

IN THE MATTER OF
WARNER'S RENOWNED REMEDIES COMPANY

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

Docket 3084. Complaint, Mar. 20, 1937—Decision, June 13, 1938

Where a corporation engaged in distribution and sale of certain medical preparations designated as "Dr. H. H. Warner's Remedies," and including "Warner's Renowned Vaginal Creme," "Warner's Renowned Frem Pills," and "Warner's Renowned Vigo Tablets"; in describing said named preparations in certain booklets, pamphlets, circulars, and show window displays, and through circulars or pamphlets distributed to members of the public in the boxes in which said preparations were marketed, and also through the medium of druggists or through the mails—

- (a) Falsely represented and implied that said "Dr. H. H. Warner's Renowned Vaginal Creme" was a contraceptive and was made under the formula and supervision of a member of the medical profession, and that it was a competent remedy or treatment for certain specified conditions and ailments peculiar to women, and was a competent prophylactic in the treatment or cure of various conditions and diseases of the vaginal tract, and was a deodorant, and that its general use was safe and harmless, and that it was a more powerful antiseptic than carbolic acid or bichloride of mercury;
- (b) Falsely represented and implied that its said "Frem Pills" would produce a dangerous abortion in cases of menstruation suspended for pregnancy, and would prevent distressing delay in said function when caused by colds, exposure, or similar natural causes, and would correct any faulty condition of the body and stop ill health of the user, and, through sale under the general advertising of "Dr. H. H. Warner's Remedies," that it was made under the supervision or formula of a member of the medical profession, namely, Dr. H. H. Warner, and was prescribed by him for the various ailments set forth; and
- (c) Falsely represented and implied that its aforesaid "Vigo Tablets" would enable men otherwise unable to lead a normal sex life, to lead such a life, assuring the user of vitality and strength, and that the preparation was famous for such attributes and a competent remedy, treatment, or cure for physical debility and of peculiar value to men in relation to their sex life, and, through sale under the general advertisement of "Dr. H. H. Warner's Remedies," that it was made under the formula or supervision of and generally prescribed by a member of the medical profession, namely, Dr. H. H. Warner; facts being that while said preparation did contain a certain substance of value for such purposes, quantity used was too insignificant to be of any value in such respect, and another ingredient not recognized as a remedy, etc., for the aforesaid purposes was, on the contrary, recognized as a deadly and dangerous drug, not safe for use by the public generally without supervision of a competent adviser, and preparation was not famous for any of its claimed attributes;

With effect of misleading and deceiving many members of the purchasing public and of causing them erroneously to believe that such representations and

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implications were true and to purchase substantial quantities of said preparations as a result of such erroneous and mistaken belief thus engendered, and of thereby unfairly diverting substantial trade to it from competitors who do not, in connection with the sale and distribution of their respective products, make use of the same or similar misrepresentations; 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. Robert S. Hall*, trial examiner.

Mr. William L. Taggart for the Commission.

Mr. O. N. Davies, of Minneapolis, Minn., 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 the Warner's Renowned Remedies Co., a corporation hereinafter referred to as respondent, has been and is using unfair methods of competition in commerce, as "commerce" is defined in said act, and it appearing to said Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. The said Warner's Renowned Remedies Co. is now and has been for several years last past a corporation existing and doing business under the laws of the State of Minnesota with its principal place of business at 13 East Twenty-fifth Street, Minneapolis, Minn. Its principal officers are: A. W. Ross, president; O. N. Davis, secretary.

Respondent has been, and is now, engaged in the business of distributing and selling certain medical preparations designated as "Dr. H. H. Warner's Remedies," among which are "Warner's Renowned Vaginal Creme," "Warner's Renowned Fem Pills," and "Warner's Renowned Vigo Tablets," as well as a large number of other products. The respondent causes these products, when sold, to be transported from its aforesaid place of business to the purchasers thereof located in the various States other than the State of Minnesota and in the District of Columbia. It maintains a constant course of trade and commerce in said products so distributed and sold by it among and between the various States of the United States.

The respondent in the course and conduct of said business has been, and is, in substantial competition with other corporations and

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with firms, individuals, and partnerships engaged in the distribution and sale of similar products and other products intended and designed for similar uses in commerce among and between the various States of the United States.

PAR. 2. In the operation of its business and for the purpose of inducing the purchase of said products known and described as "Warner's Renowned Vaginal Creme," "Warner's Renowned Frem Pills," and "Warner's Renowned Vigo Tablets," on the part of members of the purchasing public, the respondent has made use of certain advertising literature such as booklets, pamphlets, circulars, and show window displays containing statements represented to be descriptive of the various products herein named and the effectiveness of said products when used. The advertising literature herein referred to is distributed to members of the purchasing public through circulars or pamphlets which are contained in the boxes in which said products are marketed, and is also distributed through the medium of drug stores or through the United States mails direct to the prospective purchasers.

PAR. 3. With reference to the product designated as "Dr. H. H. Warner's Renowned Vaginal Creme" such statements as the following are made:

Dr. H. H. Warner's Renowned Vaginal Creme—

* * * * *

A Powerful Vaginal Antiseptic

Dr. H. H. Warner's very latest scientific discovery for Personal Hygiene among discriminating women. It is a vaginal antiseptic of proven merit. A positive protection against invading germs. Safe, sure, dependable. It is the most effective and practical preparation we have ever offered and is recommended in the treatment of Leucorrhea (Whites), Inflammation, Vaginitis, Soreness, Pain, Vaginal discharge and as a prophylactic in all similar diseases.

Vaginal Creme does not contain harmful substances such as Bichloride of Mercury, Corrosive sublimate, Carbolic Acid or similar dangerous drugs, yet it possesses all of their powerful antiseptic properties.

Vaginal Creme is prepared with a jelly base which allows its wonderful antiseptic properties to combine readily with the vaginal secretion and thus it is positively carried by it into every fold and crevice throughout the entire vaginal passage and thus produces a safe, sure, most satisfactory state of complete vaginal antiseptis. Recommended by doctors and physicians everywhere. Practically all women, at times, are in need of just such a dependable, safe, sure antiseptic and Dr. H. H. Warner's Vaginal Creme can be absolutely relied upon to fill this need and relieve their mind of any further care or worry.

Its soothing and healing qualities are really wonderful and bring quick relief to suffering women. It is practically odorless itself and its action deodorizes offensive odors and assists very materially in eliminating troublesome and disagreeable discharges.

A large four-ounce tube with a sanitary hard rubber nozzle for application and a rubber cap. Complete directions with each tube * * *

The text of the above statements and others similar thereto not herein set out has a tendency and capacity to and does mislead the public into the mistaken understanding and erroneous belief that the said product has been, and is being, manufactured under the formula of a member of the medical profession; that it is a competent treatment or remedy for such conditions and ailments peculiar to women as leucorrhea (whites), inflammation of the vaginal tract, Vaginitis, soreness, pain, and vaginal discharge; that it is a competent prophylactic in the treatment or cure of various conditions and diseases of the vaginal tract; that its action deodorizes offensive odors; that its general use is safe and harmless to the delicate membrane of the vaginal tract; and that it is a more powerful antiseptic than carbolic acid or bichloride of mercury and is of equivalent germicidal strength.

In truth and in fact the product designated as "Dr. H. H. Warner's Vaginal Creme" or "H. H. Warner's Renowned Vaginal Creme" is not manufactured under the formula of a member of the medical profession. It does not form or constitute a competent treatment, remedy, or cure for the various maladies and diseases peculiar to women as hereinbefore set out. It is not a competent or satisfactory prophylactic for treatment of various diseases of the vaginal tract. It will not deodorize offensive odors and its general use as advertised is not safe and harmless to the delicate membranes of the vaginal tract. It is not as effective as a germicide and is not equivalent in germicidal strength to carbolic acid or bichloride of mercury. The product has no beneficial therapeutic value in the treatment of said diseases; and, in fact, in some cases, the constant use of this product would have a deleterious effect upon persons making use of it. Further, said product is not prepared under the supervision and direction of a medical doctor named H. H. Warner.

PAR. 4. The respondent states in its advertising used in the distribution of the product designated as "Frem Pills" as follows:

Warner's Renowned Frem Pills

Thousands of women are suffering in silence the agonies of delayed and painful menstruation caused by colds, sudden exposure to drafts or other similar natural causes. When some such cause has interfered with Nature's regular function it is only common sense to at once set right the faulty condition, save yourself needless suffering and perhaps permanent damage to the delicate feminine organism.

Warner's Renowned Frem Pills have brought welcome relief to thousands of women and we recommend them to any woman suffering from this ailment

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caused by the above mentioned conditions. Frem Pills are harmless to take but are scientifically compounded to bring the proper results in most cases. People differ in their reactions to medicine and *Frem Pills* are no exception to the rule so that it may take more than one box to bring about the desired relief. Packed 30 pills to the box and mailed in plain package with full directions for use.

The text of the above statements has a tendency to and does lead the purchasing public into the mistaken and erroneous belief that the said product will effectively prevent distressing menstrual delay caused by colds, exposure, or similar natural causes and that it will set right any faulty condition of the body and stop ill health of the female. When sold under the general advertising of Dr. H. H. Warner's Remedies the public is led into the mistaken and erroneous belief that the product has been manufactured under the supervision of, or formula of, a member of the medical profession named "Dr. H. H. Warner" and is prescribed by Dr. H. H. Warner for the ailments set forth.

In truth and in fact the product will not effectively prevent distressing menstrual delay caused by colds, exposure, or similar natural causes nor will the use of the preparation quickly relieve discomfort caused by colds, exposure, or similar natural causes as they play practically no part in delaying menstruation. The product is not manufactured under the supervision or formula of a member of the medical profession or generally prescribed by a member of the medical profession named Dr. H. H. Warner as is implied in said advertising and statements.

PAR. 5. With reference to the product designated as "Vigo Tablets" such statements as the following are made:

Warner's Renowned Vigo Tablets

Are you waging a losing battle? Do you sometimes feel that you have lost your grip and are on the wrong side in the game of life? Feel irritable, discouraged and worn out—no "pep" or vitality? Warner's Renowned Vigo Tablets tend to strengthen weakened, deficient glands and put hope and courage into dejected hearts. Warner's Renowned Vigo Tablets contain no opiates or harmful drugs and are the result of long, careful, scientific research into the underlying causes of faulty gland action. Do not any longer deny yourself your right to enjoy life to the fullest extent—a trial box will convince you.

VIGO—for MEN—Enjoy a normal life! Don't lack vitality and strength. Try our famous VIGO Tablets. Introductory offer—Regular \$2.00 package, full 30-day treatment, special trial offer \$1.00 postpaid in plain package. All correspondence confidential. * * *

The text of the above statements has a tendency to and does mislead the purchasing public into the mistaken and erroneous belief that the said use of said product will enable a person to enjoy a normal

life assuring the user of vitality and strength and that the product is famous for these attributes; that the remedy is a competent treatment or remedy for sexual debility and, further, that the product has some peculiar value for men. The product when sold under the general advertising "Dr. H. H. Warner's Remedies" leads the public into the belief that the product has been manufactured under the supervision or formula of and generally prescribed by a member of the medical profession named Dr. H. H. Warner.

In truth and in fact the use of the said product will not enable one to enjoy a normal life nor assure the user of vitality and strength. There is nothing famous about these tablets. Said product has no particular value for men who are suffering from sexual debility or other ailments, and the product is not manufactured by Dr. H. H. Warner or any person or persons connected with respondent's organization.

PAR. 6. The aforesaid false and misleading statements and representations as used by respondent in offering for sale and selling its products as herein described in commerce as herein set forth, have had and do now have the tendency and capacity to, and do, mislead and deceive members of the purchasing public into the erroneous and mistaken belief that said representations are true and into the purchase of substantial quantities of respondent's product on account of said erroneous and mistaken belief induced as aforesaid. As a result thereof trade is unfairly diverted from competitors of respondent who do not in the sale and distribution of their respective product make use of the same or similar misrepresentations. In consequence thereof injury has been and is now being done by respondent to competition in commerce among and between the various States of the United States.

PAR. 7. The methods, acts, and practices of respondent herein set forth are all to the prejudice of the public and of respondent's competitors as hereinabove alleged. Said methods, acts, and practices constitute unfair methods of competition in commerce within the intent and meaning of Section 5 of an Act of Congress entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on March 20, 1937, issued and on March 22, 1937, served its complaint in this proceeding upon respondent. Warner's Renowned Remedies Co., a corporation, charging it

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with the use of unfair methods of competition in commerce in violation of the provisions of said act. After the issuance of said complaint, no answer having been filed thereto, testimony and other evidence in support of the allegations of said complaint were introduced by William L. Taggart, attorney for the Commission, before Robert S. Hall, an examiner of the Commission theretofore duly designated by it, and in opposition to the allegations of the complaint by O. N. Davies, Esq., attorney for the respondent, and said testimony and other evidence was 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, testimony and other evidence, brief in support of the complaint, 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 said Warner's Renowned Remedies Co. is now and has been for several years last past a corporation existing and doing business under the laws of the State of Minnesota, with its principal place of business at 13 East Twenty-fifth Street, Minneapolis, Minn.

Respondent has been, and is now, engaged in the business of distributing and selling certain medical preparations designated as "Dr. H. H. Warner's Remedies," among which are "Warner's Renowned Vaginal Creme," "Warner's Renowned Fem Pills," and "Warner's Renowned Vigo Tablets," as well as a large number of other preparations. The respondent causes these preparations, when sold, to be transported from its aforesaid place of business to the purchasers thereof located in the various States other than the State of Minnesota and in the District of Columbia. It maintains a constant course of trade and commerce in said preparations so distributed and sold by it among and between the various States of the United States.

The respondent, in the course and conduct of said business, has been, and is, in substantial competition with other corporations, and with firms, individuals, and partnerships engaged in the distribution and sale of similar preparations and other preparations intended and designed for similar uses in commerce among and between the various States of the United States.

PAR. 2. In the operation of its business and for the purpose of inducing the purchase of said preparations known and described as "Dr. H. H. Warner's Renowned Vaginal Creme" and "Dr. H. H.

Warner's Vaginal Creme," "Warner's Renowned Frem Pills," and "Warner's Renowned Vigo Tablets," on the part of members of the purchasing public, the respondent has made use of certain booklets, pamphlets, circulars, and show window displays containing statements represented to be descriptive of the various preparations herein named and the effectiveness of said preparations when used. The advertising literature herein referred to is distributed to members of the purchasing public through circulars or pamphlets which are contained in the boxes in which said preparations are marketed, and is also distributed through the medium of drug stores or through the United States mails direct to the prospective purchasers.

PAR. 3. The preparation "Warner's Renowned Vaginal Creme" consists of boric acid 2 lb. 6 oz., glycerine 2 gal., oxyquinolin sulphate $\frac{1}{2}$ oz. av., chlorothymol 1 oz. 122 gr., lactic acid 4 oz. 412 min., perfume q. s., special base sufficient to make 80 lbs. It is applied through a pipe tube or applicator inserted by hand in the vagina, and the tube squeezed to force the jelly up into the vagina.

With reference to this preparation such statements as the following are made:

Dr. H. H. Warner's Renowned Vaginal Creme—

* * * * *

A Powerful Vaginal Antiseptic

Dr. H. H. Warner's very latest scientific discovery for Personal Hygiene among discriminating women. It is a vaginal antiseptic of proven merit. A positive protection against invading germs. Safe, sure, dependable. It is the most effective and practical preparation we have ever offered and is recommended in the treatment of Leucorrhea (Whites), Inflammation, Vaginitis, Soreness, Pain, Vaginal discharge and as a prophylactic in all similar diseases.

Vaginal Creme does not contain harmful substances such as Bichloride of Mercury, Corrosive sublimate, Carbolic Acid or similar dangerous drugs, yet it possesses all of their powerful antiseptic properties.

Vaginal Creme is prepared with a jelly base which allows its wonderful antiseptic properties to combine readily with the vaginal secretion and thus it is positively carried by it into every fold and crevice throughout the entire vaginal passage and thus produces a safe, sure, most satisfactory state of complete vaginal antiseptis. Recommended by doctors and physicians everywhere. Practically all women, at times, are in need of just such a dependable, safe, sure antiseptic and Dr. H. H. Warner's Vaginal Creme can be absolutely relied upon to fill this need and relieve their mind of any further care or worry.

It's soothing and healing qualities are really wonderful and bring quick relief to suffering women. It is practically odorless itself and its action deodorizes offensive odors and assists very materially in eliminating troublesome and disagreeable discharges.

A large four-ounce tube with a sanitary hard rubber nozzle for application and a rubber cap. Complete directions with each tube. * * *

The formula for said preparation is one commonly used in contraceptive jelly, and the implication from the above and other advertising is that it will prevent conception; further the public is led into the mistaken understanding and erroneous belief that the said preparation has been, and is being, manufactured under the formula and supervision of a member of the medical profession; that it is a competent treatment or remedy for such conditions and ailments peculiar to women as leucorrhea (whites), inflammation of the vaginal tract, vaginitis, soreness, pain, and vaginal discharge; that it is a competent prophylactic in the treatment or cure of various conditions and diseases of the vaginal tract; that its action deodorizes offensive odors; that its general use is safe and harmless to the delicate membrane of the vaginal tract; and that it is a more powerful antiseptic than carbolic acid or bichloride of mercury and is of equivalent germicidal strength.

In truth and in fact the preparation designated as "Dr. H. H. Warner's Vaginal Creme" or "H. H. Warner's Renowned Vaginal Creme" will not prevent conception, and is not manufactured under the formula or supervision of a member of the medical profession. It does not form or constitute a competent treatment, remedy, or cure for the various maladies and diseases peculiar to women as hereinbefore set out. It is not a competent or satisfactory prophylactic for treatment of various diseases of the vaginal tract. It will not deodorize offensive odors and its general use as advertised is not safe and harmless to the delicate membranes of the vaginal tract. It is not as effective as a germicide and is not equivalent in germicidal strength to carbolic acid or bichloride of mercury. The preparation has no beneficial therapeutic value in the treatment of said diseases; and, in fact, in some cases, the constant use of this preparation will have a deleterious effect upon the user. Said preparation is not prepared under the supervision and direction of a medical doctor named H. H. Warner.

PAR. 4. The preparation "Warner's Renowned Frem Pills" consists of the following chemicals and drugs: Ergotin 1 grain, extract of cotton root bark 1 grain, aloe 1 grain, ferrous sulphate dried 1 grain, oil of savin one-sixth min. The preparation is taken internally.

The respondent states in its advertising used in the distribution of the preparation as follows:

Warner's Renowned Frem Pills

Thousands of women are suffering in silence the agonies of delayed and painful menstruation caused by colds, sudden exposure to drafts or other similar natural causes. When some such cause has interfered with Nature's

regular function it is only common sense to at once set right the faulty condition, save yourself needless suffering and perhaps permanent damage to the delicate feminine organism.

Warner's Renowned Frem Pills have brought welcome relief to thousands of women and we recommend them to any woman suffering from this ailment caused by the above mentioned conditions. *Frem Pills* are harmless to take but are scientifically compounded to bring the proper results in most cases. People differ in their reactions to medicine and *Frem Pills* are no exception to the rule so that it may take more than one box to bring about the desired relief. Packed 30 pills to the box and mailed in plain package with full directions for use.

It is a well known fact that the skip of a period in a female is very often due to a pregnancy and not to merely catching cold or being exposed to a draft. There are few conditions that will produce delays outside of pregnancy, in fact, a female has to have a cold with a temperature between 102 and 105 before a cold will have any effect on the menstruation period, if at all. The implication from the advertising is that the preparation will produce a dangerous abortion because pregnancy is the commonest cause of the failure to menstruate at a regular time. Further, the statements in the advertising have a tendency to, and do, lead the purchasing public into the mistaken and erroneous belief that the said preparation will effectively prevent distressing menstrual delay caused by colds, exposure, or similar natural causes, and that it will correct any faulty condition of the body and stop ill health of the female. When sold under the general advertising of Dr. H. H. Warner's Remedies the public is led into the mistaken and erroneous belief that the preparation has been manufactured under the supervision or formula of a member of the medical profession named "Dr. H. H. Warner" and is prescribed by Dr. H. H. Warner for the ailments set forth.

In truth and in fact, the preparation will not effectively prevent distressing menstrual delay caused by colds, exposure, or similar natural causes. Colds and exposure play practically no part in delaying menstruation. The preparation will not uniformly produce an abortion. The preparation is not manufactured under the supervision or formula of a member of the medical profession or generally prescribed by a member of the medical profession named Dr. H. H. Warner, as implied in said advertising and statements.

PAR. 5. The preparation "Warner's Renowned Vigo Tablets" consists of the following chemicals or drugs: Strychnine phos. 1/120 gr., zinc phosphide 1/10 gr. and yohimbine hydroch. 1/12 gr., orchic substance 1 grain, muirapauma 1 grain. The preparation is a tablet, and is taken internally.

The following claims are made in advertising:

Warner's Renowned Vigo Tablets

Are you waging a losing battle? Do you sometimes feel that you have lost your grip and are on the wrong side in the game of life? Feel irritable, discouraged and worn out—no "pep" or vitality? Warner's Renowned Vigo Tablets tend to strengthen weakened, deficient glands and put hope and courage into dejected hearts. Warner's Renowned Vigo Tablets contain no opiates or harmful drugs and are the result of long, careful, scientific research into the underlying causes of faulty gland action. Do not any longer deny yourself your right to enjoy life to the fullest extent—a trial box will convince you.

VIGO—for MEN—Enjoy a normal life! Don't lack vitality and strength. Try our famous VIGO Tablets. Introductory offer—Regular \$2.00 package, full 30-day treatment, special trial offer \$1.00 postpaid in plain package. All correspondence confidential. * * *

The above and foregoing representations and implications used by the respondent in connection with the sale and distribution of the preparation "Warner's Renowned Vigo Tablets" lead the purchasing public to believe that the use of such preparation will enable persons, otherwise unable to lead a normal sex life, to lead a normal sex life, assuring the user of vitality and strength, and that the preparation is famous for these attributes; that the preparation is a competent remedy, treatment, or cure for sexual debility, and that it is of peculiar value to men in relation to their sex life. While the preparation does contain orchic substance taken from the testicles of animals which is of value in the treatment of men suffering from sexual debility, the quantity used in said preparation is too insignificant to be of any value in this respect. Yohimbine hydrochloride, commonly referred to as "Spanish fly," is a very deadly poison and a dangerous drug, and it is not recognized as a remedy, treatment, or cure for sexual debility or as a restorer of vitality and strength, or as being of value to men. On the contrary, it is recognized as a deadly and dangerous drug, not safe for use by the public generally without the supervision of a competent medical adviser. This preparation is not famous for any of its claimed attributes.

This preparation is sold under and as the result of the general advertising of "Dr. H. H. Warner's Remedies" and this advertising matter leads the purchasing public to believe that the preparation has been manufactured under the formula or supervision of, and is generally prescribed by, a member of the medical profession named H. H. Warner. In truth and in fact, this preparation is not manufactured under the formula or supervision of, and is not generally prescribed by, a member of the medical profession named H. H. Warner, or any other member of the medical profession.

PAR. 6. The above and foregoing acts and practices of the respondent in using false and misleading and deceptive representations and implications, as hereinabove set out, in offering for sale and selling its preparations in said commerce, have had, and do now have, the tendency and capacity to and do mislead and deceive many members of the purchasing public, and cause them erroneously to believe that said representations and implications are true and to purchase substantial quantities of respondent's said preparations as the result of the erroneous and mistaken belief engendered as aforesaid. As a result thereof substantial trade in said commerce is unfairly diverted to the respondent from its competitors who do not, in connection with the sale and distribution of their respective products, make use of the same or similar misrepresentations, to the injury of said competitors, and to the injury of the public.

CONCLUSION

The aforesaid acts and practices of the respondent, Warner's Renowned Remedies Co., a corporation, 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 the Federal Trade Commission Act.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the testimony and other evidence submitted before Robert S. Hall, an examiner of the Commission theretofore duly designated by it, the briefs filed, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, Warner's Renowned Remedies Co., a corporation, its officers, representatives, agents, and employees, in connection with the offering for sale, sale, and distribution of certain pharmaceutical preparations now designated as Warner's Renowned Vaginal Creme, Warner's Renowned Frem Pills, and Warner's Renowned Vigo Tablets, or of any other preparations possessing similar ingredients or properties, whether sold under those names or under any other names, do forthwith cease and desist from representing, either directly or by implication, as to the preparation designated—

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Warner's Renowed Vaginal Creme

1. That it will prevent conception;
 2. That it is manufactured under the formula or supervision of a member of the medical profession;
 3. That it is a prophylactic, deodorant, is harmless, and a remedy and cure for the various maladies and diseases peculiar to women; and
 4. That it is a germicide and possesses germicidal strength equal to bichloride of mercury and carbolic acid;
- as to the preparation—

Warner's Renowned Frem Pills

1. That it will safely bring on an abortion;
 2. That menstrual delay generally is caused by colds, exposure, or similar natural causes; that the preparation is a remedy for menstrual delay generally; and
 3. That the preparation is manufactured by or under the supervision of a member of the medical profession;
- as to the preparation—

Warner's Renowned Vigo Tablets

1. That the taking of the preparation assures a person of vitality and strength;
2. That the preparation has a peculiar value for persons suffering from sexual debility;
3. That it is manufactured by or under the supervision of a member of the medical profession; and
4. That the preparation is famous for its claimed attributes.

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

Syllabus

IN THE MATTER OF

SHELTON TUBULAR RIVET COMPANY ET AL.

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

Docket 3107. Complaint, Apr. 17, 1937—Decision, June 14, 1938

Where 11 corporations, engaged in manufacture and sale of industrial rivets, namely, tubular, split, and outside pronged rivets, including compressed rivet sets, countersunk rivets, shoulder rivets, etc., but not solid rivets, constituting a substantial majority of all manufacturers of such rivets in the United States for several years last past, and members or former members of a voluntary, unincorporated organization, composed of principal manufacturers of such products in the United States, selling and distributing the major part of the total amount of such rivets produced therein, and theretofore in open competition among themselves as to price in the sale of said industrial rivets between and among the various States and in the District of Columbia: their aforesaid organization, established for the purpose, among others, of aiding them in carrying out more effectively the hereinbelow set forth agreements and combinations; and the president of said organization, and director and in control of its activities for and on behalf of its members: with intent of eliminating price competition among themselves—

Entered into and carried out an understanding, agreement, combination and conspiracy among themselves to fix and maintain, and by which they did fix and maintain, uniform delivered prices to be exacted by them from the purchasers of such industrial rivets, and thus to fix the delivered prices thereof between and among the various States and in the District of Columbia; and in pursuance of such understandings, etc., and to carry out the same, among other things—

- (1) Agreed, among themselves, to fix and maintain and, pursuant thereto, fixed and maintained uniform delivered prices, including discounts thereon, for such rivets sold by the members of the aforesaid organization and each of them;
- (2) Induced certain of their members, by intimidation and persuasion, to raise their quoted prices, including discounts, to the uniform delivered prices fixed as above set forth by the aforesaid understanding, etc.; and
- (3) Held meetings of said organization, its members and officers, to devise methods of asserting influence, pressure, coercion, or other means of inducing coercing and requiring manufacturers and producers of industrial rivets to fix, establish, and maintain prices and fix the established and published prices, together with designated discounts therefor, and to abide by and adhere to such uniform prices and discounts thus fixed;

With capacity, tendency, and effect of monopolizing in themselves the business of manufacturing, dealing in, and distributing such industrial rivets, unreasonably lessening, eliminating, restraining, stifling, hampering, and suppressing competition in said industry, depriving the purchasing and consuming public of the advantages in price, service, and other considerations which they would receive and enjoy under conditions of normal and unob-