

Syllabus

IN THE MATTER OF

JOHN PETRIE, TRADING AS PURITY PRODUCTS COMPANY, B-X LABORATORIES, ETC.

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

Docket 3123. Complaint, May 5, 1937—Decision, July 25, 1938

Where an individual, engaged in the advertisement, sale, and distribution of medical preparations for internal use for ailments and conditions peculiar to women, including certain products variously known and described as "Menstrua" or "Minex," "B-X Monthly Relief Compound," "B-X Monthly Tablets," and "Hygeen Tablets," not made by him, but purchased in bulk as stock products from a manufacturing chemist, who made no representations as to the purpose or efficacy thereof other than to state their chemical formulae; in advertising literature such as booklets, pamphlets, and circulars, made use of by him, and purporting to be descriptive of the various products and of their effectiveness for the uses advertised—

- (a) Represented that said products "Menstrua," or "Minex," "B-X Monthly Relief Compound," or "B-X Monthly Tablets," formed safe, competent, or reliable remedies or treatments for delayed, painful, or suppressed menstruation, or for menstrual disorders generally, or that said products formed a general preventive for ill health, or that said products were effective to tone up the generative organs, or the whole system, or that said products were abortifacients, or that said products were harmless or produced no bad after effects;

Facts being that said various products, as case might be, could not be used with perfect safety at all times indicated, but contained ingredients which might be highly dangerous to some people, and should not be administered other than under the direction of a competent physician who could watch the effects thereof upon the patient, and they were not effective for the purposes for which offered or implied, and said statements and representations, and the implications thereof, were false and misleading; and

- (b) Represented that said product "Hygeen" was an effective, potent, or powerful germicide under the conditions of use for feminine hygiene, or that it was effective in the prevention of venereal diseases, or that it could be used safely or without fear of harmful results so far as the prevention of infection is concerned, or that it was a positive or dependable contraceptive under all conditions or in all cases, or that it was effective as a deodorant for use after menstruation, or that it was harmless;

Facts being that said tablets were not effective for the purposes thus implied or represented, and said various representations were false and misleading;

With capacity and tendency to confuse, mislead, and deceive members of the public as to the properties and therapeutic effects of said products in the various particulars set forth and suggested, and to induce and cause them to buy and use the same because of the erroneous beliefs engendered, including those by suggestion and innuendo as to their uses as abortifacients and contraceptives, respectively, with their added sales appeal, and with

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result that trade was diverted unfairly to him from competitors who truthfully represent their products and the properties and therapeutic effects thereof, and who are engaged in the sale of preparations of same or similar kinds, or adapted to or used for legitimate purposes for which said individual recommends his said preparations:

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

Before *Mr. Robert S. Hall* and *Mr. John L. Hornor*, trial examiners.

Mr. William L. Taggart for the Commission.

Nash & Donnelly, 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 John Petrie, an individual, trading under various names, particularly those of Purity Products Co. and B-X Laboratories, 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 the 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 respondent, John Petrie, has been for more than 2 years last past, and is now, engaged in the business of advertising, distributing, and selling medical preparations for internal use for various troubles in the female anatomy. The principal office and place of business of the respondent is at 6023 Harper Avenue, Chicago, Ill.

The respondent causes his products, when sold, to be transported from his aforesaid place of business in the State of Illinois to purchasers thereof located in various States other than the State of Illinois and in the District of Columbia. He maintains a constant course of trade and commerce in said products so distributed and sold by him between the State of Illinois and various other States of the United States and the District of Columbia.

PAR. 2. In the course and conduct of said business respondent has been and is in substantial competition with other individuals and with firms, corporations, and partnerships engaged in the distribution and sale of similar products, and other products intended and designed for similar use by women in commerce among and between the various States of the United States and the District of Columbia.

PAR. 3. The products marketed by respondent are variously known and described as "Menstrua" or "Minex," "B-X Monthly Relief Compound," "B-X Monthly Tablets," and "Hygeen Tablets."

PAR. 4. In the operation of his business and for the purpose of inducing the purchase of said products on the part of members of the purchasing public the respondent has made use of certain advertising literature, such as booklets, pamphlets, circulars, and labels purporting to be descriptive of the various products herein named as well as the effectiveness of said products for the uses advertised, which are distributed by the respondent among and between the various States of the United States.

With reference to the products designated as "B-X Monthly Relief Compound" and "B-X Monthly Tablets" such statements as the following are made:

Feminine Hygiene—Delayed?—Use famous time-tested B-X Monthly Relief Compound when nature fails! *Starts working instantly!* Brings soothing, satisfying relief in some of longest, most stubborn, unnatural delays very quickly—in only a few hours in some cases! Very powerful, yet absolutely safe! Guaranteed—Pure—Harmless. No pain, inconvenience, or interference with duties! Constituents strongly recommended by famous doctors! Used and praised by thousands of grateful women! * * *

* * * This excellent remedy quickly yet safely reduces congestion of the generative organs, as it acts directly on the circulation of the uterus, and thus irregularities are corrected, unnatural suppression is often speedily relieved, and the monthly sickness is consequently re-established.

* * * *Feminine Hygiene*—For unnatural delay or irregularity use harmless B-X Monthly Tablets. Quick, painless relief even in many worst cases! Absolutely safe! * * * Used by thousands! Enthusiastic women report unbelievably prompt, soothing, seemingly magical relief!

* * * *Absolute Privacy*—If you suffer from a morbid, unnatural menstrual condition, you may now treat your ailment in the comfortable surroundings of your own home with absolute privacy. * * * They have utility solely in morbid, unnatural conditions of the menstrual function, and the woman who has never had occasion to use them for the purposes indicated probably has a delightful surprise in store for her at the seemingly magical manner in which they usually operate.

In said statements, together with other similar statements not herein set out with respect to the products named, respondent directly and through implication represents that said products form safe, competent, and reliable remedies for all delay in the functioning of the menses; that menstruation is brought on in a few hours by the use of said products; that said products are harmless and absolutely safe; that they form a general preventive for ill health and that they are recommended by famous doctors; that they are a remedy for unnat-

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ural, sluggish, suppressed irregular and delayed periods including painful, fetid, scanty, absent monthly flow and other similar troublesome conditions of the menstrual function when due to unnatural causes, and that they are effective to tone up the generative organs and the whole system and act directly on the circulation of the uterus.

In truth and in fact said articles or products are not effective as competent and reliable treatments or remedies for delay in functioning of the menses. Said products are not effective as remedies for unnatural, sluggish, suppressed, irregular or delayed periods. They are not effective to tone up the generative organs or the whole system, and they do not act directly on the circulation of the uterus. Neither of said products correct irregularities, relieve unnatural suppression or reestablish the monthly flow. They are not effective as reliable or efficient remedies in many of the most stubborn or longstanding causes of unnatural suppression of menstruation. Further, said products do not form absolutely safe or harmless treatments if taken according to directions and are not recommended by famous physicians or generally by physicians.

PAR. 5. With reference to the products designated as "Menstrua" or "Minex" and "Hygeen" such statements as the following are made in the manner set out in paragraph 4:

(a) Menstrua—for ending delayed menstruation

Marvelous Menstrua! The ultra-modern triumph of medical science! When nature fails, use safe, reliable Menstrua! Designed to powerfully and positively force remarkably speedy results—without pain, harm or inconvenience—in many of the most stubborn delays arising from the usual unnatural causes.

Renowned physicians and scientists recommend the pure vegetable ingredients contained in Menstrua for their effectiveness in above mentioned menstrual delays, irregularities, pain and suppression.

Menstrua, though extremely powerful in forcing results, is absolutely safe, acts without pain and leaves no bad after effects.

Menstrua is guaranteed to comply with strict requirements of the Pure Food and Drug Law. It is made from high quality, safe, harmless ingredients, with wonderful results reported by women from all over America who continued without break until results came. * * *

(b) Hygeen—for antiseptic safeguarding in feminine hygiene.

The astounding wonder of Hygeen Tablets!—They have $1\frac{1}{2}$ times the germ destroying power of carbolic acid per Rideal & Walker Phenol Coefficiency Test—yet are as harmless as milk to the delicate tissue and membranes! * * *

In three to five minutes the tablet will have developed the antiseptic foam which will keep the vagina sterile for hours, after which it can be douched out with a clear lukewarm water.

They are designed for dependable yet safe antiseptics in absolutely safeguarding against inherent, innate, non-extraneous, infectious germ or bacteriological life in uterine and vaginal discharges and secretions in the vaginal canal.

PAR. 6. In said statements together with other similar statements not herein set out with respect to the product *Menstrua* or *Minex* respondent directly and through implication represents and infers that the product forms a safe, reliable and effective remedy, among other things, for menstrual disorders in women, and for painful, scanty, fetid, or difficult menstruation: that said product is effective to insure the presence of the abnormally delayed flow; that it is effective as a treatment for pain and suppression during menses; that it is effective as a reliable remedy composed of safe and harmless ingredients which can powerfully and positively force remarkably speed results in many of the most stubborn delays arising from the usual unnatural causes; that it is effective as a marvelous monthly regulator; that menstruation is brought on in a few hours by the use of said tablets when it is caused by ill health or other similar troubles; that the product is recommended by famous physicians or generally by physicians and that the product is effective as a germ destroyer and sterilizes every vestige of infectious uterine secretions and discharges in the vagina.

In the aforesaid statement with reference to *Hygeen* tablets and other similar statements not set out herein respondent directly and through implication represents that said product is effective to kill germ life; that it is effective as an antiseptic to safeguard feminine hygiene and guard against inherent, innate, non-extraneous, infectious germ or bacteriological life in uterine and vaginal discharges and secretions; that it forms a competent contraceptive and is effective as a deodorant for use after menstruation; and is effective as a treatment, remedy, and cure for discharges and leucorrhea. And further, respondent directly or through implication infers and represents said article to contain one and one-half times the germ destroying power of carbolic acid.

PAR. 7. In truth and in fact the said product, *Menstrua* or *Minex*, does not form a safe, reliable and effective remedy, treatment or cure for menstrual disorders or delays in women. It is not effective as a treatment, remedy or cure for painful, suppressed, scanty, fetid or difficult menstruation. It is not effective to insure the presence of the abnormally delayed flow; or effective as a treatment for pain or suppression during menses. It is not composed of safe and harmless ingredients, and it is not recommended by famous physicians or generally by physicians; and is not better than other pills and tablets composed of the same ingredients.

The product known as *Hygeen* tablets is not effective as a germ destroyer and will not sterilize every vestige of infectious uterine

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secretions or discharges in the vagina. It is not effective to kill germ life, and does not act as a contraceptive. It is not effective as an antiseptic to safeguard feminine hygiene or as a dependable or safe antiseptis in absolutely safeguarding against inherent, innate, non-extraneous, infectious germ or bacteriological life in uterine and vaginal discharges in the vaginal canal. Further, said product is not a deodorant and has not one and one-half times the germ destroying power of carbolic acid as is claimed and represented. It is not better than ordinary pills and tablets composed of the same ingredients.

PAR. 8. The respondent in marketing the products or articles named herein in commerce in the manner as set out herein creates the impression and belief that all of said articles or products with the exception of Hygeen tablets will evacuate the uterus after conception and it is further represented either directly or by reasonable implication that the said medicinal preparations can be used generally as effective abortifacients.

In truth and in fact none of the said products should be used to evacuate the uterus. They do not always act as abortifacients and their general use for these conditions is unsafe to the health of the individual.

PAR. 9. There are among respondent's competitors in commerce, as herein set out, those who do not in any way misrepresent the character and nature of their products and who do not make use of any of the misleading representations herein set out and similar ones with respect to the therapeutic value of their respective products.

PAR. 10. The aforesaid false and misleading statements and representations used by the respondent in offering for sale and selling the various products as herein described in commerce as herein set out, have had, and 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 various products on account of said erroneous and mistaken belief.

As a result thereof trade is unfairly diverted to respondent from competitors who do not in the sale and distribution of their respective products 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. 11. The methods, acts, and practices of respondent herein set forth are to the prejudice of the public and of competitors of the

respondent 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 approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes."

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on May 5, 1937, issued and served its complaint in this proceeding upon respondent John Petrie, an individual, trading under the trade names "Purity Products Co.," "B-X Laboratories," and under other names, 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 William L. Taggart, attorney for the Commission, and in opposition to the allegations of the complaint by John A. Nash and Horace J. Donnelly, Jr., attorneys for the respondent, before Robert S. Hall and John L. Hornor, examiners of the Commission theretofore duly designated by it, and said testimony and other evidence were 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, testimony and other evidence, briefs in support of the complaint and in opposition thereto, respondent not desiring oral argument theretofore requested by him and granted by the Commission, and the Commission having duly considered the matter 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. Respondent John Petrie is an individual, trading under the trade names "Purity Products Co.," "B-X Laboratories," and under other names; said respondent has been for more than 2 years last past, and is now, engaged in the business of advertising, selling, and distributing medical preparations for internal use for various troubles of the female anatomy. The most recent known principal office and place of business of the respondent is 6023 Harper Avenue, Chicago, Ill.

The respondent causes his products, when sold, to be transported from his place or places of business in the State of Illinois to pur-

chasers thereof located in various States of the United States other than the State of Illinois and in the District of Columbia. He maintains, and during all times mentioned herein has maintained, a course of trade in said products so sold and distributed by him in commerce between the State of Illinois and various other States of the United States and the District of Columbia.

PAR. 2. In the course and conduct of his said business, respondent has been, and now is, in substantial competition with other individuals and with firms, corporations, and partnerships engaged in the sale and distribution of similar products and other products intended and designed for similar use by women in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 3. The products advertised, offered for sale, and sold are distributed by respondent in interstate commerce, as aforesaid, are variously known and described as "Menstrua" or "Minex," "B-X Monthly Relief Compound," "B-X Monthly Tablets," and "Hygeen Tablets." Respondent does not manufacture said products. He buys them in bulk as stock products from a manufacturing chemist who makes no representations as to the purpose of said products or the efficacy thereof other than to state their chemical formulae.

PAR. 4. In the operation of his business and for the purpose of inducing the purchase of said products by members of the purchasing public, the respondent has made use of certain advertising literature such as booklets, pamphlets, and circulars, purporting to be descriptive of the various products herein named, as well as of the effectiveness of said products for the uses advertised, which are distributed among and between the various States of the United States.

With reference to the products designated as "B-X Monthly Relief Compound" and "B-X Monthly Tablets," representations such as the following are made by respondent:

A Health and life preserver for women

B-X Monthly Relief Compound

A monthly regulator remedy for female treatment.

B-X Monthly Relief Compound is a gentle, harmless, reliable, and convenient remedy for quickly relieving unnaturally sluggish, suppressed, irregular, delayed periods, including painful, fetid, scanty, absent monthly flow, and other similar troublesome conditions of the menstrual function when due to unnatural causes. This remedy is intended to tone up the generative organs, and also the whole system, and is considered one of the finest and most dependable preparations of its kind known to modern medical science.

B-X Monthly Relief Compound is carefully compounded by expert chemists according to the highest medical standards, only the finest and purest materials obtainable being used. This excellent remedy quickly yet safely reduces congestion of the generative organs, as it acts directly on the circulation of the

uterus, and thus irregularities are corrected, unnatural suppression is often speedily relieved, and the monthly sickness is consequently re-established.

Perfect Safety

B-X Monthly Relief Compound may be used with perfect safety at all times indicated and yet is a remarkably reliable and efficient remedy in many of the most stubborn, longstanding cases of unnatural suppression, painful menstruation, and other menstrual disorders.

Absolute Privacy

If you suffer from a morbid, unnatural menstrual condition, you may now treat your ailment in the comfortable surroundings of your own home with absolute privacy, provided of course, that surgical measures are not necessary, and it is not due to systemic disease. You don't need to ask anyone for information, nor mention the matter to anyone, for we furnish complete directions which have enabled thousands of grateful women to relieve their own suffering without anyone's help or advice. B-X products work quietly and safely * * *. They have utility solely in morbid, unnatural conditions of the menstrual function, and the woman who has never had occasion to use them for the purposes indicated probably has a delightful surprise in store for her at the seemingly magical manner in which they usually operate.

We, the B X Laboratories of Chicago, do hereby guarantee the B-X products for women * * * to be harmless if taken where indicated according to directions.

* * * * *

B-X Monthly Relief Compound can be judged as the greatest boon of its kind of women that ultra-modern science has yet produced! Designed to bring about return of the flow in abnormally delayed menstruations, safely, harmlessly, and without inconvenience.

What Every Woman Should Know

When nature fails the calendar, and a menstrual delay sets in from usual causes that interfere with normal functions, There Is Now a Way to Bring Back Return of the Flow. That way now used by so many hundreds of knowing women all over America, is simply to take B-X Monthly Relief Compound.

In said statements, together with other similar statements not herein set out with respect to the products named, respondent directly or through reasonable implication represents that said products form a gentle, harmless, reliable, and convenient remedy for quickly relieving unnatural, sluggish, suppressed, irregular, delayed periods, including painful, fetid, scanty, absent monthly flow, and other similar troublesome conditions of the menstrual function, when due to unnatural causes; that said products are intended to tone up the generative organs and also the whole system; that they quickly yet safely reduce congestion of the generative organs, as they act directly on the circulation of the uterus; that they may be used with perfect safety at all times indicated; that they form a remarkably reliable and efficient remedy in many of the most stubborn, longstanding cases of unnatural suppression, painful menstruation, and other menstrual disorders; that they have utility solely in morbid, unnat-

ural conditions of the menstrual function; and that respondent guarantees said products to be absolutely harmless if taken where indicated according to directions.

A chemical analysis of said B-X Monthly Relief Compound and B-X Monthly Tablets shows the chemical formula of said products to be the following:

Extract of Cotton Root Bark-----	1 grain
Ergotin-----	1 grain
Iron Sulphate, dried-----	1 grain
Extract of Black Hellebore-----	1 grain
Aloes, purified-----	1 grain
Savin Oil-----	¼ minim.

In truth and in fact said "B-X Monthly Relief Compound" and "B-X Monthly Tablets" are not gentle, harmless, reliable remedies for quickly relieving unnatural, sluggish, suppressed, irregular, delayed periods, including painful, fetid, scanty, absent monthly flow and other similar troublesome conditions of the menstrual function, when due to unnatural causes. Said products will not tone up the generative organs or the whole system. Said products will not quickly and safely reduce congestion of the generative organs. They do not form a remarkably reliable and efficient remedy in many of the most stubborn, longstanding cases of unnatural suppression, painful menstruation, or other menstrual disorders. Said products cannot be used with perfect safety at all times indicated. Competent medical testimony shows, and the Commission finds, that said products contain ingredients which may be highly dangerous to some people, and should not be administered other than under the direction of a competent physician who can watch the effects of said ingredients upon the patient.

With reference to the product designated as "Menstrua," or "Minex," such statements as the following have been and are made by respondent in the manner hereinabove set out:

Menstrua—For Ending Delayed Menstruation

Marvelous Menstrua! The ultra modern triumph of medical science! When nature fails, use safe, reliable Menstrua! Designed to powerfully and positively force remarkably speedy results—without pain, harm, or inconvenience—in many of the most stubborn delays arising from the usual unnatural causes.

Amazingly quick acting!

Renowned physicians and scientists recommend the pure vegetable ingredients contained in Menstrua for their effectiveness in above mentioned menstrual delays, irregularities, pain and suppression. Menstrua, though extremely powerful in forcing results, is absolutely safe, acts without pain, and leaves no bad after effects.

Marvelous Menstrua! The final perfection of Ultra-Modern Science in Relief Compounds! For many years Science had been climbing up to the present achievement of Menstrua!

Women from all over the Nation continually report that Menstrua brought return of the abnormally delayed flow, and relief from pain and suppression, even after as many as four other relief compounds had failed them!

Menstrua contains only pure, harmless but effective ingredients from Nature's own fields and forests. For over 30 years, physicians the world over had been prescribing certain ingredients of Menstrua for the aforementioned menstrual delays. Now these ingredients are combined into utmost efficiency in Menstrua!

The evidence shows, and the Commission finds, that "Menstrua" and "Minex" are one and the same product. Chemical analysis shows the formula of said product to be the following:

Apiol, Green	5 minims,
Ergotin	1 grain,
Oil Savin.....	½ minim,
Aloin	⅛ grain.

In his advertisements and statements as above referred to, respondent directly or through reasonable implication represents and infers that the product "Menstrua" or "Minex" forms a safe, reliable, and efficient remedy for menstrual disorders in women; that said product is effective to insure the presence of abnormally delayed flow; that it is effective as a treatment for pain and suppression during menses; that it is effective as a reliable remedy, composed of safe and harmless ingredients which can powerfully and positively force remarkably speedy results in many of the most stubborn delays arising from the usual unnatural causes; that it is effective as a marvelous monthly regulator; that said product produces amazingly quick results and leaves no bad after effects; and that certain of the ingredients of said product have been prescribed by physicians the world over for over 30 years for the aforementioned delays, and now these ingredients are combined to form a superefficient product known as "Menstrua" or "Minex."

Respondent's advertising claims as above set out have the capacity and tendency to, and do, induce the belief that "Menstrua" or "Minex" is unusually effective to bring on the menstrual flow in the most obstinate cases, regardless of the cause thereof, even after 1 or 2 months of known pregnancy.

In truth and in fact said product "Menstrua," or "Minex," does not form a safe, reliable, and effective remedy, treatment, or cure for menstrual disorders and delays in women. It is not effective to insure the presence of the abnormally delayed flow, or effective as a treatment for pain or suppression during menses. It is not better than other capsules containing the same ingredients manufactured

and sold by others. The testimony of reputable physicians is to the effect, and the Commission finds, that said product "Menstrua," or "Minex," contains ingredients which may be highly harmful and injurious, and which can be taken with safety only when prescribed by a competent physician who can watch the effects of said ingredients upon the patient.

In the course of his advertising, as hereinabove referred to, respondent has made certain statements with respect to the product "Hygeen," among which are the following:

Hygeen--For antiseptic safeguarding in feminine hygiene.

In accordance with a determination to give its customers the best, The Purity Products Co. is proud to present to American Womanhood its Hygeen Tablets for Feminine Hygiene. They are designed for Dependable Yet Safe Antiseptics in absolutely safeguarding against inherent, innate, non-extraneous, infectious germ or bacteriological life in uterine and vaginal discharges and secretions in the vaginal canal.

Upon contacting the natural moisture of the vagina, the tablet changes into a powerful germ-destroying foam which remains active for many hours to sterilize every vestige of infectious uterine secretions and discharges in the vagina.

The Astounding Wonder of Hygeen Tablets! They have $1\frac{1}{2}$ times the germ-destroying power of carbolic acid per Rideal & Walker Phenol Coefficient Test—yet are as harmless as milk to the delicate tissues and membranes!

Hygeen Tablets are also a deodorant for use after menstruation. Many a serious condition can arise from imperfect feminine hygiene, such as suppurations (discharges), leucorrhea, etc. By killing germ life with Hygeen Tablets, European Physicians testify to these and other discharges disappearing.

In the aforesaid statement with respect to "Hygeen" tablets and in other similar statements not set out herein, respondent directly and through implication represents that said product is effective to kill germ life; that it is effective as an absolutely dependable antiseptic to safeguard against inherent, innate, nonextraneous, infectious germ or bacteriological life in uterine and vaginal discharges and secretions in the vaginal canal; that it forms a competent contraceptive, will kill the germs of venereal diseases, and is effective as a deodorant for use after menstruation; that it is effective as a treatment, remedy, or cure for discharges and leucorrhea; that it contains $1\frac{1}{2}$ times the germ-destroying power of carbolic acid; and that it is absolutely harmless to delicate tissues and membranes.

In truth and in fact, said product "Hygeen Tablets" is not effective as a germ destroyer, and will not sterilize every vestige of infectious uterine secretions or discharges in the vagina; it is not effective to kill germ life and does not act as a contraceptive; it is not effective to kill the germs of venereal diseases; it is not effective as an antiseptic to safeguard feminine hygiene; it is not a dependable and

safe antiseptic in absolutely safeguarding against inherent, innate, nonextraneous, infectious germ or bacteriological life in uterine and vaginal discharges in the vaginal canal; the said product is not a deodorant and has not $1\frac{1}{2}$ times the germ-destroying power of carbolic acid, as represented. It is not absolutely harmless to delicate tissues and membranes.

PAR. 5. The respondent, in marketing "B-X Monthly Relief Compound," "B-X Monthly Tablets," and "Menstrua," or "Minex," in commerce, in the manner set out herein, creates the impression and belief that said products will evacuate the uterus after conception, and further represents, directly or by reasonable implication, that the said medical preparations can be used as effective abortifacients. In truth and in fact, none of the said products should be used to evacuate the uterus. They do not always act as abortifacients and their general use for these purposes is unsafe to the health of the individual.

PAR. 6. There are among respondent's competitors in commerce as herein set out those who do not in any way misrepresent the nature or character of their products, and who do not make use of any of the **misleading representations** herein set out, or make any other misrepresentations with respect to the therapeutic value of their **respective products**.

PAR. 7. The representations of respondent, as aforesaid, have had, and now have, the capacity and tendency to confuse, mislead, and deceive members of the public as to the properties and therapeutic effects of said products in the particulars herein set forth, and to induce and cause them to buy and use said preparations because of the erroneous beliefs engendered as above set forth. The representations by suggestion and innuendo as to the uses of respondent's preparations as abortifacients and contraceptives, respectively, merely serve as added inducements for their purchase and give an added sales appeal. As a result of such false, misleading, and deceptive representations, trade has been diverted unfairly to respondent from competitors who truthfully represent their products and the properties and therapeutic effects thereof, and who are engaged in the sale of preparations of the same or similar kinds as those sold by respondent, or adapted to and used for the legitimate purposes for which respondent recommends his said preparations as aforesaid.

CONCLUSION

The aforesaid acts and practices of respondent John Petrie, an individual, trading under the trade names "Purity Products Co.,"

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"B-X Laboratories," and under other names, are all 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, and the answer of respondent, testimony, and other evidence taken before Robert S. Hall and John L. Horner, examiners of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, and briefs in support of the complaint and in opposition thereto, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent John Petrie, an individual, trading under the trade names Purity Products Co., B-X Laboratories, and under other names, his representatives, agents, and employees, in connection with the offering for sale, sale, and distribution of the products now known as "Menstrua," or "Minex," "B-X Monthly Relief Compound," or "B-X Monthly Tablets," or "Hygeen Tablets," respectively, or any other products composed of substantially the same ingredients or possessing similar properties, under whatever name sold, in interstate commerce or in the District of Columbia, do forthwith cease and desist from representing directly or by implication.

1. That said products "Menstrua," or "Minex," "B-X Monthly Relief Compound," or "B-X Monthly Tablets," form safe, competent, or reliable remedies or treatments for delayed, painful, or suppressed menstruation, or for menstrual disorders generally; or that said products form a general preventive for ill health; or that said products are effective to tone up the generative organs, or the whole system; or that said products are abortifacients; or that said products are harmless or produce no bad after effects.

2. That said product "Hygeen" is an effective, potent, or powerful germicide under the conditions of use for feminine hygiene; or that it is effective in the prevention of venereal diseases; or that it can be used safely or without fear of harmful results so far as the prevention of infection is concerned; or that it is a positive or dependable contraceptive under all conditions or in all cases; or that it is effective as a deodorant for use after menstruation; or that it is harmless.

It is further ordered. That the respondent, John Petrie, an individual, trading under the trade names Purity Products Co., B-X Laboratories, and under other names, shall, within 10 days after service upon him of this order, file with the Commission an interim report in writing stating whether he intends to comply with this order, and, if so, setting forth in detail the manner and form in which he intends to comply; and that, within 60 days after service upon him of this order, said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

Order

27 F. T. C.

IN THE MATTER OF

MIDWEST PUBLISHING COMPANY, AND WALTER H. GORHAM, INDIVIDUALLY AND AS PRESIDENT OF MIDWEST PUBLISHING COMPANY

MODIFYING CEASE AND DESIST ORDER

Docket 2893. Order, July 26, 1938

Order modifying cease and desist order entered against aforesaid respondents in Docket 2893, on March 18, 1938, 26 F. T. C. 939, prohibiting certain misrepresentations by said respondents, their officers, etc., in connection with offer, sale, and distribution of books known as and sold under name "Modern American Encyclopedia," and extension service sold in connection therewith, and other books, as hereinbelow set forth.

Before *Mr. John W. Norwood*, trial examiner.

Mr. Wm. T. Chantland for the commission.

MODIFIED ORDER TO CEASE AND DESIST

This matter having been heard by the Federal Trade Commission upon the motion of W. T. Kelley, chief counsel for the Commission, to modify the order to cease and desist issued in this proceeding on March 18, 1938, and the Commission having considered said motion and the record, and being now fully advised in the premises.

It is ordered, That the order to cease and desist issued herein on March 18, 1938, be modified so as to read as follows:

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission (no answer having been filed by respondents), testimony and other evidence taken before John W. Norwood, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and brief by counsel for the Commission, and the Commission having made its findings as to the facts and its conclusion that said respondents have 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 respondents, Midwest Publishing Co., a corporation, and its officers, and Walter H. Gorham, individually, and their respective representatives, agents, and employees, in connection with the offering for sale, sale, and distribution of books, now known as and sold under the name, "Modern American Encyclopedia" and the extension service sold in connection therewith,