR. 4. The acts and practices of respondent as described in paragraph 2 hereof have had and have the capacity and tendency to mislead the purchasing public into the belief that the representations of respondent, Renesol Corporation, are true and into the purchase of Renesol in reliance on such erroneous belief.

The aforesaid practices of respondent Renesol Corporation have had and have the capacity and tendency to divert trade to it from individuals, partnerships and corporations offering for sale and selling like, or other competitive products for the treatment of epilepsy and nervous conditions generally.

PAR. 5. The acts and practices of respondent as described in paragraph 2 hereof have been and are all to the prejudice of the public and respondents' competitors and have been and are unfair methods of competition in commerce in violation of the provisions of Section 5 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."

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",

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the Federal Trade Commission issued and served a complaint upon respondents, the Renesol Corporation and Charles Goldblatt and Maurice Goldberg, individually, charging them with unfair methods of competition in commerce in violation of the provisions of Section 5 of said Act.

The respondents having entered their appearance and filed their answer, the Federal Trade Commission thereupon duly designated June 4, 1935 at 10 a. m. daylight saving time, in the city of New York and State of New York, as the time and place for taking testimony and receiving evidence in support of the complaint and on behalf of respondents and an examiner for the Commission, before whom such testimony should be taken and evidence received.

At the time and place so designated by the Commission, and before its examiner so appointed, there appeared as attorney for the Commission, James M. Brinson; and as attorney for respondents, Leon J. Shapiro, who thereupon entered into a stipulation as to the facts subject to the approval of the Federal Trade Commission, which stipulation the Commission has approved and does now and hereby expressly approve.

It is provided in such stipulation that submission of testimony and evidence in support of the complaint, and on behalf of the respondents, and any other, further or intervening procedure be waived and that the Federal Trade Commission may forthwith proceed to file its report stating its findings as to the facts, with its conclusion drawn therefrom and thereupon issue and serve an order to cease and desist, predicated thereon and in accordance therewith.

Thereupon this matter regularly came on for final hearing before the Commission on the record and the Commission having duly considered such record and being fully advised in the premises files this, its report, stating its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. The respondent, Renesol Corporation, is now and for several years last past has been 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 New York City in said State. It is the same corporation with changed name, as the Renesol Laboratories, Inc., which executed a stipulation with the Federal Trade Commission on November 20, 1933. Individual respondents, Charles Goldblatt and Maurice Goldberg, caused Renesol Laboratories, Inc., originally to be incorporated and caused its name subsequently to be changed to Renesol Corporation, the change

of such name from that of Renesol Laboratories, Inc., to Renesol Corporation being in pursuance of the stipulation with the Commission. Since the organization of Respondent Corporation the individual respondents have been and now are its executive officers. They have owned and controlled and now own and control all of the stock of Renesol Corporation; have formulated, controlled, and directed and now formulate, control, and direct, all of its policies, practices, and methods and have the sole and exclusive charge and management of all of its activities and affairs in connection with offering for sale or the sale of Renesol in the course of the commerce hereinafter described.

In the course and conduct of its business, corporate respondent, the Renesol Corporation, has offered for sale and sold and now offers for sale and sells in commerce among and between the various States of the United States, a product which it described and still describes as Renesol, consisting of phenobarbital plus bicarbonate of soda in certain proportions, for the treatment of the state or condition, in the course of or in connection with which the individual is subject to convulsions or so-called epileptic seizures or fits, that is to say, the state or condition generally known as epilepsy.

It has been and is the practice of the corporate respondent to transport, or cause such product when sold, to be transported from its place of business in the city and State of New York to purchasers located in the various other States of the United States.

In the course and conduct of its business, the corporate respondent has been and is in competition with individuals, partnerships and corporations, offering for sale and selling in interstate commerce, bromides, luminal, phenobarbital and similar products or other products or substances for use in the treatment of epilepsy.

PAR. 2. It has been and is the practice of the corporate respondent to solicit purchasers for the preparation or compound as described in paragraph 1 hereof, and to offer it for sale and sell it by means of advertisements in newspapers and magazines of general circulation in and through the various States of the United States, by means of letters in reply to inquiries from prospective customers, circulars, and other written and printed matter, containing among their representations and statements the following, to wit:

RENESOL WILL HELP YOU—IF YOU SUFFER FROM	
EPILEPSY	CONVULSIONS
FALLING SICKNESS	FITS
SLEEPLESSNESS	NERVOUSNESS

USED AND RECOMMENDED BY PHYSICIANS THE WORLD OVER

BEFORE YOU DECIDE in the important matter of *your Health and Happiness* you owe it to yourself to investigate before deciding that you can't be

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helped. The famous 'RENESOL' treatment has helped thousands of epilepsy sufferers regain a NEW LIFE OF JOYOUS HEALTH. It will help you too! RENESOL IS GUARANTEED! It is Safe, Quick and Effective! IT CONTAINS No Bromides—No Opium—No Morphine. No Habit-forming Drugs of Any Kind.

MEDICAL SCIENCE TRIUMPHS. Great specialists have waged a relentless war upon one of the most terrifying of diseases—Epilepsy. All the world now sings the praise of these great doctors who have succeeded in discovering a New Remedy that gives COMPLETE RELIEF FROM ALL FITS AND EMBARRASMENTS! This marvelous discovery, the RENESOL TREATMENT, has aroused NEW HOPE, NEW HEALTH AND NEW LIFE wherever used. RENESOL—100% EFFICIENT. No matter who you are, what your age may be, where you live or how far the disease which is torturing you has gone—RENESOL is the magic name which spells NEW LIFE AND NEW HEALTH.

GAIN HEALTH AND HAPPINESS. It is so simple for you to again take your rightful place in your community. Strong, healthy, normal, respected by your friends and loved by your family,—all yours if you will but have faith enough in yourself to MAKE THE RENESOL TEST AT OUR EXPENSE!

CAUTION! BEWARE OF BROMIDES. It is a generally accepted fact that in a vast number of epileptic cases the Bromide treatment has accomplished more harm than good. RENESOL contains no bromides!

Renesol has helped thousands—and it will help you too or cost you nothing.

RENESOL IS GUARANTEED TO HELP YOU IF YOU—SUFFER—FROM—EPILEPSY, SLEEPLESSNESS, CONVULSIONS, FITS, FALLING SICKNESS, NERVOUSNESS. A Boon To Suffering Mankind.

A BLESSED REMEDY! "RENESOL" has done all this and more for thousands of sufferers from Epilepsy everywhere. It has been used successfully by patients all over the world. Letters from sufferers throughout the civilized world testify to the beneficial results achieved by using "RENESOL."

For many years remedies consisting mostly of bromides have been used by epileptics. These bromide medicines—and most liquid medicines for epilepsy contain bromides—were often worse than useless, causing symptoms in themselves often more terrible than the disease itself.

"RENESOL" contains no bromides or other harmful habit-forming drugs. Nor is it harmful to the stomach, kidneys or skin. In other words, there is absolutely no danger in using RENESOL. Countless epileptics may well give heart-felt thanks that such remedy, harmless and beneficial is available to help them bring back good health and happiness.

RENESOL CAN HELP YOU. We will let you judge for yourself the effectiveness of "RENESOL". Regardless of how advanced your case may be or how many other medicines you have tried, we ask you to try our remedy. If it does not help you—and you are the sole judge—your money will be refunded upon request.

HOW TO STOP EPILEPTIC ATTACKS WITH RENESOL! "RENESOL" has brought joy, happiness and new health to thousands of sorely afflicted epileptics. "RENESOL" has proven effective where other remedies have failed. Epileptics who had previously given up all hope were, after using this marvelous remedy, restored to a life of usefulness and happiness.

"RENESOL" will help restore your appetite and give you the opportunity to live a normal, active life. It will avoid embarrassments and spells which have made your life a continuous misery.

BEWARE OF BROMIDES. About fifty years ago, the first scientific attempt at obtaining a relief for epileptic attacks was made. This was known as the Bromide Treatment. Immediately this treatment became known the world over and epileptics everywhere were at once given the benefits of it. Soon, however, it became apparent that the Bromide Treatment was a "false alarm", to use a colloquial expression. With the widespread use of the bromides by the medical profession, it was ascertained that not only was it untrue and preposterous to call them a positive relief, but also that they produced results which in themselves were more dangerous and harmful than epileptic fits. Anyone who had any experience at all either in taking or administering bromides is well aware of the hideous skin eruptions which they produce, as well as the manner in which they depress and stupefy the individual. **IT IS A GENERALLY ACCEPTED FACT THAT IN A VAST NUMBER OF EPILEPTIC CASES THE BROMIDE TREATMENT HAS ACCOMPLISHED MORE HARM THAN GOOD.**

After execution of the stipulation between the corporate respondent and the Federal Trade Commission, to which reference has hereinbefore been made, the corporate respondent discontinued the representations and statements just above given with the exception that it has continued to represent and still represents that the product "Renesol" is used and recommended by physicians the world over and that "Renesol" is guaranteed, contains no bromides—no opium—no morphine—no habit-forming drugs of any kind, in the sense in which the words "habit-forming" are generally known and understood—as an uncontrolled craving; and the advertising matter of corporate respondent is distributed among those suffering from epilepsy, who can sustain no injury from the continued use of the product.

Respondent has also continued to use or is using a pamphlet which it distributes among purchasers and prospective purchasers, which among other things contains the following statements:

GAIN HEALTH AND HAPPINESS. Take your Rightful Place in Your Community. Make the Renesol Test at our Expense.

Respondent Renesol Corporation has continued to circulate and now circulates among purchasers and prospective purchasers a booklet in the various States of the United States entitled "Can Epilepsy Be Cured?" This booklet contains the following statements:

DOES "RENESOL" CURE? "RENESOL" lays no claims to a cure for Epilepsy—but rather to a satisfactory and effective relief for epileptic attacks which is the most that can be expected from any treatment for Epilepsy. Many patients, after taking "RENESOL" over a period of six months to a year, write that they have been "cured"—that they have no more attacks. While these reports are very encouraging, the RENESOL CORPORATION insists on telling these people that the absence of attacks does not necessarily mean they are cured. There is no permanent cure. Sufferers should continue

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with the treatment, even though they have no more attacks, because epileptic attacks may return if the medicine is completely discontinued, or the rules of health broken for even a short period of time. Also, it may be worth emphasizing that the "RENESOL" Treatment becomes less and less expensive as it is continued, because the dosage is gradually reduced, so that very little of the medicine is required to keep the attacks under control.

The following excerpts from various parts of the booklet, some of them by respondent Renesol Corporation and others by physicians whose opinions are, by this booklet, conveyed to sufferers from epilepsy clearly suggest cure or permanent relief and it is to be noted from one of the passages that respondent recommends services of physicians only when the sufferer has a physician.

The next question naturally is: What is considered to be the most effective medicine to take, and what are the proper rules of health to follow while taking this treatment. By taking this well-recommended medicine regularly and following the rules of health faithfully, the sufferer from epilepsy can obtain as near a complete cure as medical science, with all its research, investigation, and study has been able to accomplish, to date.

RENESOL has proven highly satisfactory in the treatment of Epilepsy in even the most stubborn cases. RENESOL is non-habit forming and can be taken with complete safety by man, woman or child when adhering to the prescribed dosage. You can have no better proof of the excellence of RENESOL in the treatment of Epilepsy than the four letters on pages six and seven. They have been selected from letters received from different parts of the world and are typical of their high praise. It will pay you to read carefully what authorities say about RENESOL.

Dr. Líznaí Imre, M. D., graduate of the Hungarian University of Science, Municipal Specialist, connected with the St. Stephen Hospital in Hungary—"I cannot refrain from sending you my sincere congratulations for the remarkable Renesol Treatment. In my experience in treating the disease, Epilepsy, Renesol is the one remedy that I can unhesitatingly recommend.

"In Renesol I found neither bromides nor any other harmful or habit-forming drugs. It is safe to use for adults or children. In practically every case treated, the attacks stopped immediately and the general condition of the patient was greatly improved. In some instances before Renesol was used I thought there was no help possible. Renesol, however, brought quick and sure relief.

"Wishing you well-deserved success and hoping that every sufferer from epilepsy has the good fortune of learning about your remarkable Renesol Treatment."

Dr. Jose Valcarcel, of the Medical Faculty at the Central University of Madrid, formerly on the General Hospital of Madrid, Professor at the Medical School at Madrid, etc.—"Renesol must come as blessed news to thousands of epilepsy victims all over the world. These poor people may now find quick relief from all seizures and other symptoms through your wonderful medicine. And—of inestimable advantage, they may use the Renesol Treatment right at home, and get the same fine results as though they were taking it under a local doctor's directions.

"In my experience with Renesol, I found it thoroughly effective in almost every instance. In fact, some cases that I had previously considered as hopeless, were quickly relieved. It contains no bromides (most of the medicines previously on the market contained harmful bromides) and no harmful or habit-forming drugs. Children can use with the same safety and effectiveness as grownups.

"Renesol should be brought to the attention of every epileptic sufferer."

Dr. Clarence J. Miner, formerly Major on the Medical Staff of the British Army and later Staff Surgeon of the National Military Home of Marion, Indiana, U. S. A.—"I have carefully studied the effect of the Renesol Treatment on many hundreds of Epilepsy sufferers. Familiar as I am with the medicines used for this purpose, I was gratified and surprised at the wonderful results shown on sufferers using your remedy. People whose cases were so far gone that I hardly dared hope could be helped, showed immediate and marvelous relief after using Renesol for a short time. In almost every case, the terrible attacks stopped, the mind was keener, the appetite better, and general health restored to normal. This same result was obtained in children as well as in elderly people.

"In my many years of practice, yours is the only remedy for the treatment of Epilepsy which meets with my complete approval. I unhesitatingly recommend it for every person suffering from Epilepsy, and hope that many millions of sufferers throughout the world will learn of its blessings."

Dr. Sarat G. Mukerji, graduate of the National Medical College, Calcutta; formerly on the Staff of Surgeons, British-India Navigation Co.; Pathologist at the Rhode Island State Hospital for Mental Diseases—"Many cases of Epilepsy have come under my observation in India and America. In treating these unfortunate sufferers I have had occasion to study the various remedies on the market.

"Until I investigated your splendid Renesol Remedy, I did not believe that an effective, non-habit forming treatment for Epilepsy existed. Most of the remedies that I had seen previously contained bromides. Some even had harmful drugs which were exceedingly dangerous to use.

"In Renesol, I am very glad to state, I found not only a remedy that was exceptionally effective in the majority of cases, but a remedy that was absolutely free from bromides or other habit-forming drugs. Renesol may be used by anyone, young or old, without any bad after-effects whatsoever. And your remedy has the further advantage of being perfectly safe and effective for use even without the personal attention of a physician.

"My experience with your product leads me to unhesitatingly recommend it for anyone suffering from Epilepsy. And my hope is that many unfortunate victims of this disease will discover for themselves the quick and sure relief Renesol brings."

After all the above quoted glowing tributes to Renesol there appears on page 11 of the booklet, the following:

At this point we want to emphasize that any physician or company who promises a positive cure for Epilepsy, should be classed as a charlatan. Such a statement is absolutely untrue and unjustified. Indeed, it is far better to take no treatment at all than to take a treatment that is sold under a promise that it is a definite cure. These medicines consist chiefly of Bromides or other harmful habit-forming drugs. Any sufferer who tries any of these so-called

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"cures" which are highly advertised, of course, finally gives up completely discouraged and in a worse physical condition than he was before. Furthermore, these sufferers usually become pessimistic, and believe that there can be no possible help for them, a belief that is absolutely unwarranted by the real facts.

And also on same page the following statements appear:

In closing we want to state that if you are a sufferer from Epilepsy, and are taking the proper treatment, *you need not be discouraged*. You are every bit as good or your neighbor and fellowmen. Remember that many of the world's greatest figures were afflicted with Epilepsy, yet attained to supreme heights of genius and accomplishment. Napoleon, Julius Caesar, Dostoyevsky, and scores of others were outstanding examples. Let us add also, that if you are under the treatment of a physician at the present time, or under the care of a hospital, by all means follow out their advice as regards medicine, diet, etc. After all, your physician knows what is best for you, and is undoubtedly giving you the benefit of the latest and most scientific treatment for your trouble.

Let no one mislead you and sway you from the correct path. *The "RENESOL" Treatment and Health Lessons are the true road to relief from attacks and a marvelous improvement in your health.*

Indicative of the adroit method by which the corporate respondent, while disclaiming such efficacy in ambiguous phraseology, seeks, even now, to promise a cure of or remedy for Epilepsy or from epileptic attacks, the following excerpts from the said booklet are conclusively significant of the purpose, intent, and probable effect of the booklet, especially when considered with the pamphlet entitled "Gain Health and Happiness."

CAN EPILEPSY BE CURED? It is admitted, by all honest doctors, and by healers of every school, that there is no *single* medicine, no *special* method of treatment which will cure epilepsy.

Also, most physicians are candid enough to tell you that, to bring about normal physiological functioning in any epileptic is of infinitely greater importance than to fill him full of all the sedatives in the pharmacopoea.

A sound mind and a normal nervous system can be found only in a healthy body. He will, therefore, do his utmost to put the body in this healthy condition.

In other words, all schools of medicine agree that in addition to the proper medicine, the patient must acquire correct hygienic habits and follow a proper course of diet. This combination is of primary importance in relieving the distressing symptoms of epilepsy.

THE "RENESOL" TREATMENT. RENESOL is a preparation for the relief of epilepsy, used and recommended throughout the civilized world. It contains NO bromides or other dangerous habit-forming drugs.

Countless suffering epileptics may well give heartfelt thanks that the day of old remedies is past. For over fifty years the old remedies, consisting mostly of bromides, were all that unfortunate epileptics found available. These bromide medicines, and all liquid medicines for epilepsy contained bromides, were often WORSE than useless, causing symptoms in themselves more terrible than epilepsy.

"RENESOL" has often proven effective in cases where other remedies have failed. Epileptics who had previously given up all hope were, after using this marvelous remedy, restored to a life of usefulness and happiness.

When "RENESOL" is used and directions carefully followed, attacks often stop in a short time; mental sluggishness disappears; the appetite is improved and the patient lives a normal, active life, free from the terrible embarrassments and terrifying spells which have made life a continuous misery.

"RENESOL" has been endorsed by physicians in Europe, Asia, and America.

"RENESOL" has proved successful on patients all over the world.

PAR. 3. The product Renesol is not a cure for the disease known as Epilepsy, nor for the state or conditions during which the individual patient is subject to so-called convulsive seizures or epileptic fits and there is known to medical science no cure for such disease or condition, but it may be relieved, its discomforts ameliorated and the intervals between its attack may be more or less prolonged.

The substance variously known as phenobarbital or luminal or Renesol which is heretofore stated to be phenobarbital plus bicarbonate of soda, may be and frequently has been and is a useful agent for the accomplishment of the above purpose.

PAR. 4. There have been, for several years last past, and now are individuals, partnerships, and corporations offering for sale and selling in interstate commerce, in competition with respondent, Renesol Corporation preparations or compounds of various kinds including luminal, phenobarbital bromides, or other substances for the treatment of Epilepsy.

PAR. 5. The acts and practices of respondent Renesol Corporation and of respondents Charles Goldblatt and Maurice Goldberg, individually, who have controlled and directed and are controlling and directing respondent Renesol Corporation, as described in paragraphs 1 and 2 hereof, have had and have the capacity and tendency to mislead the purchasing public into the belief that by the use of Renesol Epilepsy can be cured or permanent relief effected if accompanied by correct hygienic habits and a proper course of diet.

The aforesaid practices of respondents have had and have the capacity and tendency to divert trade to respondent Renesol Corporation from individuals, partnerships and corporations offering for sale and selling like or other competitive products for the treatment of Epilepsy and other nervous conditions generally.

CONCLUSION

The acts and practices of respondents as described in paragraphs 1 and 2 hereof have been and are all to the prejudice of the public and competitors of respondent Renesol Corporation and have been

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and are unfair methods of competition in interstate commerce in violation of the provisions of Section 5 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 having been heard upon the complaint, the answer and a stipulation of the facts by and between the attorney for the Commission and the attorney for respondents, which stipulation has been and is approved by the Commission, and all others and further intervening procedure having been duly waived in such stipulation and respondents having consented therein that the Commission may forthwith file its report stating its findings as to the facts and conclusion drawn therefrom and thereupon issue and serve its order to cease and desist predicated thereon and in accordance therewith, and the Federal Trade Commission having made and filed its report in writing stating its findings as to the facts with its conclusion drawn therefrom that respondents have been and are violating the provision of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes"—

It is now ordered, That respondents Renesol Corporation, its officers, agents, employees and representatives and Charles Goldblatt and Maurice Goldberg, individually, and their agents, employees, and representatives, in connection with the sale or offering for sale of Renesol or any product of the same or substantially the same composition or ingredients in interstate commerce, by respondent Renesol Corporation, or by any other means or agency, corporate or otherwise, cease and desist in magazines, journals, newspapers, periodicals, pamphlets, booklets, leaflets, or in any form of printed or written matter or by means of so-called radio broadcasting, directly or indirectly from:

(1) Representing Renesol or any product of the same or substantially the same composition or ingredients as a cure for Epilepsy or as a remedy by which permanent relief from Epilepsy or from Epileptic fits, attacks, seizures, or convulsions can be effected.

(2) From using words or phrases, or statements not directly accompanied by apt and adequate explanation or qualification, which signify or imply or which may be construed to signify or imply that Renesol in conjunction with correct hygienic habits and a proper course of diet, can cure Epilepsy, or can afford permanent relief

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from fits, seizures, attacks, or convulsions, usually incidental to Epilepsy or characteristic thereof.

(3) From representing Renesol as other than an agent for the treatment of Epilepsy whose effectiveness or worth depends on its continued or permanent use.

(4) From representing that by use of Renesol, whether in conjunction with correct hygienic habits and a proper course of diet, or not, sufferers from Epilepsy can regain *health and happiness* or can be restored to a life of usefulness and happiness.

It is further ordered that respondents shall within 60 days from service on them of this order file a report in writing with the Federal Trade Commission setting forth in detail the manner and form of their compliance with such order.

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IN THE MATTER OF

ARMSTRONG RUBBER COMPANY, INCORPORATED

COMPLAINT AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF SEC. 5
OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 2365. Complaint, Apr. 15, 1935—Order, Aug. 8, 1935*

Consent order requiring respondent corporation, its officers, etc., in connection with the advertisement, offer for sale, and sale in interstate commerce and in the District of Columbia of automobile tires and tubes, to cease and desist from—

Representing by advertisements, circulars, catalogs or by any other manner that prices at which it sells its products to the consumer are manufacturer's wholesale prices, or that it sells its products to the consumer under a plan or method of distribution by means of which all costs, profits or other charges of middlemen are eliminated, or that the proceeds of such savings by reason of the elimination of such middlemen, accrue to purchasers from it, unless and until such representations are true in fact; or Representing in advertisements, circulars, catalogs or otherwise that the tires sold by it contained more plies of fabric in their composition than is the case.

Mr. Marshall Morgan for the Commission.

Mr. Albert H. Barclay, of New Haven, Conn., and *Tilson, Stanley & McCuen*, of Washington, D. C., 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 Armstrong Rubber Company, 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 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 Armstrong Rubber Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey with its principal office and place of business in the city of West Haven, Conn. It is now and for more than two years last past has been engaged in the manufacture of automobile tires and tubes and in the sale thereof between and among the various States of the United States. It causes such automobile tires and tubes when sold by it to be transported to the purchasers thereof in the State of Connecticut and to other pur-