

IN THE MATTER OF
PHILIP WELSH, TRADING AS THE WELSH FOUNDATION

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

Docket 2485. Complaint, July 1, 1935—Decision, Apr. 9, 1937

Where an individual engaged in the publication, sale and distribution in interstate commerce of books and booklets known as and sold under the name "The 7 Essentials of Health," to wit; as designated and dealt with by him in the seven booklets, in which he detailed his theories and ideas as to correct mode of living, with respect to the subject matter of the different pamphlets, fresh air, natural foods, water, sunshine, exercise, and occupation, rest and mental attitude; and in substantial competition with others engaged in sale and distribution in commerce among the various States of books, booklets, pamphlets, magazines, and other publications dealing with problems of health and hygiene and other related subjects, and who do not in any manner misrepresent the benefits to be obtained from following the mode of living or rules of health and hygiene or treatments therein set forth; in advertising his said publication in magazines circulated throughout the States, and through circulars, dodgers, leaflets, pamphlets, form letters, and other printed matter distributed among prospective purchasers by mail and through other means—

- (a) Represented that the following and using of the theories, ideas, rules, directions, and instructions announced and stated in his said publication would prevent and cure all bodily ailments and diseases and cure or be beneficial in the treatment of a large number of specified ailments, diseases, and conditions, including, among many others, anemia, arthritis, high blood pressure, kidney trouble, low blood pressure, rheumatism, sexual disorders, and women's ailments, and that following instructions in said publication would "make the blood so pure and the entire digestive tract and colon so clean that disease CANNOT maintain hold in the body * * *," and result in the body itself becoming immune thereto, and would enable one to "get at and strengthen all the internal organs, revitalize them and bring them back to normal function," and to learn a simple, inexpensive, practical, and entirely natural way to attain unusual health; and
- (b) Represented that all sickness is caused by overlooking one of the essentials named in said publication, and that following mode of living outlined therein is simplest and most effective way of dealing with health problems, and that health cannot be restored by cutting out parts of the body, and that adoption of his said teachings, as stated in publication in question, will cause disease and premature death to disappear from the earth;

Facts being that the following and using of the theories, ideas, rules, directions and instructions of said individual, as stated in publication in question, in regard to health, hygiene, mode of living, and related matters therein referred to, will not prevent and cure all bodily ailments and diseases regardless of their cause, origin and nature, or cure or be of any substantial benefit in the treatment of the ailments, diseases, and conditions for which

Complaint

such publication is represented as of value by said individual, as hereinbefore set forth, all sickness is not caused by overlooking one of the seven "essentials" of health indicated in such publication, following mode of living outlined therein is not simplest and most effective way of dealing with health problems; and aforesaid various representations, as hereinbefore set forth, were otherwise false, and representations and implications thereof, in connection with offer and sale of publication in question, were grossly exaggerated, false, and misleading;

With effect of misleading and deceiving many persons and causing them erroneously to believe that the purchase of said publication and following and use of the theories, ideas, rules, directions, and instructions of said individual, as therein set forth, would prevent and cure all bodily ailments and diseases regardless of their cause, origin, or nature, and cure or be beneficial in the treatment of those set out, that all sickness was caused by overlooking one of the essentials indicated, and that the various other statements, representations and implications hereinbefore set forth were true, and of causing many persons, because of such erroneous beliefs, to purchase publication in question, and thereby unlawfully, unfairly and substantially divert trade to said individual from his competitors in interstate commerce who do not misrepresent their products; to their injury and that of the public:

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

Before *Mr. W. W. Sheppard*, trial examiner.

Mr. Edw. W. Thomerson for the Commission.

Mr. Martin E. Geibel, of Los Angeles, Calif. and *Rowan & Tesch*, of Milwaukee, Wis., 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 Philip Welsh, doing business under the name and style of The Welsh Foundation, 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, Philip Welsh, doing business under the name and style of The Welsh Foundation, is now and has been engaged for more than five years last past in the sale and distribution of certain booklets known and described as "The 7 Essentials of Health." Said respondent, in conducting his said business, has his office and principal place of business at Pacific Palisades, in the State of California. Respondent, in the course and conduct of his

Complaint

24 F. T. C.

said business, causes his said booklets, when sold by him, to be transported in interstate commerce from his said place of business in California to, into and through States of the United States, other than California, to various and numerous persons in such other States to whom they 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 books and pamphlets on health and subjects connected therewith, and such other individuals, firms, and corporations have caused, and do now cause their said books and pamphlets, when sold by them, to be transported from various States of the United States to, into and through States other than the origin of the shipment thereof. Said respondent has been, during the aforesaid time, in competition in interstate commerce in the sale of his said booklets with such other individuals, firms, and corporations.

PAR. 3. That respondent in his advertisements inserted in magazines and other publications circulated between and among various States of the United States and distributed to the general public in such States, and in his advertising literature circulated between and among the various States of the United States and distributed to members of the public therein, makes various and sundry statements in regard to his said booklets and the theories advanced and the directions and instructions contained therein which are inaccurate, misleading, and exaggerated. Among such statements are the following:

Do you know that if you overlook the "7 Essentials" you cannot have lasting health?

If you are not enjoying your share of health it is a sure sign that you are overlooking one or more of the fundamental requirements of health.

* * * the simplest and most effective way of dealing with your problems.

There is only one way to attain internal cleanliness and that is Nature's way—that way involves the application of the "7 Essentials of Health."

Health cannot be gotten by cutting out parts of the body.

These "7 Essentials" make the blood so pure and the entire digestive tract and colon so clean that disease CANNOT maintain hold in the body. The body at once becomes IMMUNE TO DISEASE and any diseased matter present is thrown out through various channels of elimination.

If you are sick, rundown and ailing, it is because you have violated Nature's Laws—you have overlooked the "7 Essentials of Health."

The 7 Essentials of Health is a practical simplified program of living that leaves no room for disease in the body.

It strikes at all the causes of ill health.

It shows you how to get at and strengthen all the internal organs, revitalize them and bring them back to normal functions.

The basic knowledge contained in these "7 Essentials" will help you turn sickness into health. * * *

PAR. 4. That respondent, in his advertising matter, circulated as aforesaid, makes many statements which represent or imply that the following of the instructions as to mode of living contained in his said booklets will prevent or cure all bodily ailments and diseases, regardless of their cause, origin or nature. Such representations are also made by respondent by means of reproducing testimonial letters from users of his system. Among such representations are the following:

There is a natural way to overcome your ailment.

Thru the printed works on "The 7 Essentials of Health", thousands of health seekers have learned a simple, inexpensive, practical and entirely Natural way to attain unusual health.

If you are interested in this new plan, mail the coupon below . . . it may save you many years of needless suffering.

Patients whose entire health had been restored sent their friends to Dr. Welsh in increasing numbers—NOT for dental work alone but for stomach ailments, nervous and gland disorders, blood disorders, eye, nose, throat and lung diseases, constipation, rheumatism, diabetes and **EVERY KNOWN DISEASE OF THE HUMAN BODY.**

If mankind would adopt your teachings, disease and premature death would disappear from the earth.

You will learn how to combat sickness without drugs and surgery.

You will learn how to revitalize every part of the body.

* * * I had the services of the most renowned doctors in the profession, but they could not relieve me of my chronic and stubborn ailments. I really believed my case was hopeless. A friend of mine induced me to send for your course. My condition improved as soon as I started on your course and now I feel better than I ever felt in my life. My family and friends say you have performed a miracle.

* * * among cases which have been brought back to health after they were pronounced "hopeless".

Although I have adopted your course only one week, I have already felt definite improvement in my **TUBERCULAR** condition * * *.

Among the diseases and ailments which can be cured by respondent's methods, as represented by the means aforesaid, are the following: Constipation, tooth decay, chronic catarrh, sinus trouble, colds, weak lungs, pneumonia, prostate enlargement, kidney disorders, liver disorders, stomach disorders, decay of the body, poor eyesight and diseases of the eye, falling hair and baldness, nervous troubles, gland disorders, blood diseases, rheumatism, diabetes, tuberculosis, diseases of the nose and throat, ulcer of the leg, headaches, abscesses of the breast, sagging of the abdominal organs, pyorrhea, burning pains in the feet, heartburn, cancer, Bright's disease, arthritis, backaches, ear disorders, disturbed sleep, intestinal gas, bad breath, piles, colitis,

Complaint

24 F. T. C.

high blood pressure, pains in the limbs, insomnia, skin disease, fits, bronchitis, and despondency.

PAR. 5. That, in truth and in fact, the instructions as to mode of life contained in respondent's booklets are not such as to prevent or cure all or most human ailments and diseases. Many diseases, including most of those named in the preceding paragraph herein, cannot be so prevented or cured. There are many diseases, including some of those named by respondent, that cannot be appreciably helped by respondent's methods or cannot be helped at all thereby. Many diseases cannot be successfully treated without medication or surgery or both. His instructions and methods do not constitute a panacea. Following his methods will not assure health or absence of disease. The directions as to living given by respondent do not embrace all the rules of living which contribute to good health and a sound body nor are they unique in that others do not know of them or have not advocated the use of one or more or all of them. Many of his instructions, as for instance those advocating fresh air, sunlight and exercise in the open air, are mere repetitions of facts of common knowledge.

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 into the belief that respondent's booklets contain instructions and secrets of life and mode of living that will prevent and cure all diseases and ailments of the human body and especially those that are named in his advertising literature as hereinbefore stated; that good health cannot be achieved without following all of his rules and methods of life as outlined in his booklets; that all medical and surgical methods of treating disease can be eliminated and dispensed with as a result of following respondent's methods and that everyone following his directions can attain perfect health and be free of disease thereby, when, in truth and in fact, such are not the facts. That said representations of respondent have had and do have the tendency and capacity to induce members of the public to answer respondent's advertisements and to buy his said booklets 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 books, pamphlets and courses of instruction on healthful living, diet, exercise and other methods of promoting good health and sound bodies.

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 July 1, 1935, issued, and on July 6, 1935, served, its complaint in this proceeding upon the respondent Philip Welsh, 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, testimony and other evidence in support of the allegations of said complaint were introduced by Edw. W. Thomerson, attorney for the Commission, before W. W. Sheppard, an examiner of the Commission theretofore duly designated by it, and in opposition to the allegations of the complaint by Martin E. Geibel, attorney for the respondent; and said testimony and evidence were duly recorded and filed in the office of the Commission. Thereafter, the proceedings regularly came on for final hearing before the Commission on the said complaint, the answer thereto, testimony and other evidence, and briefs in support of the complaint and in opposition thereto; 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. The respondent, Philip Welsh, is in individual trading under the name and style of The Welsh Foundation, with a place of business in the city of Pacific Palisades, in the State of California. Respondent is now, and for the past several years has been, engaged in the business of publishing, and selling and distributing in interstate commerce books and booklets known as, and sold under the name, "The 7 Essentials of Health." Respondent sells said books and booklets to purchasers located in many of the States of the United States other than the State of California, and in the District of Columbia, and when such sales are made, causes said books and booklets to be transported from his place of business in Pacific Palisades, Calif., to the purchasers thereof.

PAR. 2. Other individuals, firms, and corporations sell and distribute in commerce among and between the various States of the

United States books, booklets, pamphlets, magazines, and other publications dealing with the problems of health, hygiene, and subjects connected therewith and do not in any manner misrepresent the benefits to be obtained from following the mode of living, or rules of health and hygiene, or the treatments therein set forth.

Respondent is now, and for the past several years has been, in substantial competition in such commerce, with such other individuals, firms and corporations, in selling and distributing said books and booklets.

PAR. 3. Prior to the year 1934 the publication "The 7 Essentials of Health" was in one volume and sold as one book, but since that year has been divided into seven booklets or pamphlets, each one of which covers what is designated by the respondent as one of the "essentials" of health, and is described as Lesson No. 1, 2, etc. These seven booklets are sold as a unit and now sell for the sum of \$5.00. The respondent formerly sold "The 7 Essentials of Health" for the sum of \$25.00.

The "seven essentials" are designated by the respondent as follows, and each of the seven booklets deals with one of these subjects:

1. Fresh Air,
2. Natural Foods,
3. Water,
4. Sunshine,
5. Exercise and Occupation,
6. Rest,
7. Mental Attitude.

In each of the booklets the respondent states in detail his theories and ideas as to the mode of living which should be pursued with regard to the subject matter of the particular pamphlet. The pamphlets in general deal with mental and physical hygiene.

PAR. 4. Respondent advertises said publication in magazines circulated throughout the United States, and through circulars, dodgers, leaflets, pamphlets, form letters, and other printed matter distributed among prospective purchasers by mail and through other means.

In said advertising matter so used by the respondent during the five years last past, the respondent makes many statements and claims as to the benefits a purchaser will obtain from purchasing said publication and following the theories, ideas, rules, directions, and instructions therein contained.

Among and typical of the statements and representations used and circulated by the respondent in selling said publication are the following:

Do you know that if you overlook the "7 Essentials" you cannot have lasting health?

If you are not enjoying your share of health it is a sure sign that you are overlooking one or more of the fundamental requirements of health.

There is only one way to attain internal cleanliness and that is Nature's way—that way involves the application of the "7 Essentials of Health."

Health cannot be gotten by cutting out parts of the body.

These "7 Essentials" make the blood so pure and the entire digestive tract and colon so clean that disease CANNOT maintain hold in the body. The body at once becomes IMMUNE TO DISEASE and any diseased matter present is thrown out through various channels of elimination.

If you are sick, rundown, and ailing, it is because you have violated Nature's Laws—you have overlooked the "7 Essentials of Health."

The "7 Essentials of Health" is a practical simplified program of living that leaves no room for disease in the body.

It strikes at all the causes of ill health.

It shows you how to get at and strengthen all the internal organs, revitalize them and bring them back to normal function.

The basic knowledge contained in these "7 Essentials" will help you turn sickness into health * * *

There is a natural way to overcome your ailment.

Thru the printed works on "The 7 Essentials of Health," thousands of health seekers have learned a simple, inexpensive, practical and entirely Natural way to attain unusual health.

If you are interested in this new plan, mail the coupon below * * * it may save you many years of needless suffering.

Patients whose entire health had been restored sent their friends to Dr. Welsh in increasing numbers—NOT for dental work alone but for stomach ailments, nervous and gland disorders, blood disorders, eye, nose, throat, and lung diseases, constipation, rheumatism, diabetes and EVERY KNOWN DISEASE OF THE HUMAN BODY.

If mankind would adopt your teachings, disease and premature death would disappear from the earth.

You will learn how to combat sickness without drugs and surgery.

You will learn how to revitalize every part of the body.

* * * among cases which have been brought back to health after they were pronounced "hopeless".

Although I have adopted your course only one week, I have already felt definite improvement in my TUBERCULAR condition * * *.

In a booklet so used and circulated by the respondent appears the following statement:

You will learn the TRULY NATURAL WAY to treat the following ailments:

Adenoids	Constipation
Ague (chills and fever)	Cancer
Anemia	Colds
Arthritis	Colitis
Asthma	Catarrh
Blood disorders	Diarrhoea
Bronchitis	Ear disorders
Bright's disease	Eczema

	Findings	24 F. T. C.
Eye disorders	Nervousness	
Female discharges	Overweight	
Foot troubles	Pneumonia	
Gall stones	Pyorrhea	
Halitoses	Piles	
Hay fever	Rheumatism	
Headaches	Senility	
Hemorrhoids	Sexual disorders	
High blood pressure	Sinus trouble	
Indigestion	Skin diseases	
Influenza	Tonsillitis	
Insomnia	Tooth decay	
Kidney trouble	Tuberculosis	
Leucorrhea	Tumor	
Low blood pressure	Ulcers of stomach	
Malaria	Ulcers of intestines	
Masturbation	Underweight	
Mastoids	Varicose veins	
Neuralgia	Venereal diseases	
Neuritis	Yellow jaundice	

Many other statements and representations of similar import and meaning are used and circulated by the respondent as aforesaid.

PAR. 5. In the course and conduct of his business, by the means and in the manner above set out, the respondent represents and implies that the following and using of the theories, ideas, rules, directions, and instructions announced in said publication "The 7 Essentials of Health" will prevent and cure all bodily ailments and diseases, regardless of their cause, origin, and nature; and will cure, or are beneficial in the treatment of the following ailments, diseases, and conditions: adenoids, ague (chills and fever), anemia, arthritis, asthma, blood disorders, bronchitis, Bright's disease, constipation, cancer, colds, colitis, catarrh, diarrhoea, ear disorders, eczema, eye disorders, female discharges, foot troubles, gall stones, halitosis, hay fever, headaches, hemorrhoids, high blood pressure, indigestion, influenza, insomnia, kidney trouble, leucorrhea, low blood pressure, malaria, masturbation, mastoids, neuralgia, neuritis, nervousness, overweight, pneumonia, pyorrhea, piles, rheumatism, senility, sexual disorders, sinus trouble, skin disease, tonsillitis, tooth decay, tuberculosis, tumor, ulcers of stomach, ulcers of intestines, underweight, varicose veins, venereal diseases, yellow jaundice.

Respondent also represents:

1. That all sickness is caused by overlooking one of the seven "essentials" of health indicated in the respondent's publication;

2. That following the mode of living stated in the publication is the simplest and most effective way of dealing with health problems;

3. That health cannot be restored by "cutting out parts of the body";

4. That following the instructions given in said publication will "make the blood so pure and the digestive tract and colon so clean that disease cannot maintain a hold in the body" and renders one immune to disease and strikes out the cause of all ill health;

5. That following said instructions will enable one to get at and strengthen all the internal organs, revitalize them and bring them back to normal functions and will help turn sickness into health and enable one to learn a simple, inexpensive, practical and entirely natural way to attain unusual health;

6. That if respondent's teachings were adopted disease and premature death would disappear from the earth.

PAR. 6. The following and using of the theories, ideas, rules, directions and instructions of the respondent as stated in said publication "The 7 Essentials of Health," in regard to health, hygiene, mode of living, and the related matters therein referred to, will not prevent and cure all bodily ailments and diseases, regardless of their cause, origin, and nature, and will not cure, nor be of any substantial benefit in the treatment of the ailments, diseases, and conditions for which the respondent represents that it is of value, as hereinabove stated.

All sickness is not caused by overlooking one of the seven "essentials" of health indicated in the respondent's publication; following the mode of living stated in the publication is not the simplest and most effective way of dealing with health problems; health can be restored, in many instances, by cutting out parts of the body; following the instructions given in said publication will not make the blood so pure and the digestive tract and colon so clean that disease cannot maintain a hold in the body, and will not render one immune to disease or strike out the cause of all ill health; following said instructions will not enable one to get at and strengthen all the internal organs or revitalize them or bring them back to normal functions and will not help turn sickness into health nor will it enable one to learn a simple, inexpensive, practical, and entirely natural way to attain unusual health; and the adoption of the respondent's teachings would not cause disease and premature death to disappear from the earth.

The representations and implications used by the respondent in connection with the offering for sale and selling of said publication "The 7 Essentials of Health," as hereinabove set out, are grossly exaggerated, false, and misleading, and have the tendency and capacity to, and do, mislead and deceive many persons and

Order

24 F. T. C.

cause them erroneously to believe that the purchase of said publication, and the following and using of the theories, ideas, rules, directions, and instructions of the respondent, as stated in said publication, will prevent and cure all bodily ailments and diseases, regardless of their cause, origin, and nature, and will cure or be beneficial in the treatment of the ailments, diseases, and conditions hereinabove set out; and that all sickness is caused by overlooking one of the "essentials" indicated in the respondent's publication; that the "mode of living" stated in the publication is the simplest and most effective way of dealing with health problems; that health cannot be restored by cutting out parts of the body; that following the instructions in said publication will make the blood so pure, the digestive tract and colon so clean that disease cannot maintain a hold in the body, and renders one immune to disease and strikes out the cause of all ill health; that following said instructions will enable one to get at and strengthen all the internal organs, revitalize them and bring them back to normal functions, and will help turn sickness into health and enable one to learn a simple, inexpensive, practical, and entirely natural way to attain unusual health; and that the adoption of the respondent's teachings will cause diseases and premature death to disappear from the earth.

Said representations and implications so used by the respondent as aforesaid cause many such persons, because of such erroneous belief, to purchase said publication "The 7 Essentials of Health," thereby unlawfully, unfairly, and substantially diverting trade to the respondent from his competitors in interstate commerce who do not misrepresent their products, to their injury and to the injury of the public.

CONCLUSION

The aforesaid acts and practices of the respondent, Philip Welsh, 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 the respondent, testimony and evidence taken before W. W. Sheppard, an

examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein by Edw. W. Thomerson, counsel for the Commission, and by Martin E. Geibel, counsel for respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent 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, Philip Welsh, his representatives, agents, and employees in connection with the offering for sale, sale, and distribution in interstate commerce of the publication now known as, and sold under the name, "The 7 Essentials of Health," or in connection with the offering for sale, sale, and distribution in interstate commerce of any publication regarding the same or similar subject matters, and containing the same or similar text, and announcing and stating the theories, ideas, rules, directions, and instructions found in the publication now known as, and sold under the name, "The 7 Essentials of Health," do forthwith cease and desist from representing, directly or by implication:

1. That the following and using of the theories, ideas, rules, directions, and instructions announced and stated in said publication will prevent and cure all bodily ailments and diseases, and will cure or be beneficial in the treatment of the following ailments, diseases, and conditions: adenoids, ague (chills and fever), anemia, arthritis, asthma, blood disorders, bronchitis, Bright's disease, constipation, cancer, colds, colitis, catarrh, diarrhoea, ear disorders, eczema, eye disorders, female discharges, foot troubles, gall stones, halitosis, hay fever, headaches, hemorrhoids, high blood pressure, indigestion, influenza, insomnia, kidney trouble, leucorrhoea, low blood pressure, malaria, masturbation, mastoids, neuralgia, neuritis, nervousness, overweight, pneumonia, pyorrhea, piles, rheumatism, senility, sexual disorders, sinus trouble, skin diseases, tonsilitis, tooth decay, tuberculosis, tumor, ulcers of stomach, ulcers of intestines, underweight, varicose veins, venereal diseases, and yellow jaundice;

2. That all sickness is caused by overlooking one of the "essentials" named in said publication;

3. That following the mode of living outlined in said publication is the simplest and most effective way of dealing with health problems;

4. That health cannot be restored by "cutting out parts of the body";

Order

24 F. T. C.

5. That following the instructions in said publication will "make the blood so pure and the digestive tract and colon so clean that disease cannot maintain a hold in the body", and the body itself becomes immune to disease;

6. That following said instructions will enable one to "get at and strengthen all internal organs, revitalize them and bring them back to normal functions", and will enable one to learn a simple, inexpensive, practical and entirely natural way to attain unusual health;

7. That the adoption of respondent's teachings, as stated in said publication, will cause disease and premature death to disappear from the earth.

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
CHAMPION COMPANY

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914, AND OF AN ACT OF CONGRESS APPROVED JUNE 16, 1933¹

Docket 2322. Complaint, Mar. 12, 1935—Decision, Apr. 10, 1937

Where a corporation engaged in the manufacture of air seal type, ferreous metal burial vaults, and in the sale thereof to jobbers and funeral directors and undertakers, in substantial competition with those engaged in the sale and distribution of metal, stone, concrete, cement, and other burial vaults in commerce between and among the various States—

- (a) Represented, through certificates of warranty and through magazines, booklets, circulars, and other advertising media having wide circulation among its customers and prospective customers in the several States, prior to, but not since, year 1932, that its said vaults were rust-resisting and waterproof and verminproof and had the capacity, for unstated, but indefinite, period of time, to resist corrosion and exclude water and other substances and vermin from entrance from the grave into the casket, and that its said vaults afforded perfect protection; and
- (b) Made use of warranties or guarantees, in connection with sale and offer of said vaults, under which, prior to, but not since, the year 1932, it undertook, irrespective of location or conditions in any plot of a cemetery where original vault was buried, and regardless of care or lack of care with which same was originally placed in the grave, to furnish a new vault without cost, if contents of original were damaged by water or other elements admitted from the grave because of failure of vault due to defective material or workmanship;

Facts being that, while its said vaults (1) were made by it with great care, by skilled workmen, of specially processed and considerably more costly metals of highest grade and quality obtainable in domestic market, and, by their very nature, exclusive of air, moisture, vermin, and water until the natural process of rust and corrosion, to which they were resistant but which they could not prevent, had advanced to stage of producing tiny holes or pits permitting penetration, (2) were equal to standard metal vaults made by responsible and reputable members of the industry in question, and were an established part of the funeral supply industry and a lawful subject for sale, purchase and transportation in interstate commerce, and (3) at time of sealing were capable of sustaining weight of earth incident to burial and protecting remains from accelerated decay due to entrance of moisture, air, water, and vermin and other deleterious agents for period of years, depending upon underground and climatic conditions in particular locality, and below set forth conjunction of circumstances, no ferreous metal, buried, has absolute or predictable rate of corrosion, which varies with locality, particular underground conditions, and qualities and chemical content of different soils, all ferreous metal burial vaults will

¹ Count 2 of the complaint alleging violation of the National Industrial Recovery Act dismissed November 9, 1935.