

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

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products, and with result that such public was induced to purchase, and did purchase, its said products, and thereby diverted trade to it from those of its competitors who do not misrepresent the efficacy and therapeutic values of their preparations:

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

Mr. Fletcher G. Cohn for the Commission.

Mr. J. Robert Sherrod, of Washington, D. C., and *Tenney, Harding, Sherman & Rogers*, of Chicago, Ill., for respondent.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said act, the Federal Trade Commission, having reason to believe that the Northwestern Yeast Co., hereinafter referred to as respondent, has violated the provisions of the 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. Respondent is a corporation organized and existing under the laws of the State of Illinois, with its principal office and place of business located at 1750 North Ashland Avenue, in the city of Chicago, in the State of Illinois. Respondent is now, and has been for some time, engaged in the business of making, distributing, and selling in commerce, as hereinafter set out, certain preparations known as "Yeast Foam Tablets" and "Animal-Poultry Yeast Foam."

PAR. 2. Said respondent, being engaged in business as aforesaid, causes and has caused said preparations, when sold, to be transported from its office and place of business in the State of Illinois to purchasers thereof located at various points in States of the United States other than the State from which said shipments are made and in the District of Columbia. There is now and has been during all the times herein mentioned a constant current of trade in commerce in the aforementioned preparations sold by the respondent between and among the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of its business, respondent is and has been in substantial competition with other corporations, persons, firms, and partnerships, engaged in the manufacture, sale, and distribution between and among the various States of the United States and in the District of Columbia, of products intended for the uses for which respondent has represented, and still represents, its said preparations to be beneficial.

PAR. 4. In the course and conduct of its business as aforesaid, respondent has disseminated, still disseminates, has caused to be disseminated, and still causes to be disseminated in said commerce, advertisements by United States mail and other means, for the purpose of inducing and which were and are likely to induce, directly and indirectly, the purchase of its aforesaid preparations in said commerce. Among said advertisements are and have been the following:

TO END SKIN TROUBLES—Try This Improved Pasteurized Yeast.

Thousands have found in Yeast Foam Tablets a pleasant, easy way to correct skin troubles caused by digestive sluggishness.

Your digestion slows up. Body poisons cause ugly eruptions and bad color. Yeast Foam Tablets supply the vitamin B complex needed to correct this condition.

It should quickly restore your digestive and eliminative system to normal, healthy function.

Doctors now know that in many cases the real cause of constipation is a shortage of the vitamin B complex. This precious factor is sadly deficient in the typical everyday diet. In many foods it is entirely lacking. When this factor is added to the diet in sufficient amounts, constipation goes. Elimination again becomes regular and complete.

ENERGY RETURNS, HEADACHES GO—With the true cause of your constipation corrected, you will be rid of the evil cathartic habit. Your energy will revive. Headaches will go. Your skin will be clearer and fresher.

GET RELIEF FROM THESE TROUBLES—NOW—1. SKIN BLEMISHES—2. CONSTIPATION—3. INDIGESTION—4. RUN DOWN CONDITION.

Stimulates intestinal action and helps to free the body of poisons.

Yeast Foam Tablets help restore natural digestive and eliminative functions without irritation. Rich in needed tonic elements, this pleasant, pasteurized yeast has banished constipation, headaches and other symptoms for thousands—bringing back the normal healthy glow of the skin—the natural pep—and the surging energy of buoyant health!

A CLEARER, SMOOTHER SKIN FOR YOU, TOO! In case after case, pimples, blotches, muddiness and other common skin troubles are caused by a sluggish system. Poisons, accumulating in the body, cause the skin to lose color and break out in ugly eruptions. Thousands have found that Yeast Foam Tablets correct this condition.

These pleasant tablets supply rich stores of precious elements which strengthen the digestive system, stimulate intestinal action and act to free the body of wastes.

With the true cause of your trouble corrected, pimples and other common skin troubles disappear. Your skin becomes clearer and smoother, your complexion fresh and glowing. And your whole system is benefited so that you feel better as well as look better.

Their rich stores of precious corrective elements will quickly help to rid your system of the poisons which so often cause bad skin.

End skin troubles with Dry Yeast—It Supplies More of Element that tones up digestive tract and ends cause of many complexion faults—Easy to eat.

Quickly tones up the intestinal nerves and muscles, strengthens digestion, promotes more regular elimination.

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To win the beauty that can be yours . . . to have the soft, lovely skin that attracts and holds men—you must rid your system of these poisons at once.

Let Yeast Foam Tablets help rid your system, too, of the poisons which are the real cause of so many unsightly skins. This pasteurized yeast is rich in precious natural elements which often stimulate sluggish digestive organs—help to restore natural elimination—and thus cleanse the system of beauty-destroying wastes.

It tends to strengthen and tone intestinal organs . . . Helps rid the body easily and naturally of poisonous wastes.

If you want healthier, fast-growing chicks, send for this free book today. It tells all about the amazing results you can get simply by fermenting your regular mash with Animal-Poultry Yeast Foam. Coccidiosis and other intestinal diseases should disappear. Your birds should mature 4 to 6 weeks earlier!

A little of this live yeast, added to the daily ration, increases digestibility and assimilation of food. By combating stomach disorders, keeping the intestinal tract clear, and assuring proper bowel action, Animal-Poultry Yeast Foam improves your dog's general health and produces that slick glossiness of coat which indicates top condition. Summer skin disorders, constipation, diarrhoea should no longer be a problem. Give your dog the EXTRA benefits of fermentation.

Rich in natural enzymes, it helps break down food particles—helps the dog get All the nourishment from the feed—helps him USE it. The result is more vitality—stronger bones and bodies. Fur becomes thick and satiny; skin clearer. Appetites improve. Spirits rise. And since this LIVE yeast keeps intestines clear and healthy, worms and diseases are rare.

PAR. 5. In truth and in fact:

1. Yeast Foam is not "pasteurized," as that word is ordinarily used;
2. At most, the benefits of Yeast Foam and Animal-Poultry Yeast Foam are limited to that of a mild laxative, to the supplying of vitamin B complex in diets deficient in such vitamin, and to the stimulation of leucocyte formation;
3. The typical every-day diet is not deficient in vitamin B;
4. The use of Yeast Foam will not correct skin troubles, eruptions, blemishes, or bad color;
5. The use of Yeast Foam will not rid one of a cathartic habit;
6. The use of Yeast Foam, at most, will not restore one's digestive and eliminative system to normal, healthy functioning unless such condition is due to a deficiency of the vitamin B complex;
7. The use of Yeast Foam, at most, will not eliminate body poisons and wastes unless same are due to a deficiency of the vitamin B complex;
8. The use of Yeast Foam, at most, will not stimulate intestinal action, restore energy or relieve headaches unless same are due to constipation;
9. The use of Yeast Foam, at most, will not tone up the intestinal nerves and muscles, strengthen digestion and promote more regular elimination unless same are due to constipation;

Findings

10. The use of Yeast Foam will not rid one's system of the poisons which prevent ladies from having a soft, lovely skin that attracts and holds men;

11. The use of Animal-Poultry Yeast Foam will not help a dog get "all" the nourishment from his food;

12. The use of Animal-Poultry Yeast Foam will not result in a dog's having stronger bones, nor will it produce slick glossiness of coat, or immunity from worms and diseases;

13. The feeding of Animal-Poultry Yeast Foam to chickens will not cause coccidiosis or other intestinal diseases to disappear.

PAR. 6. For the reasons stated in paragraph 5 hereof, said respondent's advertisements described in paragraph 4 hereof are false and misleading, were and are calculated to, and had and now have a tendency to mislead and deceive a substantial portion of the purchasing public into the erroneous belief that all said advertisements are true. Further, as a true consequence of the mistaken and erroneous beliefs induced by said advertisements of respondent, a substantial number of the consuming public has purchased a substantial volume of respondent's preparations with the result that trade has been unfairly diverted to the respondent from its competitors, and substantial injury has been, and is now being done by respondent to its said competitors in the commerce hereinbefore described.

PAR. 7. The aforesaid acts and practices of the respondent, as herein alleged, 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.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on the 30th day of March 1938, issued and, on the 31st day of March 1938, served its complaint in this proceeding upon said respondent, Northwestern Yeast Co., charging it with the use of unfair methods of competition in commerce in violation of the provisions of said act. On the 9th day of May 1938, the respondent filed its answer in this proceeding. Thereafter, a stipulation was entered into whereby it was stipulated and agreed that a statement of facts signed and executed by the respondent and W. T. Kelley, Chief Counsel for the Federal Trade Commission, subject to the approval of the Commission, may be taken as the facts in this proceeding and in lieu of testimony in support of the charges stated in the complaint or in opposition thereto, and that the said Commission may proceed upon the said statement of facts to make its report, stating its

findings as to the facts and its conclusion based thereon and enter its order disposing of the proceeding without the presentation of argument or the filing of briefs. Thereafter, this proceeding regularly came on for final hearing before the Commission on said complaint, answer and stipulation, said stipulation having been approved, accepted and filed, 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 its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent is a corporation organized and existing under and by virtue of the laws of the State of Illinois, with its principal office and place of business located at 1750 North Ashland Ave., in the city of Chicago, in the State of Illinois. Respondent is now, and has been for some time, engaged in the business of making, distributing, and selling in commerce as hereinafter set out, certain preparations known as "Yeast Foam Tablets" and "Animal-Poultry Yeast Foam."

PAR. 2. Respondent, being engaged in business as aforesaid, causes and has caused said preparations, when sold, to be transported from its office and place of business in the State of Illinois to purchasers thereof in other States of the United States and in the District of Columbia. Respondent maintains, and has maintained, a course of trade in the aforesaid preparations sold by it in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of its business, respondent is, and has been, in substantial competition with other corporations, and with persons, firms, and partnerships engaged in the sale and distribution of similar preparations or other products designed and intended for similar usage in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 4. In the course and conduct of its business as aforesaid, respondent has disseminated, or caused to be disseminated in commerce among and between the various States of the United States and in the District of Columbia, representations through the use of advertisements distributed by the United States mail and by other means, for the purpose of inducing and which were and are likely to induce, directly and indirectly, the purchase of its aforesaid preparations in said commerce; among said representations have been the following:

TO END SKIN TROUBLES—Try This Improved Pasteurized Yeast.

Thousands have found in Yeast Foam Tablets a pleasant, easy way to correct skin troubles by digestive sluggishness.

Your digestion slows up. Body poisons cause ugly eruptions and bad color. Yeast Foam Tablets supply the vitamin B complex needed to correct this condition.

It should quickly restore your digestive and eliminative system to normal, healthy function.

Doctors now know that in many cases the real cause of constipation, is a shortage of the vitamin B complex. This precious factor is sadly deficient in the typical everyday diet. In many foods it is entirely lacking. When this factor is added to the diet in sufficient amounts, constipation goes. Elimination again becomes regular and complete.

ENERGY RETURNS, HEADACHES GO—With the true cause of your constipation corrected, you will be rid of the evil cathartic habit. Your energy will revive. Headaches will go. Your skin will be clearer and fresher.

Get relief from these troubles—now—1. Skin blemishes—2. Constipation—3. Indigestion—4. Run down condition.

Stimulates intestinal action and helps to free the body of poisons.

Yeast Foam Tablets help restore natural digestive and eliminative functions without irritation. Rich in needed tonic elements, this pleasant, pasteurized yeast has banished constipation, headaches and other symptoms for thousands—bringing back the normal healthy glow of the skin—the natural pep—and the surging energy of buoyant health!

A CLEARER, SMOOTHER SKIN FOR YOU, TOO! In case after case, pimples, blotches, muddiness and other common skin troubles are caused by a sluggish system. Poisons, accumulating in the body, cause the skin to lose color and break out in ugly eruptions. Thousands have found that Yeast Foam Tablets correct this condition.

These pleasant tablets supply rich stores of precious elements which strengthen the digestive system, stimulate intestinal action and act to free the body of wastes.

With the true cause of your trouble corrected, pimples and other common skin troubles disappear. Your skin becomes clearer and smoother, your complexion fresh and glowing. And your whole system is benefitted so that you feel better as well as look better.

Their rich stores of precious corrective elements will quickly help to rid your system of the poisons which so often cause bad skin.

End skin troubles with Dry Yeast—It Supplies More of Element that tones up digestive tract and ends cause of many complexion faults—Easy to eat.

Quickly tones the intestinal nerves and muscles, strengthens digestion, promotes more regular elimination.

To win the beauty that can be yours . . . to have the soft, lovely skin that attracts and holds men—you must rid your system of these poisons at once.

Let Yeast Foam Tablets help rid your system, too, of the poisons which are the real cause of so many unsightly skins. This pasteurized yeast is rich in precious natural elements which often stimulate sluggish digestive organs—help to restore natural elimination—and thus cleanse the system of beauty-destroying wastes.

It tends to strengthen and tone intestinal organs . . . helps rid the body easily and naturally of poisonous wastes.

If you want healthier, fast-growing chicks, send for this free book today. It tells all about the amazing results you can get simply by fermenting your regular mash with Animal-Poultry Yeast Foam. Coccidiosis and other intestinal diseases should disappear. Your birds should mature 4 to 6 weeks earlier!

A little of this live yeast, added to the daily ration, increases digestibility and assimilation of food. By combating stomach disorders, keeping the intestinal tract clear, and assuring proper bowel action, Animal-Poultry Yeast Foam improves your dog's general health and produces that slick glossiness of coat which indicates top condition. Summer skin disorders, constipation, diarrhea should no longer be a problem. Give your dog the EXTRA benefits of fermentation.

Rich in natural enzymes, it helps break down food particles—helps the dog get ALL the nourishment from the feed—helps him USE it. The result is more vitality—stronger bones and bodies. Fur becomes thick and satiny; skin clearer. Appetites improve. Spirits rise. And since this LIVE yeast keeps intestines clear and healthy, worms and diseases are rare.

PAR. 5. To date, the true therapeutic benefits and value of Yeast Foam Tablets and Animal-Poultry Yeast Foam are limited to that of a mild laxative, to the supplying of the vitamin B complex in diets deficient in such vitamin, to the stimulating of leucocyte formation, to the stimulating of the appetite if impaired by an insufficient supply of the vitamin B complex, and to the stimulating of the flow of secretions from the glands of the digestive tract (but not to the stimulating or activating of glands in other parts of the body).

The typical every-day diet is not deficient in vitamin B.

The use of Yeast Foam Tablets will not correct skin troubles, eruptions, blemishes, or bad color unless such conditions are due to an insufficient supply of the vitamin B complex or the other nutritional essentials contained in yeast or to gastro-intestinal irregularities which may be corrected by the use of yeast.

The use of Yeast Foam Tablets will not rid one of the cathartic habit, except in so far as the use of yeast may be helpful as a mild laxative.

The use of Yeast Foam Tablets will not restore one's digestive and eliminative system to normal, healthy functioning unless such condition is due to a deficiency of the vitamin B complex.

The use of Yeast Foam Tablets will not eliminate body poisons and wastes unless the faulty elimination is due to a deficiency of the vitamin B complex.

The use of Yeast Foam Tablets will not stimulate intestinal action, restore energy or relieve headaches, except in those cases due to constipation resulting from a vitamin B complex deficiency.

The use of Yeast Foam Tablets will not tone up the intestinal nerves and muscles, strengthen digestion, and promote more regular elimination except in those cases of constipation resulting from a vitamin B complex deficiency.

The use of Yeast Foam Tablets or Animal-Poultry Yeast Foam has no direct effect on cleansing or purifying the blood stream, except inso-

far as the said preparations may indirectly increase the number and quality of both red and white blood corpuscles in those cases where the digestive, assimilating or eliminating processes are defective because of a lack of a sufficient amount of the vitamin B complex or of such nutritional essentials as are contained in said preparations.

The use of Yeast Foam Tablets will not increase body weight unless the weight deficiency is due to a loss of appetite occasioned by a deficiency of the vitamin B complex.

The use of Animal-Poultry Yeast Foam will not help a dog get "ALL the nourishment from the feed."

The use of Animal-Poultry Yeast Foam may aid a dog in his digestion and assimilation of food in those cases where there is deficiency of the vitamin B complex in the diet or enzymes in the digestive secretions.

The use of Animal-Poultry Yeast Foam will not result in a dog's having stronger bones, nor will it produce slick glossiness of coat or immunity from germs and diseases.

The feeding of Animal-Poultry Yeast Foam to chickens will not cause coccidiosis or other intestinal diseases to disappear; however, its use may be helpful in combating these conditions.

Yeast Foam Tablets are pasteurized, but Animal-Poultry Yeast Foam is not pasteurized, as that word is ordinarily used.

PAR. 6. There are among the competitors of respondent as mentioned in paragraph 3 hereof, persons, firms, and partnerships engaged in the sale and distribution of preparations or products similar to those of respondent and which are designed and intended for similar usages, who do not in any way misrepresent the efficacy or therapeutic values of their preparations or products.

PAR. 7. The acts and practices of respondent in making the representations hereinabove detailed in connection with the sale and distribution of Yeast Foam Tablets and Animal-Poultry Yeast Foam in commerce between and among the various States of the United States and in the District of Columbia, have had a tendency and capacity to mislead and confuse, and have, misled and confused, a substantial portion of the purchasing public with respect to the true therapeutic values of said preparations or products, and as a result thereof, the said purchasing public has been induced to purchase and has purchased respondent's preparations or products, thereby diverting trade to the respondent from those of its competitors who do not misrepresent the efficacy and therapeutic values of their preparations or products.

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CONCLUSION

The aforesaid acts and practices of the respondent, Northwestern Yeast Co., are to the prejudice and injury 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 answer of respondent and a stipulation entered into by and between the respondent and W. T. Kelley, Chief Counsel for the Federal Trade Commission, whereby it was stipulated and agreed that a statement of facts signed and executed by the respondent and W. T. Kelley, Chief Counsel for the Federal Trade Commission, might be taken as the facts in this proceeding and in lieu of testimony in support of the charges stated in the complaint or in opposition thereto, which stipulation was approved by the Commission, 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, Northwestern Yeast Co., its successors and assigns, officers, representatives, agents and employees, directly or indirectly, or through any corporate or other device, in connection with the offering for sale, sale and distribution of its preparations or products now designated as "Yeast Foam Tablets" and "Animal-Poultry Yeast Foam" or any other preparations or products, composed of like or similar ingredients or possessing like or similar properties, whether sold under these names or other names, in interstate commerce or in the District of Columbia, do forthwith cease and desist from representing directly or indirectly:

1. That the benefits of said preparations or products are more than:

- (a) a mild laxative,
- (b) the supplying of the vitamin B complex in diets deficient in such vitamins,
- (c) the stimulating of leucocyte formation,
- (d) the stimulating of the appetite if same is impaired by an insufficient supply of the vitamin B complex,
- (e) the stimulating of the flow of secretions from the glands of the digestive tract, but not the stimulating or activating of glands in other parts of the body,

unless and until competent medical authority has shown said preparations or products to have additional therapeutic values;

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2. That the typical every-day diet in general is deficient in vitamin B;

3. That the use of Yeast Foam Tablets will correct skin troubles, eruptions, blemishes, or bad color unless such conditions are due to an insufficient supply of the Vitamin B complex, or to such other nutritional essentials as are contained in yeast or are due to gastrointestinal irregularities which may be corrected by the use of yeast;

4. That the use of Yeast Foam Tablets will rid one of the cathartic habit except insofar as the use of yeast may be helpful as a mild laxative;

5. That the use of Yeast Foam Tablets will restore one's digestive and eliminative system to normal healthy functioning unless such condition is due to a deficiency of the vitamin B complex;

6. That the use of Yeast Foam Tablets will eliminate body poisons and waste unless the faulty elimination is due to a deficiency in the vitamin B complex;

7. That the use of Yeast Foam Tablets will stimulate intestinal action, restore energy, or relieve headaches, except in those cases due to constipation resulting from a vitamin B complex deficiency;

8. That the use of Yeast Foam Tablets will tone up the intestinal nerves and muscles, strengthen digestion, and promote more regular elimination, except in those cases of constipation resulting from a vitamin B complex deficiency;

9. That the use of Yeast Foam Tablets or Animal-Poultry Yeast Foam has any direct effect on cleansing or purifying the blood stream, except in so far as the said preparations may indirectly increase the number and quality of both red and white blood corpuscles in those cases where the digestive, assimilating or eliminating processes are defective because of a lack of a sufficient amount of the vitamin B complex or of such nutritional essentials as are contained in said preparations;

10. That the use of Yeast Foam Tablets will increase body weight unless the weight deficiency is due to a loss of appetite occasioned by a deficiency of the vitamin B complex;

11. That the use of Animal-Poultry Yeast Foam will help a dog get "all" the nourishment from his food;

12. That the use of Animal-Poultry Yeast Foam will aid a dog in his digestion and assimilation of food except that it may aid in those cases where there is a deficiency of the vitamin B complex in the diet or a deficiency of the enzymes in the digestive secretions;

13. That the use of Animal-Poultry Yeast Foam will result in a dog's having stronger bones, a slick glossiness of coat or immunity from germs or diseases;

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14. That the feeding of Yeast Foam to chickens will cause coccidiosis or other intestinal diseases to disappear;

15. That the feeding of Animal-Poultry Yeast Foam to chickens will have any more effect than acting as a possible aid in combating coccidiosis or other intestinal diseases.

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.

Complaint

IN THE MATTER OF
JOSIAH L. JONESCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 3450. Complaint, June 2, 1938—Decision, Dec. 13, 1938*

Where an individual engaged in manufacture, distribution, and sale of so-called "Venereal Air Syringe," in substantial competition with others engaged in sale and distribution of similar appliances and appliances intended and designed for similar use, in commerce among the various States and in the District of Columbia, and including those who do not in any way misrepresent the character and nature of their products, nor effect thereof; in advertising and describing his said product in bulletins, pamphlets, circulars, labels, and folders distributed among prospective customers—

Represented that use thereof protected women against pregnancy, and acted as a deodorant, and constituted a competent and effective remedy, cure, or treatment for ills and diseases peculiar to women, including leucorrhea, inflamed membranes, vaginal and pelvic inflammation, and nervous conditions, and would insure health and youth to women, and might be used by them safely and without deleterious effects, facts being it was not generally effective for aforesaid purposes and would not act as above set forth, nor accomplish said results, and was not a treatment for all subnormal and unhealthful conditions as above represented, would not prevent nervousness, and had potentialities of death to user, and statements made by him on direction slips, circulars, and in advertising thereof were false and fraudulent and applied to said article knowingly and in reckless and wanton disregard of their truth or falsity;

With effect of misleading and deceiving members of the purchasing public into erroneous belief that said representations were true and into purchase of his said appliance on account of such erroneous belief, and of diverting trade unfairly to him from competitors who do not misrepresent their 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. Edward E. Reardon*, trial examiner.

Mr. William L. Taggart for the Commission.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said act, the Federal Trade Commission, having reason to believe that Josiah L. Jones, hereinafter referred to as respondent, has violated the provisions of the 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: