

Syllabus

IN THE MATTER OF

H. WILL ELDERS

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

Docket 2673. Complaint, Dec. 28, 1935—Decision, Apr. 5, 1937

Where an individual engaged in sale and distribution, under name "Dr. H. Will Elders," or "Dr. Elders," as case might be, of his so-called "Private Prescription" for women, "Laxative Lozenges" and "Private Prescription Sanitary Douche"; in advertising the same in periodicals circulated to the purchasing public in the various States and through circulars, letters, and other advertising material, and through publication of testimonials of others—

- (a) Represented, directly or by implication, that his said preparations constituted a cure, remedy, or competent and adequate treatment for sterility in women, facts being that causes of such condition are many and varied, and in many cases are not due to functional weakness, but are result of disease and anatomical abnormalities, and that while his said "Filled Prescription," by virtue of its action as a general tonic, and tendency to aid nutrition, tended to relieve sterility in cases not due to any diseased or abnormal condition by aiding and restoring patient to normal health, and might be beneficial to some of such cases due to functional weakness, it could not be beneficial in all of such cases, including those where such weakness was result of disease, only effect of said lozenges in connection with treatment of sterility was to give temporary relief in constipation where such condition might exist and thus be associated with such other conditions to be treated, said "Private Prescription Sanitary Douche" did not, in itself, have curative properties in many causative pathological conditions producing sterility, and his said medicines, used either together or singly, did not constitute a cure, remedy, or competent and adequate treatment for such condition in women, nor for diseased conditions which are most frequently the cause thereof, and in cases of sterility due to disease or to anatomical abnormalities would not be effective in removing the same; and
- (b) Represented, as aforesaid, that his said prescriptions constituted a cure, remedy, or competent and adequate treatment for similar diseases generally, and especially for leucorrhea and delayed, painful, and suppressed menstruation, facts being that, while his said "Filled Prescription" acted as a palliative and gave some relief from pain, it had no curative effects where any definite pathology existed, and would not cure or remedy ovarian pains and various other conditions and ailments included in the term "female diseases," and had no effect on the causes underlying or forming the basis of such diseases where a pathological condition existed, and that, while said "Private Prescription Sanitary Douche" was a cleansing sanitary wash and had inhibitory antiseptic properties and some slight inhibitory germicidal properties, it was not a general germicide, and while its use might be beneficial to women, whether suffering from female disorders or not, and use thereof would tend to be beneficial in some ways in

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certain cases of leucorrhea, it would not be in all such cases, and while some such antiseptic wash was indicated generally in treating vaginal disorders, it did not, in itself, have curative properties in most so-called female diseases, and said medicines, whether used together or singly, did not constitute a cure, remedy, or competent and adequate treatment for such diseases or for leucorrhea or for delayed, suppressed, or painful menstruation, and were not effective in the treatment of such conditions and diseases where caused by many diseased conditions, and representations to the contrary were neither accurate nor limited enough to express the true therapeutic effects of said medicines;

With tendency and capacity to confuse, mislead, and deceive members of the public in the aforesaid particulars and to cause and induce them to buy and use said preparations because of the erroneous beliefs engendered as above set forth, and to divert trade to him from competitors engaged in the sale in interstate commerce of preparations of the same or similar kind as those sold by him, or of those adapted to and used for the same general purposes for which his said preparations were adapted, and with effect of diverting business to him from competitors, including those who do not make, in any wise, the same or similar misleading representations, but truthfully and accurately state the therapeutic effects of their said preparations; to their substantial injury and prejudice:

Held, That aforesaid acts and practices were to the prejudice of the public and competitors and constituted unfair methods of competition.

Mr. Harry D. Michael for the Commission.

Nash & Donnelly and *Dodds & Burkinshaw*, 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 H. Will Elders 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. That said respondent, H. Will Elders is now and has been engaged for more than five years last past in the sale and distribution in interstate commerce of a certain medicinal preparation known and described as Dr. H. Will Elders' Filled Prescription for Women, as well as of certain other medicinal preparations designed and intended to be used in connection therewith and known and described, respectively, as Dr. H. Will Elders' Private Prescription Sanitary Douche and Dr. Elders' Laxative Lozenges. The office and principal place of business of respondent in the conduct of his

said business is and has been located in the city of St. Joseph in the State of Missouri. Said respondent, in the course and conduct of his said business, causes the said medicines, so sold by him, to be transported in interstate commerce from his said place of business in Missouri to, into and through States of the United States other than Missouri to various and numerous persons in such other States to whom such preparations are or have been sold.

PAR. 2. That, during the time above mentioned, other individuals, firms, and corporations in various States of the United States are and have been engaged in the sale and distribution in interstate commerce of medicines and preparations similar in kind to those of respondent or intended for and adapted to the uses for which respondent's said medicines are adapted. Such other individuals, firms, and corporations have caused and do now cause their said medicines and preparations, when sold by them, to be transported from the various States of the United States where they are located to, into, and through States other than the State of origin of the shipment thereof. Said respondent has been, during the aforesaid time, in competition in interstate commerce in the sale of his said medicines with such other individuals, firms, and corporations.

PAR. 3. That respondent, in connection with the sale of his said medicines, as aforesaid, has made use of advertisements inserted in magazines and other publications circulated to the purchasing public in the various States of the United States. He also has advertised and does now advertise his said medicines by means of circular letters and other advertising material which he causes to be distributed to the purchasing public in various States of the United States by mail or otherwise.

PAR. 4. That, by the means aforesaid, respondent represents, either directly or by implication, or by the publication of testimonials of others, that his preparations, as above set out and described, constitute a cure, remedy or competent and adequate treatment for sterility in women. Respondent further represents, by the means and in the manner aforesaid, that his said preparations constitute a cure, remedy or competent and adequate treatment for female diseases generally, and especially for leucorrhea and delayed, painful and suppressed menstruation. One such advertisement so used by respondent containing such representations is the following:

A BABY IN YOUR HOME.

Scientists now state that "Complete unity in life depends on sex harmony" and that the lack of it is the one greatest cause for unhappy marriages. Also that every woman "has the capacity for sex expression" but too often she is unde-

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(PICTURE OF MOTHER AND BABY)

veloped or suffering with general female disorders, which rob her of her normal desires. During an experience of more than 35 years specializing in the treatment of diseases peculiar to women, I devel-

oped a simple home treatment which has brought new hope, health and happiness to many thousands. Many who had been childless for years became proud and happy Mothers. Husbands have written me the most glowing letters of gratitude and now I want every woman who is run-down or suffering from female disorders to learn about this splendid treatment, and how she may use it in the privacy of her own home.

GET THIS KNOWLEDGE FREE

In my two booklets, which will be sent in plain wrapper, I intimately discuss many important subjects relating to the female sex that are vitally interesting to every woman. They tell how you too may combat your troubles as thousands of others have and often again enjoy the desires and activities of Nature's most wonderful creation—a normal, fully developed vigorous woman. I will gladly send both books postpaid free. Write today. DR. H. WILL ELDERS, Suite 528-E, 7th and Felix Streets, St. Joseph, Mo.

Representations to the general effect as above stated have been made by respondent in his advertising matter by quoting from testimonials given by users of his aforesaid medicines. The following excerpts from a few of such testimonials so used by respondent are illustrative of such representations:

Your medicines have improved me greatly. I don't have that soreness and tender feeling, not even when I am menstruating. It has done wonders to me for as sick as I was. It has saved me the worry of an operation. * * *

I used to suffer terribly every month and would have to go to bed and stay some times all day but now I feel fine and when my menstruation periods come I don't have those terrible pains. I am telling the honest truth I don't believe I would ever have had a baby if it had not been for your medicine. * * *

* * * Will say that Dr. Elders Filled Prescription has made a new woman out of me.

I want to thank you for your wonderful treatments I took last fall. I am expecting a baby in October. * * * I know the treatments did the work. * * *

Am very glad to let you know that the last box of Dr. Elders Filled Prescription for Women I took has surely helped me out. I am now five months pregnant, and am very glad. I certainly will praise your prescription to any woman who wants a family.

* * * If it had not been for your treatment I would have been dead. I am glad to be well again after 23 years of sickness. * * *

I am feeling so fine I just have to sit down and write to you and let you know that your medicine has helped me. * * * I have suffered 2 years with painful, irregular menstruation and tired aching feeling. I didn't have any appetite to speak of, eating sometimes only once a day but now I just can't get enough to eat and am feeling fine.

Other representations made by respondent in his advertising matter in regard to his said medicines include the following:

Sanitary Douche (Mentho-Borodine), my own Private Prescription, offers the most speedy relief from this condition (Leucorrhea) of any treatment I have ever found.

You are now beginning a treatment * * * which has a most unusual and long record of success in alleviating many cases of painful, delayed or irregular menstruation, general female disorders and lack of feeling.

Moreover, respondent makes many other representations in his advertising matter of the general effect as heretofore stated.

PAR. 5. That in truth and in fact respondent's said medicines do not constitute a cure, remedy or competent and adequate treatment for sterility in women or for female diseases generally, or for leucorrhea or for delayed, painful and suppressed menstruation, nor do they constitute an effective treatment for such diseases and conditions where the same are caused by many diseased and abnormal conditions. Said medicines are not beneficial in cases of sterility unless such condition is due to functional weakness. They act, respectively, only as a palliative and tonic, as an antiseptic, and as a laxative. The representations of respondent as aforesaid are greatly exaggerated, inaccurate, misleading, and much broader than are justified by the facts.

PAR. 6. That the representations of respondent as aforesaid have had and do have the tendency and capacity to confuse, mislead, and deceive members of the public in the particulars as aforesaid, and to cause and induce them to buy and use respondent's said preparations because of the erroneous beliefs engendered as above set forth, and to divert trade to respondent from competitors engaged in the sale of preparations of the same or similar kind as those sold by respondent or of those adapted to and used for the same general purposes for which respondent recommends his said preparations as aforesaid. There are among the competitors of respondent those who in no wise make the same or similar false and misleading representations as made by respondent as herein set out and who truthfully and accurately state the uses for which their said preparations may be used and the effects thereof.

PAR. 7. The above acts and things done by respondent are all to the injury and prejudice of the public and the competitors of respondent in interstate commerce within the intent and meaning of Section 5 of an Act of Congress entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," the Federal Trade Commission, on December 28, 1935, issued and served its complaint in this proceeding upon respondent, H. Will Elders, charging him with the use of unfair methods of competition in commerce in violation of the provisions of said act. After the issuance of said complaint, and the filing of respondent's answer thereto, a stipulation as to the facts was agreed upon by and between W. T. Kelley, Chief Counsel for the Commission, and the respondent by which it was agreed that the statement of facts so agreed upon should be taken as the facts in this proceeding and in lieu of testimony in support of the charges stated in the complaint, or in opposition thereto. It was further agreed that said Commission might proceed upon such statement of facts to make its report stating its findings as to the facts (including inferences from said stipulated facts) and its conclusion based thereon, and enter its order disposing of the proceeding without the presentation of argument or the filing of briefs. Said stipulation as to the facts has been duly recorded and filed in the office of the Commission. Thereafter, the proceeding regularly came on for final hearing before the Commission on the said complaint, the answer thereto, and the statement of facts agreed to, as aforesaid, in lieu of testimony, briefs and oral arguments of counsel having been waived, and the Commission having duly considered the same, and being now fully advised in the premises, finds that this proceeding is in the interest of the public, and makes this its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Said respondent, H. Will Elders, is now and has been engaged for more than five years last past in the sale and distribution in commerce of a certain medicinal preparation known and described as Dr. H. Will Elders Filled Prescription for Women, as well as of certain other medicinal preparations designed and intended to be used in connection therewith and known and described, respectively, as Dr. H. Will Elders' Private Prescription Sanitary Douche and Dr. Elders' Laxative Lozenges. The office and principal place of business of respondent in the conduct of his said business is and has been located in the city of St. Joseph in the State of Missouri. Said respondent, in the course and conduct of his said business, causes the said medicines, so sold by him, to be transported in interstate com-

merce from his said place of business in Missouri to, into and through States of the United States other than Missouri to various and numerous persons in such other States to whom such preparations are or have been sold. Respondent's usual course of business is to sell his said medicines direct to members of the public.

PAR. 2. During the time above mentioned, other individuals, firms, and corporations in various States of the United States are and have been engaged in the sale and distribution in interstate commerce of medicines and preparations similar in kind to those of respondent or intended for and adapted to the uses for which respondent's said medicines are adapted. Such other individuals, firms, and corporations have caused and do now cause their said medicines and preparations, when sold by them, to be transported from the various States of the United States where they are located to, into and through States other than the State of origin in the shipment thereof. Said respondent has been, during the aforesaid time, in competition in interstate commerce in the sale of his said medicines with such other individuals, firms, and corporations. Such competition has been direct and substantial. Such competing medicines and preparations are sold either direct to members of the consuming public by mail or through agents or they are sold to wholesale or retail dealers through whom they are in turn sold to members of the public.

PAR. 3. Respondent, in connection with the sale of his said medicines, as aforesaid, has made use of advertisements inserted in magazines and other publications circulated to the purchasing public in the various States of the United States. He also has advertised and does now advertise his said medicines by means of circular letters and other advertising material which he causes to be distributed to the purchasing public in various States of the United States by mail or otherwise.

PAR. 4. By the means aforesaid, respondent represents, either directly or by implication or by the publication of testimonials of others, that his preparations, as above set out and described, constitute a cure, remedy or competent and adequate treatment for sterility in women. Respondent further represents, by the means and in the manner aforesaid, that his said preparations constitute a cure, remedy or competent and adequate treatment for female diseases generally, and especially for leucorrhea and delayed, painful and suppressed menstruation. One such advertisement so used by respondent containing such representations is the following:

A BABY IN YOUR HOME.

Scientists now state that "Complete unity in life depends on sex harmony" and that the lack of it is the one greatest cause for unhappy marriages. Also

that every woman "has the capacity for sex expression" but too often she is undeveloped or suffering with general female disorders, which rob her of her normal desires. During an experience of more than 35 years specializing in the treatment of diseases peculiar to women, I developed a simple home treatment which has brought new hope, health and happiness to many thousands. Many who had been childless for years became proud and happy mothers. Husbands have written me the most glowing letters of gratitude and now I want every woman who is run-down or suffering from female disorders to learn about this splendid treatment, and how she may use it in the privacy of her own home.

(PICTURE OF MOTHER AND BABY)

GET THIS KNOWLEDGE FREE

In my two booklets, which will be sent in plain wrapper, I intimately discuss many important subjects relating to the female sex that are vitally interesting to every woman. They tell how you too may combat your troubles as thousands of others have and often again enjoy the desires and activities of Nature's most wonderful creation—a normal, fully developed vigorous woman. I will gladly send both books postpaid free. Write today.

DR. H. WILL ELDERS, Suite 528-E, 7th and Felix Streets, St. Joseph, Mo.

Other representations to the same general effect as stated in the foregoing advertisement have been made by respondent in his advertising matter by quoting from testimonials given by users of his aforesaid medicines. The following excerpts from a few of such testimonials so used by respondent are illustrative of such representations:

Your medicines have improved me greatly. I don't have that soreness and tender feeling, not even when I am menstruating. It has done wonders to me for as sick as I was. It has saved me the worry of an operation. * * *

I used to suffer terribly every month and would have to go to bed and stay some times all day but now I feel fine and when my menstruation periods come I don't have those terrible pains. I am telling the honest truth I don't believe I would ever have had a baby if it had not been for your medicine. * * *

* * * Will say that Dr. Elders Filled Prescription has made a new woman out of me.

I want to thank you for your wonderful treatments I took last fall. I am expecting a baby in October. * * * I know the treatments did the work. * * *

Am very glad to let you know that the last box of Dr. Elders Filled Prescription for Women I took has surely helped me out. I am now five months pregnant, and am very glad. I certainly will praise your prescription to any woman who wants a family.

* * * If it had not been for your treatment I would have been dead. I am glad to be well again after 23 years of sickness. * * *

I am feeling so fine I just have to sit down and write to you and let you know that your medicine has helped me. * * * I have suffered 2 years with painful, irregular menstruation and tired aching feeling. I didn't have any

appetite to speak of, eating sometimes only once a day but now I just can't get enough to eat and am feeling fine.

Other representations made by respondent in his advertising matter in regard to his said medicines include the following:

Sanitary Douche (Mentho-Borodine), my own Private Prescription, offers the most speedy relief from this condition (Leucorrhea) of any treatment I have ever found.

You are now beginning a treatment * * * which has a most unusual and long record of success in alleviating many cases of painful, delayed or irregular menstruation, general female disorders and lack of feeling.

Respondent makes many other representations in his advertising matter of the same general effect as heretofore stated.

PAR. 5. The qualitative formula for said Dr. H. Will Elders' Filled Prescription for Women, with quantitative formula per tablet, is as follows:

Powdered Viburnum Opulus-----	½ gr.
Powdered Gentian-----	1 gr.
Powdered Ferrous Sulphate—Dried-----	1 gr.
Arsenous Acid-----	1/80 gr.
P. E. Cascara Sagrada-----	1/12 gr.
Powdered Hydrastis-----	1 gr.
Powdered Aletris-----	1 gr.
Powdered Caulophyllum-----	1½ gr.
Powdered Pulsatilla-----	1 gr.
Powdered Cimicifuga-----	1 gr.
Dessicated Corpus Lutea (Sow)-----	½ gr.

The dosage for said medicine, as recommended by respondent, is one to two tablets at meal time three times a day.

The qualitative formula for said Dr. Elders' Laxative Lozenges, with quantitative formula per tablet is as follows:

Cascarin-----	¼ gr.
Aloin-----	¼ gr.
Podophyllum Resin (U. S. P.)-----	⅓ gr.
Strychnine Sulphate-----	⅓ gr.
Ext. Belladonna Leaves-----	⅓ gr.
Oleoresin Ginger-----	⅓ min.

The dosage for said last named medicine, as recommended by respondent, is one to two lozenges on retiring or one lozenge before meals.

The formula for Dr. H. Will Elders' Private Prescription Sanitary Douche, based on a quantity of 101 pounds, is as follows:

Borate Tetra-----	100 lbs.
Chloramine-T-----	500 grms.
Menthol Crystals-----	200 grs.

The directions for use of said last named preparation, as given by respondent to his customers, are to dissolve one teaspoonful in one

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quart of hot water and use as a vaginal douche by means of a syringe each night until improvement and then every second night.

Respondent's said medicines are directed to be used together in the treatment of the conditions for which respondent recommends them and are usually so used.

PAR. 6. Respondent's said medicines when used either together or singly do not constitute a cure, remedy or competent and adequate treatment for sterility in women, nor for diseased conditions which are most frequently the cause of sterility. In cases of sterility due to disease or to anatomical abnormalities, such medicines would not be effective in removing the condition. Neither do said medicines used together or singly constitute a cure, remedy or competent and adequate treatment for female diseases or for leucorrhea or for delayed, suppressed or painful menstruation, nor are they effective in the treatment of such conditions and diseases where the same are caused by many diseased conditions. Representations to the contrary are neither accurate nor limited enough to express the true therapeutic effects of said medicines.

Said medicine, Dr. H. Will Elders' Filled Prescription for Women, may be beneficial in some cases of sterility due to functional weakness, but it is not beneficial in all such cases, including those cases where the functional weakness is the result of disease. The causes of sterility are many and varied. Many of such cases are not due to functional weakness, but are the result of disease and anatomical abnormalities. Said medicine acts as a general tonic and tends to aid nutrition. In this way it would tend to relieve sterility in cases not due to any diseased or abnormal condition by aiding in restoring the patient to normal health.

Said medicine acts as a palliative and gives some relief from pain. It has no curative effects where any definite pathology exists. It will not cure or remedy ovarian pains, uterine displacements, leucorrhea, pus tubes, enlargement or inflammation of the generative organs, fibroids of the uterus, cyst of the ovary, cancer of the uterus, infections of the uterus or of the Fallopian tubes, all of which are included in the term "female diseases." It has no effect on the causes underlying or forming the basis of female diseases where a pathological condition exists.

Respondent's said medicine Dr. Elders' Laxative Lozenges is a laxative. Its only effect in connection with the treatment of sterility and of female disorders is to cause an evacuation of the bowels and to give temporary relief in constipation, where such condition may exist, and thus is associated with such other conditions to be treated.

Respondent's said medicine Dr. H. Will Elders' Private Prescrip-

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tion Sanitary Douche is a cleansing, sanitary wash. It has inhibitory antiseptic properties and some slight inhibitory germicidal properties but is not a general germicide. Its use may be beneficial to women, whether suffering from female disorders or not, by promoting cleanliness and desirable hygienic conditions in the vagina. Its use would tend to lessen the discharges in some cases of leucorrhea but not in cases of leucorrhea due to gonorrhea. Some such antiseptic wash is indicated generally in treating vaginal disorders. However, it does not in itself have curative properties in many causative pathological conditions producing sterility and most so-called female diseases.

PAR. 7. The representations of respondent, as aforesaid, have had and do have the tendency and capacity to confuse, mislead, and deceive members of the public in the particulars as aforesaid, and to cause and induce them to buy and use respondent's said preparations because of the erroneous beliefs engendered as above set forth, and to divert trade to respondent from competitors engaged in the sale in interstate commerce of preparations of the same or similar kind as those sold by respondent or of those adapted to and used for the same general purposes for which respondent's said preparations are adapted.

PAR. 8. There are among the competitors of respondent, in the sale of his said preparations, those who do not make in anywise the same or similar misleading representations as made by respondent, as herein set forth, but who truthfully and accurately state the therapeutic effects of their said preparations. Respondent's said acts and practices tend to and do divert business to respondent from its competitors, to the substantial injury and prejudice of such competitors.

CONCLUSION

The aforesaid acts and practices of the respondent, H. Will Elders, are to the prejudice of the public and of respondent's competitors, and constitute unfair methods of competition in commerce, within the intent and meaning of Section 5 of an Act of Congress, 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 respondent, and an agreed statement of facts in lieu of testimony, briefs and oral argument having been waived, and the Commission having made its findings as to the facts and its conclusion that said respondent

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ent has violated the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes."

It is ordered that the respondent, H. Will Elders, his representatives, agents, and employees, in connection with the offering for sale, sale and distribution of his medicinal preparations known and described as Dr. H. Will Elders' Filled Prescription for Women, Dr. H. Will Elders' Private Prescription Sanitary Douche and Dr. Elders' Laxative Lozenges, or of any preparations of the same or similar formulae, in interstate commerce or in the District of Columbia, do forthwith cease and desist from representing, directly or indirectly, or by implication, or by use of the statements, endorsements, or testimonials of others:

1. That said medicinal preparations, or any of them, constitute a cure, remedy, or competent and adequate treatment for sterility in women.

2. That said medicinal preparations, or any of them, are beneficial in the treatment of sterility in women unless such representations are specifically limited to cases of sterility due to functional weakness.

3. That said medicinal preparations, or any of them, are beneficial in all cases of sterility in women due to functional weakness or that they are beneficial in such cases where the functional weakness is the result of disease.

4. That said medicinal preparations, or any of them, constitute a cure, remedy, or competent and adequate treatment for so-called female diseases or troubles, or for leucorrhea or for delayed, painful, or suppressed menstruation, or for the pathological conditions producing or that may cause the same.

5. That said medicinal preparations, or any of them, are beneficial in the treatment of leucorrhea unless such representations are limited to such cases not due to gonorrheal infection and also limited to the sedative effects of the said Filled Prescription and to the antiseptic and soothing effects of said Sanitary Douche.

6. That said medicinal preparations, or any of them, are beneficial in the treatment of delayed, painful or suppressed menstruation unless such representations are limited to relief from pain and to the sedative and palliative effects of said Filled Prescription in cases where no definite pathology exists.

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

Syllabus

IN THE MATTER OF

GEORGE LANDON AND MICHAEL MASON WARNER,
TRADING AS LANDON & WARNERCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 2947. Complaint, Oct. 15, 1936—Decision, Apr. 5, 1937*

Where two individuals engaged in the sale and distribution of billfolds, Gladstone handbags, and other similar products, in substantial competition with others engaged in sale and distribution of similar goods or articles in commerce between and among the various States, and with numerous competitors who make and sell their billfolds and aforesaid handbags, covered with leather made from the outside or top side of cow skin, after having been separated or split from the flesh side thereof, and properly described by makers of such products, and generally known by manufacturers and dealers and purchasing public as "cowhide," "genuine cowhide," "choice leather," and ". . . A-1 quality leather," and for which articles and other leather products thus made and generally known and described as aforesaid, purchasing public generally has a pronounced and distinct preference—

- (a) Represented, through marks, stamps, and brands in large letters on their said handbags, that the same were genuine cowhide, and in advertising circulars distributed widely among their customers and prospective customers, that the said handbags, thus offered, sold and distributed, were "made only of choice leather . . .," and of "A-1 quality leather," facts being handbags thus described were not made from the outside or top side of cowskin and were not genuine cowhide or made of choice leather or of A-1 quality leather, as ordinarily and commonly understood by purchasing public, but were composed of the much inferior, less durable, and cheaper split cowhide derived from the flesh side of the skin; and
- (b) Represented, in their advertising circulars, that the initials of purchasers of said handbags were placed thereon in "14-K Gold" and that such initials would be encased within a "14-K Gold" frame, and, in their advertising catalogs distributed to their customers and prospective customers, that the metallic corners and snap-buttons on their billfolds were "14-K Gold," facts being said initial letters and frames and metallic corners and snap-buttons were not composed of "14-K gold," but, on the contrary, were 14-K gold plated;

With capacity and tendency to mislead and deceive purchasing public into the erroneous beliefs that the Gladstone handbags advertised, offered, and sold by them were made from the outside or topside of cow skin and were genuine cowhide, choice leather, and A-1 quality leather, as represented by them, and that said articles, when purchased, would be stamped with initials of the purchaser in 14-K Gold and a 14-K Gold frame, and that the said billfolds' metallic corners and snap-buttons were 14-K Gold, and with capacity and tendency to induce members of the purchasing public to buy said products because of the erroneous beliefs thus engendered, and to