

IN THE MATTER OF
GOLDEN PEACOCK, INC.

MODIFYING CEASE AND DESIST ORDER

Docket 3156. Order, June 29, 1938

Order modifying cease and desist order entered against aforesaid respondent in Docket 3156, on February 12, 1938, 26 F. T. C. 752, prohibiting certain misrepresentations by said respondent, its officers, etc., in connection with offer, sale, and distribution of its toilet preparations, "Golden Peacock Bleach Cream" and "Miracream," or other similar preparations, as hereinbelow set forth.

Before *Mr. Robert S. Hall*, trial examiner.

Mr. Carrel F. Rhodes for the Commission.

Mr. R. H. Rhodes, of Paris, Tenn., for respondent.

ORDER

This proceeding having been heard by the Federal Trade Commission upon the request of respondent to modify the order to cease and desist issued herein on February 16, 1938, and the Commission having duly considered said request and the record herein, and being now fully advised in the premises;

It is ordered, That the respondent, Golden Peacock, Inc., its officers, representatives, agents, and employees, in connection with the offering for sale, sale, and distribution of its toilet preparations, "Golden Peacock Bleach Cream" and "Miracream," or any other preparations composed of substantially the same ingredients as said preparations, in interstate commerce or in the District of Columbia, do forthwith cease and desist from representing:

1. That the use of said preparations, or any of them—

(a) Will nourish, revitalize, or rejuvenate the skin;

(b) Will produce or cause a soft, flawless ivory skin;

(c) Will bleach the skin white and keep it white;

(d) Will remove liver spots, sallowness, deep-seated discolorations;

(e) Will remove blotches, freckles, tan, pimples, and imperfections from the skin unless such representations are specifically restricted to such conditions when external in character and located in the outer layer of the skin and when not associated with any systemic disorder or cause.

2. That said preparations, or any of them—

(a) Contain refined ingredients which revitalize the skin and change its color and texture to a child-like whiteness and texture;

(b) Are new discoveries, or that they or any of them were or are preparations developed after years of experimentation by eminent doctors or skin specialists;

(c) Have been endorsed by leading medical authorities.

It is further ordered, That the respondent shall, within 60 days after the 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 shall have complied with this order.

IN THE MATTER OF
BOURJOIS, INC., AND BARBARA GOULD SALES
CORPORATION

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

Docket 2838. Complaint, June 9, 1936—Decision, June 30, 1938

Where a domestic corporation engaged, at its Rochester factory, in manufacture of cosmetics and other toilet preparations, and in sale and distribution of its said products to and through its corporate and other subsidiaries, and in securing, through its Paris office, concentrates, bottles, labels, and other material; and said wholly owned corporate subsidiary engaged in purchasing powders sold by it exclusively from its said parent concern at its Rochester plant for delivery to said subsidiary in New York and Chicago, and in shipping therefrom, to purchasers in every State and in District of Columbia, its said products, and in selling, under corporate name including words "Barbara Gould," their so-called "Skin Food," "Skin Cream," and "Face Powder"—

- (a) Sold their "Evening in Paris Talcum" in glass containers with label displaying words "Evening in Paris, BOURJOIS, New York—Paris," and enclosed in cardboard containers similarly displaying aforesaid words, together with depiction of certain scenes peculiar to Paris, and including the Eiffel Tower, notwithstanding fact talcum powder in question was compounded and processed from separately imported ingredients and assembled and packaged for sale and distribution at factory, in this country, of said first-named corporation, and was not, as thus represented, made in and imported from France;
- (b) Represented, in various periodicals, including magazines of Nation-wide circulation, and in newspapers of wide interstate circulation, and in advertising matrices sent for reproduction to retailers throughout the United States, that preparation first sold by them under designation "Barbara Gould Irradiated Skin Food" and thereafter, substantially unchanged, as "Barbara Gould Irradiated Skin Cream," had been irradiated with ultraviolet rays, and that, applied to the skin, said "Food" released rays of light and sunlight of therapeutic and beneficial value, and that its said similarly designated "Irradiated Face Powder," and its said "Irradiated Skin Food," were beautifying, stimulating, and beneficial in treatment of skin, by reason of such ultraviolet irradiation, and that its aforesaid skin cream, by reason of such treatment and as a consequence thereof, released, when applied to skin, atomic oxygen, which was absorbed thereby, and thus conferred upon users thereof therapeutic and beneficial results, facts being processes used in compounding said products did not and do not have result of causing them to absorb and retain, and, upon use, emit sufficient ultraviolet rays to be beneficial in treatment of skin, and said "Face Powder," "Skin Food," and "Skin Cream" gave out no radiation whatever, nor ultraviolet rays or sunlight or light or reirradiation of any kind, and emitted no form of light rays;