

Syllabus

IN THE MATTER OF

R. E. LEADERBRAND AND GLADYS M. LEADERBRAND,
TRADING AS F. B. PRODUCTS COMPANY AND F. B.
DRUG COMPANYCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 3292. Complaint, Jan. 4, 1938—Decision, Dec. 13, 1938*

Where two individuals engaged in sale and distribution of certain medical preparations for use in treatment of diseases, ailments, and conditions peculiar to women, and in conducting their said business principally by mail and express, and in selling their said products to purchasers in various States and in the District of Columbia, in substantial competition with others engaged in sale and distribution of similar products and others designed and intended for similar use by women, in commerce as aforesaid, and including those who do not in any way misrepresent the nature or character of their products and do not make use of any misleading representations as hereinbelow set out, or make other representations with respect to therapeutic value thereof; in advertising, through booklets, pamphlets, and circulars, certain products offered, sold, and distributed as aforesaid, which were variously known and described as "F. B. Regulators," "F. B. Tablets," "F. B. Relief Compound," "F. B. Vagettes," and "F. B. Vagi-Tabs," and which were purchased by said individuals in bulk from manufacturing chemists who made no representations as to purpose or efficacy of said products, other than stating chemical formulae thereof—

- (a) Represented that said pharmaceutical preparations designated "F. B. Regulator," "F. B. Tablets," and "F. B. Relief Compound," formed safe, competent, or reliable cures, remedies, or effective treatments for delayed, sluggish, painful or suppressed menstruation, and for menstrual disorders generally, and were effective to tone up generative organs, and whole system, and constituted abortifacients and competent and effective contraceptives, and were safe and harmless and produced no bad after effects or other injury, and were recommended by famous doctors, facts being they were not thus recommended and were not effective as competent and reliable treatments or remedies for aforesaid purposes, and would not accomplish results above claimed and represented, and were not absolutely safe or harmless treatments, or always effective, as aforesaid, and might cause serious injury if used as set out by it; and
- (b) Represented that said pharmaceutical preparations designated "F. B. Vagettes" and "F. B. Vagi-Tabs," constituted effective, potent or powerful germicides under the conditions of use for so-called feminine hygiene purposes, and were effective in the prevention of venereal or other diseases and as prophylactics, and were positive dependable contraceptives, and served as competent and effective deodorants, and might be used safely and without fear of harmful after effects or other injury, facts being said products were not safe, competent, and effective preventives of object above set forth, and were not composed of medicinal agents which were effective to

Complaint

27 F. T. C.

insure health and strength to women; and would not accomplish the results claimed as above set out, and could not always be used safely without fear of harmful after effects or other injuries, and were not effective as claimed, and did not act as competent treatments for subnormal or unhealthy conditions peculiar to women:

With capacity and tendency to confuse, mislead, and deceive members of purchasing public into mistaken and erroneous beliefs that said representations as to properties and therapeutic effects of each of aforesaid preparations were true, and that said various statements represented true facts as to properties and therapeutic values thereof, and with effect, through representations by suggestion and innuendo, as to certain uses for their said products, of giving added inducements for their purchase and added sales appeal, and with result that members of purchasing public bought substantial quantities thereof in and on account of erroneous and mistaken beliefs induced by such acts, practices, and representations, and trade was diverted unfairly to them from competitors engaged in sale of similar or other preparations adapted and used for legitimate purposes for which they recommended their said products, and who truthfully represent the properties and therapeutic values of their said preparations or products:

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

Before *Mr. Arthur F. Thomas*, trial examiner.

Mr. William L. Taggart for the Commission.

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 R. E. Leaderbrand and Gladys M. Leaderbrand, partners trading as F. B. Products Co. and F. B. Drug Co., and other names, hereinafter referred to as respondents, have been and are 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 respondents R. E. Leaderbrand and Gladys M. Leaderbrand are individuals trading and doing business under the names F. B. Products Co. and F. B. Drug Co., and they are engaged in the sale and distribution of certain medical preparations for use in the treatment of diseases, ailments, and conditions peculiar to women. The respondents' office and place of business is located at 524 North Lexington Avenue, Springfield, Mo. Respondents' said business is conducted principally by mail from Box 66, Rural Route 4, Springfield, Mo.

The respondents cause their products, when sold, to be transported from the aforesaid place of business in the State of Missouri to purchasers thereof located in various States other than the State of Missouri and in the District of Columbia. They maintain a constant course of trade and commerce in said products so distributed and sold by them between the State of Missouri and various other States of the United States and in the District of Columbia.

PAR. 2. In the course and conduct of said business, as aforesaid, the respondents have been and are in substantial competition in said commerce among and between the various States of the United States and the District of Columbia, with other individuals and with firms, corporations, and partnerships engaged in the sale and distribution of products used and useful in the treatment of the diseases, ailments, and conditions peculiar to women, for which the respondents represent and imply that their said preparations are competent and effective treatments.

PAR. 3. The products marketed by respondents are variously known and described as follows: "F. B. Regulators," "F. B. Tablets," "F. B. Relief Compound," "F. B. Vagettes," and "F. B. Vagi-Tabs."

PAR. 4. In the operation of their business and for the purpose of inducing the purchase of said products by members of the purchasing public, the respondents have made use of certain advertising literature, such as booklets, pamphlets, circulars, and labels, containing statements purporting to be descriptive of the various products herein named, and statements as to the effectiveness of said products in the treatment of the diseases, ailments, and conditions for which they are recommended. This advertising literature is distributed among prospective purchasers located in the various States of the United States and in the District of Columbia.

PAR. 5. With reference to the products known as "F. B. Regulators," "F. B. Tablets," and "F. B. Relief Compound," such statements as the following are made:

Ladies End Worry. For quick Relief use F. B. Regulators when Nature fails. Moves suppressed, tardy, absent delays long overdue. Safe. No harm, pain or interference duties. Special: \$2 Double Strength by Mail \$1. (Plain box) Trial size 25c. F. B. Co., R-4, B-66, Dept. 44, Springfield, Missouri.

* * * for the treatment of irregular or suppressed Monthly Periods from unnatural causes.

If you are afflicted with Abnormal Menorrhoea—that is, unnatural, tardy, absent, delayed or suppressed monthly periods—use Favorite Brand Tablets.

In almost every case they perform what is expected of them, bringing prompt, comforting relief to many anxious, weakened, suffering, discouraged, despondent women, even after other treatments and methods fail. We know of nothing better.

Complaint

27 F. T. C.

The F. B. Tablet Treatment gently quiets the bearing-down pains, stops the hot flashes, relieves the blinding, agonizing headaches, soothes and comforts unstrung nerves, relieves the congested, feverish, unnatural condition and thus brings about regularity and gives healthful strength and freedom to womanly organs.

It is a good idea to start taking the tablets one week before periods are due, taking one Tablet each night on going to bed. This will Aid Nature to get ready to act. Then, start full treatment 2 or 3 days before periods are due. But, if now delayed, start full treatment at once, following the directions faithfully. * * *

Price: one box, \$2.00—or 3 boxes \$5.00. Plain wrappers. Postpaid.

Warning—Beware of all imitation, substitute, or counterfeit goods. Genuine F. B. Favorite Brand Tablets are not sold in drug stores or by agents. Order direct by mail from:

F. B. PRODUCTS, R-4, B-66, Springfield, Mo.

Don't dread delay, irregularity or painful periods. Use our great successful F. B. Relief Compound. A specially prepared liquid regulator, scientifically compounded for Ammenorrhea and Dysmenorrhea—for more than thirty years this highly effective formula has given the best of satisfaction. Many women prefer liquid to tablets. "Repeat" orders are the best proof of its beneficial results. Contains Kava Kava, Viburnum, Pink Root, Gentian Aloes, Cassia, Caraway and other ingredients that make a most palatable preparation. All bitterness or nauseating effects usually associated with liquid medicines are eliminated, yet F. B. Relief Compound constitutes, pharmaceutically, one of the best Female Regulators on the market. Purely vegetable, does not contain dangerous ingredients. Powerful, yet mild in action. No ill after-effects. No interference with duties. Full directions enclosed with each bottle.

In said statements, together with other similar statements not herein set out with respect to the products named, respondents, directly and by implication, represent that said products are safe, competent, and reliable remedies for all delay in the function 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 are a general preventative of ill health and that they are recommended by famous doctors; that they are a remedy for unnatural, 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, are effective abortifacients, and will prevent conception.

In truth and in fact said 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, are not always effective as abortifacients, will not prevent conception, and might cause serious injury physically if so used.

With reference to the products Vagettes and Vagi-Tabs, such statements as the following are made in said advertising literature:

F. B. Vagi-Tabs are the most effective and safe antiseptics, compounded in convenient tablet form, and insure immaculate cleanliness for women. They are nonpoisonous and will not injure or irritate the mucous membranes. They destroy germs, relieve irritation and eliminate offensive odors. * * *

* * * Every woman, young or old, can and should use this convenient, powerful germ destroyer, preventative and corrective of disease. * * *

In said statements, and in other similar statements not herein set out with respect to the above products and in their general advertising, respondents directly and by implication represent that their products are safe, competent, and effective preventatives of pregnancy, that the products are composed of, in whole or in part, and contain medicinal agents effective among other things to insure health and strength; that they will cause the rapid elimination of bacteria; that they act as a preventative of female irregularities; that they are effective as a prophylactic; that they are effective as a deodorant and act as a treatment for subnormal or unhealthy conditions peculiar to women.

In truth and in fact said products are not safe, competent, and effective preventatives of pregnancy; the products are not composed of, in whole or in part, and do not contain medicinal agents effective among other things to insure health and strength; they will not cause the rapid elimination of bacteria; they do not act as a preventative of female irregularities; they are not effective as a prophylactic; and they are not effective as a deodorant and do not act as a treatment for subnormal or unhealthy conditions peculiar to women; they are not a guarantee against pregnancy; said products do not contain ingredients or medicinal agents effective, among other things, to insure health and strength, eliminate bacteria, and act as a preventative of female irregularities; are not prophylactic; are not deodorant; and said representations and implications are false and misleading.

PAR. 6. There are among respondents' 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. 7. The aforesaid false and misleading statements and representations used by the respondents 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 and implications are true and into the purchase of substantial quantities of respondents' various products on account of said erroneous and mistaken belief.

As a result thereof trade in said commerce is unfairly diverted to respondents 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 substantial injury has been and is now being done by respondents to competition in commerce among and between the various States of the United States.

PAR. 8. The methods, acts, and practices of respondents herein set forth are to the prejudice of the public and of competitors of the respondents 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 January 4, 1938, issued and served its complaint in this proceeding upon respondents, R. E. Leaderbrand and Gladys M. Leaderbrand, partners trading as F. B. Products Co. and F. B. Drug Co., Springfield, Mo., charging them 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 respondents' answer thereto, testimony and other evidence in support of the allegations of said complaint were introduced by William L. Taggart, attorney for the Commission, before Arthur F. Thomas, an examiner of the Commission heretofore duly designated by it. Thereafter, on July 20, 1938, the respondents submitted a substitute answer to the complaint, in which answer respondents admitted all of the material allegations of fact set forth

in said complaint to be true and stated that they waived all intervening procedure and further hearing as to said facts set forth in said complaint.

Thereafter, the proceeding came on for final hearing before the Commission on said complaint, substitute answer and testimony and other evidence; and the Commission, having duly considered the matter and being 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 respondents, R. E. Leaderbrand and Gladys M. Leaderbrand, are individuals trading and doing business under the names F. B. Products Co. and F. B. Drug Co., and are engaged in the sale and distribution of certain medical preparations for use in the treatment of diseases, ailments, and conditions peculiar to women. The respondents' last known office and place of business is located at 524 North Lexington Avenue, Springfield, Mo. Respondents' said business is conducted principally by mail and express from Box 66, Rural Route 4, Springfield, Mo.

PAR. 2. When orders are received, respondents cause their products to be transported from their places of business in the State of Missouri to purchasers thereof located in various States of the United States other than the State of Missouri and in the District of Columbia. The respondents maintain, and have maintained for more than 2 years last past, a course of trade in said products so sold and distributed by them in commerce between the State of Missouri and various other States in the United States and in the District of Columbia.

PAR. 3. In the course and conduct of their business respondents have been and now are 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. 4. The products advertised, offered for sale, and sold and distributed by respondents in commerce, as aforesaid, are variously known and described as "F. B. Regulators," "F. B. Tablets," "F. B. Relief Compound," "F. B. Vagettes," and "F. B. Vagi-Tabs." Respondents do not manufacture said products. They buy them in bulk as stock products from manufacturing chemists who make no

Findings

27 F. T. C.

representations as to the purpose of said products or the efficacy thereof other than to state their chemical formulae.

PAR. 5. In the operation of their business and for the purpose of inducing the purchase of said products by members of the purchasing public, the respondents have made use of certain advertising literature, such as booklets, pamphlets, circulars, purported to be descriptive of the various products herein named as well as of the effectiveness of said products for the uses advertised. This advertising literature is distributed in commerce among and between the various States of the United States.

With reference to the products designated as "F. B. Regulators," "F. B. Tablets," and "F. B. Relief Compound," such statements as the following are made:

Ladies End Worry. For Quick Relief use F. B. Regulators when Nature fails. Moves suppressed, tardy, absent delays long overdue. Safe. No harm, pain, or interference duties. Special: \$2 Double Strength by Mail \$1. (Plain box.) Trial Size 25¢. F. B. Co., R-4, B-66, Dept. 44, Springfield, Missouri.

* * * for the treatment of irregular or suppressed Monthly Periods from unnatural causes.

If you are afflicted with Abnormal Menorrhea—that is, unnatural, tardy, absent, delayed or suppressed monthly periods—use favorite Brand Tablets.

In almost every case they perform what is expected of them, bringing prompt, comforting relief to many anxious, weakened, suffering, discouraged, despondent women, even after other treatments and methods fail. We know of nothing better.

The F. B. Tablet Treatment gently quiets the bearing-down pains, stops the hot flashes, relieves the blinding, agonizing headaches, soothes and comforts unstrung nerves, relieves the congested, feverish, unnatural condition and thus brings about regularity and gives healthful strength and freedom to womanly organs.

It is a good idea to start taking the tablets one week before periods are due, taking one Tablet each night on going to bed. This will Aid Nature to get ready to act. THEN, start full treatment 2 or 3 days before periods are due. But, if now delayed, start full treatment at once, following the directions faithfully. * * *

Price: one box, \$2.00—or 3 boxes \$5.00. Plain wrappers. Postpaid.

Warning—Beware of all imitation, substitute, or counterfeit goods. Genuine F. B. Favorite Brand Tablets are not sold in drug stores or by agents. Order direct by mail from:

F. B. PRODUCTS, R-4, B-66, Springfield, Mo.

Don't dread delay, irregularity or painful periods. Use our great successful F. B. Relief Compound. A specially prepared liquid regulator, scientifically compounded for Ammenorrhea and Dysmenorrhea—for more than thirty years this highly effective formula has given the best of satisfaction. Many women prefer liquid to tablets. "Repeat" orders are the best proof of its beneficial results. Contains Kava Kava, Viburnum, Pink Root, Gentian Aloes, Cassia, Caraway and other ingredients that make a most palatable preparation. All bitterness or nauseating effects usually associated with liquid medicines are

eliminated, yet F. B. Relief Compound constitutes, pharmaceutically, one of the best Female Regulators on the market. Purely vegetable, does not contain dangerous ingredients. Powerful, yet mild in action. No ill after-effects. No interference with duties. Full directions enclosed with each bottle.

A chemical analysis of the said products shows the chemical formulae to contain the following substances:

F. B. Regulator Double XX Formula Tablets contain Ext. Star Grass, $\frac{1}{2}$ grain; Ext. Helonias, $\frac{1}{2}$ grain; Ext. Viburnum Opulus, 1 grain; Ext. Viburnum Prunifolium, 1 grain; Ext. Squaw Vine, $\frac{1}{2}$ grain; Caulophyllin, $\frac{1}{4}$ grain. The tablets are chocolate coated.

Wesco F. B. Regulator Triple XXX Formula Tablets contain Ergotin (Bonjean), 1 grain; Ferrous Sulphate (Exsiccated), 1 grain; Ext. Black Hellebore, 1 grain; Aloes, 1 grain; Oil Savin, $\frac{1}{4}$ grain; Ext. Cotton Root, 1 grain.

The F. B. Relief Compound contains the following chemicals: Senna leaves, 24 pounds.; Cascara bark, 10 lbs.; Squaw Vine, 20 lbs.; Blue Cohosh, 8 lbs.; Passiflora, 15 lbs.; Celery seed, 25 lbs.; Juniper Berries, 12 lbs.; Poplar bark, 12 lbs.; Poke root, 12 lbs.; Black Cohosh, 24 lbs.; Berberis aqua., 12 lbs.; Sodium benzoate, 10 lbs.; Buckthorn bark, 12 lbs.; Salicylic acid, 5 lbs.; Caramel, 2 gal.; Saccharin, $1\frac{1}{2}$ lb.; Oil Cinnamon, 9 oz.; Oil Nutmeg, 1 oz.; Phosphoric acid, 8 oz.; Viburnum, 10 lbs.; Alcohol, 6 gal.; Water as to make 37 gal.

In said statements set out above and in other statements of like import in its advertising, not herein quoted, respondents represent that said products are safe, competent, and reliable remedies for all delay in the function 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 are a general preventive of ill health and that they are recommended by famous doctors; that they are a remedy for unnatural, 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, are effective abortifacients, and will prevent conception.

The 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 corrects

Findings

27 F. T. C.

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, are not always effective as abortifacients, will not prevent conception, and might cause serious injury physically if so used.

With reference to the products Vagettes and Vagi-Tabs, such statements as the following are made in said advertising literature:

F. B. Vagi-Tabs are the most effective and safe antiseptics, compounded in convenient tablet form, and insure immaculate cleanliness for women. They are nonpoisonous and will not injure or irritate the mucous membranes. They destroy germs, relieve irritation and eliminate offensive odors. * * *

* * * Every woman, young or old, can and should use this convenient, powerful germ destroyer, preventative and corrective of disease. * * *

A chemical analysis of the products Vagettes and Vagi-Tabs shows the chemical formulae to contain the following substances:

F. B. Vagettes contain Quinine Sulphate, 8 oz.-100 grain; Boric acid, 2 lbs.-400 grain; Po. Alum, 8 oz.-100 grain. Cocoa butter, 8 lb.-3 oz.-288 grain; Paraffin, 1 lb.-200 grain; Chinosol, 2 oz., makes 2,880 cones.

F. B. Vagi-Tabs contain Po. Alum, 3 grain; Zinc Sulphate, 3 grain; Sodium Sulphate, 2 grain; Mag. Sulphate, 3 grain; Boric acid, 10 grain; Po. Borax, 4 grain.

With reference to the products known as F. B. Vagettes and F. B. Vagi-Tabs, respondents represent that such products are safe, competent, and effective preventives of pregnancy; that such products are composed of, and contain, medicinal agents which are effective to insure health and strength; that they will cause the rapid elimination of bacteria; that they act as a preventive of female irregularities; that they are effective as a prophylactic; that they are effective as a deodorant and act as a competent treatment for subnormal or unhealthy conditions peculiar to women.

The aforesaid representations on the part of respondents are false and misleading. In truth and in fact, said products are not safe, competent, and effective preventives of pregnancy. Such products are not composed of, and do not contain, medicinal agents which are effective to insure health and strength to women. Their use will not cause the rapid elimination of bacteria and they do not act as preventives of female irregularities, and are not effective as prophylactics or germicides. Said preparations are not effective in the prevention of venereal or other diseases. They cannot always be used safely without fear of harmful after effects or other injury. Fur-

ther, said preparations are not effective as deodorants and do not act as competent treatments for subnormal or unhealthy conditions peculiar to women.

PAR. 6. There are among respondents' 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 use by the respondents of the aforesaid statements and representations, and others similar thereto not herein detailed, has had, and now has, a capacity and tendency to confuse, mislead, and deceive members of the public into the mistaken and erroneous beliefs that respondents' representations as to the properties and therapeutic effects of each of said preparations are true and that such representations represent the true facts as to the properties and therapeutic values of said preparations. The representations by suggestion and innuendo as to the uses of respondents' preparations as abortifacients and contraceptives, respectively, merely serve as added inducements for their purchase and give an added sales appeal.

As a result of the use of such representations, members of the purchasing public have purchased substantial quantities of respondents' various preparations in and on account of the erroneous and mistaken beliefs induced by the acts, practices, and representations of respondents and trade has been diverted unfairly to the respondents from competitors who are engaged in the sale of similar preparations or other preparations adapted and used for the legitimate purposes for which respondents recommend their said preparations and who truthfully represent the properties and therapeutic values of their respective products.

CONCLUSION

The aforesaid acts and practices of respondents, R. E. Leaderbrand and Gladys M. Leaderbrand, partners trading as F. B. Products Co. and F. B. Drug Co., are all to the prejudice and injury of the public and of respondents' 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 answer in which respondents admit all material allegations of fact as set forth in said

complaint and upon testimony and other evidence taken in support of the allegations of the complaint before Arthur F. Thomas, an examiner of the Commission theretofore duly designated by it, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondents, R. E. Leaderbrand and Gladys M. Leaderbrand, partners trading as F. B. Products Co. and F. B. Drug Co., or trading under any other name, their representatives, agents, and employees, in connection with the offering for sale and sale and distribution of various pharmaceutical tablets, compounds and preparations designed and intended for so-called feminine hygiene use, in interstate commerce or in the District of Columbia, do forthwith cease and desist from representing, directly or by implication:

1. That said pharmaceutical preparations now designated as "F. B. Regulator," "F. B. Tablets," and "F. B. Relief Compounds," or any other preparations composed of substantially the same ingredients or possessing the same or similar properties, whether sold under those names or under any other names, form safe, competent or reliable cures, remedies, or effective treatments for delayed, sluggish, painful or suppressed menstruation, or for menstrual disorders generally; that said preparations are effective to tone up the generative organs, or the whole system; that said preparations are abortifacients or competent and effective contraceptives; or that said preparations are safe and harmless and produce no bad after effects or other injury.

2. That said pharmaceutical preparations now designated as "F. B. Vagettes" and "F. B. Vagi-Tabs," or any other preparations composed of substantially the same ingredients or possessing the same or similar properties, whether sold under those names or under any other names, constitute effective, potent or powerful germicides under the conditions of use for so-called feminine hygiene purposes; that said preparations are effective in the prevention of venereal or other diseases or are effective as prophylactics; that said preparations are positive, dependable contraceptives; that said preparations serve as competent and effective deodorants; or that said preparations may be used safely and without fear of harmful after effects or other injury.

It is further ordered, That the respondents, R. E. Leaderbrand and Gladys M. Leaderbrand, partners trading as F. B. Products Co. and F. B. Drug Co., shall, within 30 days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Syllabus

IN THE MATTER OF
NORTHWESTERN YEAST COMPANYCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 3365. Complaint, Mar. 30, 1938—Decision, Dec. 13, 1938*

Where a corporation engaged in the manufacture of "Yeast Foam Tablets" and "Animal-Poultry Yeast Foam," and in the distribution and sale thereof to purchasers in other States and in the District of Columbia, in substantial competition with those engaged in similar sale and distribution of similar preparations or those designed and intended for similar usage, and including those who do not in any way misrepresent the efficacy or therapeutic values of their products: in advertisements distributed by the mail and otherwise, calculated to and intended to induce purchase of its said preparations in commerce—

- (a) Represented that the typical every-day diet was deficient in vitamin B, and that use of said tablets would correct skin troubles, eruptions, blemishes, and bad color, rid one of cathartic habit, and restore one's digestive and eliminative system to a normal healthy functioning, and eliminate body poisons and waste, and stimulate intestinal action, restore energy and relieve headaches, and tone up nerves and muscles referred to, strengthen digestion and promote more regular elimination, and would exert effect with respect to cleansing or purifying the blood stream and increase body weight; and
- (b) Represented that use of its said "Animal-Poultry Yeast Foam" would have effect of cleansing and purifying the blood stream and would help a dog to get all nourishment from his food, and aid him in his digestion and assimilation thereof, and result in his having stronger bones, slick glossiness of coat, and immunity from germs and diseases, and that feeding of said preparation to chickens would cause coccidiosis and other intestinal diseases to disappear;

Facts being (1) true therapeutic benefits and value of said two preparations were limited to those of a mild laxative, the supplying of the vitamin B complex in diets deficient therein, the stimulating of leucocyte formation and of the appetite, if impaired by insufficient supply of vitamin B complex, and of flow of secretions from glands of digestive tract, but not to stimulating or activating the glands in other parts of the body, (2) typical every-day diet is not deficient in vitamin B, and use of said tablets would not, except to limited extent and as above indicated, aid with respect to skin troubles, etc., increase in body weight, or otherwise bring about results claimed, and (3) use of said "Yeast Foam" would not accomplish results claimed, other than, or except in, aiding dogs' digestion, etc., in cases where vitamin B was deficient or there was deficiency in enzymes in digestive secretions or, as respects said claim for poultry, have any more effect than acting as possible aid in combating such or other intestinal diseases;

With effect of misleading and confusing substantial portion of purchasing public with respect to true therapeutic values of said preparations or