

Syllabus

IN THE MATTER OF
SOAP LAKE PRODUCTS CORPORATION

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

Docket 2823. Complaint, May 27, 1936—Decision, Apr. 10, 1939

Where a corporation engaged in preparation, sale and distribution of certain packaged mineral salts which (1) were designated as "Mother Nature Soap Lake Salts," "Mother Nature Soap Lake Seltzer," and "Mother Nature Soap Lake Spirit," and of which (2) salt ingredients were obtained from Soap Lake, Washington, and of which (3) its "Salts" constituted the unadulterated residue, after evaporation was complete, of the natural water of said lake, while its "Spirit" was the liquid concentrate bottled before evaporation was complete, and its "Seltzer" was 60 percent "Salts" and 40 percent citric and tartaric acid salts, added for effervescence and palatability, and (4) contents of which, as disclosed by analysis, included trifle more than 20 percent sodium sulphate or Glauber's salts, laxative effect of which was minimized by combination with other ingredients therein, about 54 percent sodium carbonate or caustic alkali known as washing soda, and about 25 percent sodium chloride and potassium chloride, or ordinary table salt, and, as thus engaged, in competition with others likewise engaged in preparing, selling and distributing mineral salt products or other products intended and sold for same purposes as its said products;

In advertising its said packaged mineral salts through booklets, folders, pamphlets and other advertising literature distributed to members of the purchasing public in the various States and furnished to customers for distribution to members of said public, and through newspapers and magazines of general circulation throughout the various States, and through radio broadcasts of extrastate audience—

Represented through said advertisements, in all of which it featured its corporate name in connection with aforesaid trade names of its said products as above set forth, and various statements therein made, directly or by implication, that said various products would prevent and cure and were beneficial in the treatment of many of the diseases, afflictions, ailments, and conditions which may be present or exist in the body, and thus included rheumatism, arthritis, neuritis, eczema, athlete's foot, ulcers of the stomach, poison oak and ivy, gangrene, body and scalp sores, Buerger's disease, hyperacidity, lumbago, trench mouth and pyorrhea;

Facts being its said packaged mineral salts alone, used either externally or internally, will not prevent or cure, and are not beneficial in the treatment of, rheumatism, arthritis, neuritis and the various other ailments and conditions above set forth, or any other disease, affliction, ailment or condition which may be present or exist in the body, as represented as above set forth, but therapeutic benefits, if any, generally obtained from use of any or all of said products, are limited to those resulting from the laxative, diuretic, and cleansing properties of the various ingredients thereof;

Complaint

28 F. T. C.

With tendency and capacity to mislead and deceive substantial portion of purchasing public into erroneous belief that said representations were true, and with result, as direct consequence of such erroneous and mistaken beliefs induced by said acts and representations as above set forth, that number of consuming public purchased substantial volume of its product and trade in commerce was unfairly diverted to it from those likewise engaged in preparing, distributing and selling similar products or other products designed, intended and sold for use in the cure, relief or treatment of the various diseases, ailments, afflictions and conditions named above, and who truthfully represent the effectiveness of their respective products; to the injury of competition in commerce:

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

Before *Mr. Henry M. White*, *Mr. Charles P. Vicini*, and *Mr. Miles J. Furnas*, trial examiners.

Mr. P. C. Kolinski and *Mr. Reuben J. Martin* for the Commission.

Hyland, Elvidge & Alvord, of Seattle, Wash., for respondent.

Honorable Clarence D. Martin, Governor of the State of Washington, and *Honorable G. W. Hamilton*, Attorney General for the State of Washington, of Olympia, Wash., for State of Washington, amicus curiae.

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 Soap Lake Products Corporation, a corporation, hereinafter referred to as respondent, has been and now 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. Respondent, Soap Lake Products Corporation, is a corporation, organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 2013 Fourth Avenue, in the city of Seattle, State of Washington. Respondent is now, and has been for more than one year last past, engaged in the business of preparing, distributing, and selling, in commerce as herein set out, certain packaged mineral salts designated as "Mother Nature Soap Lake Salts" and packaged kindred products designated as "Mother Nature Soap Lake Seltzer" and "Mother Nature Soap Lake Spirit," obtained from Soap Lake located in the State of Washington.

PAR. 2. Said respondent, being engaged in business as aforesaid, causes said salts and kindred products, when sold, to be transported from its office and place of business in the State of Washington to purchasers thereof located at various points in other States of the United States and in the District of Columbia. There is now, and has been at all times since the organization of respondent corporation, a constant current of trade and commerce in said products so prepared, distributed, and 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 said business, the respondent is now, and has been, in substantial competition with other corporations, and with firms and individuals likewise engaged in the business of manufacturing, distributing, and selling mineral salts or other products designed, intended and sold for the same purposes for which respondent's products are sold, in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 4. In the course of the operation of said business, and for the purpose of inducing individuals, firms, and corporations to purchase said salts and kindred products, respondent has caused advertisements to be inserted in newspapers, periodicals, and trade journals of general circulation throughout the United States, has printed and circulated throughout the several States to customers and prospective customers, through the United States mails and otherwise, advertising folders, letters, and literature, and has made use of radio broadcasts over stations of sufficient power to convey the programs emanating therefrom into the various States of the United States; in all of which advertisements, respondent has caused its corporate name to be prominently and conspicuously displayed, together with the following statements:

* * * Ask almost anyone who has been there (Soap Lake) and who faithfully took the treatments for such ills as rheumatism, neuritis, arthritis, eczema, athlete's foot, ulcers of the stomach, poison oak or ivy, gangrene, infections, or body and scalp sores. In many cases you will be told stories of complete and prompt recovery so astonishing as to be almost unbelievable.

No longer need you journey far and expensively to prove the virtue of Soap Lake minerals. They are now easily and inexpensively available to you through your druggist under the name of Mother Nature Soap Lake Products—Mother Nature Soap Lake Salts for the bath; Mother Nature Soap Lake Seltzer—pleasantly effervescent—for internal use, and Mother Nature Soap Lake Spirit for external application—all natural products from Nature's own laboratory.

The answer to all such arguments are the thousands and thousands of cases of neuritis, arthritis, rheumatism, insomnia, Buerger's Disease, gangrene, infections, etc., that have been benefited by Soap Lake baths alone.

You will find that Mother Nature Soap Lake baths are a wonderful aid to Nature in correcting certain forms of eczema, itch, poison oak and ivy, athlete's foot and disorders resulting from hyperacidity.

Complaint

28 F. T. C.

For rheumatic swellings and congestion, sore muscles, lumbago, etc., poulticing is recommended.

Ulcers of the Stomach. Soap Lake water has proven wonderfully beneficial in aiding Nature to correct this distressing trouble. No one should submit to an operation for ulcers without first having given Mother Nature Soap Lake Seltzer a trial.

Oral Hygiene: Trench Mouth—Pyorrhea. * * * Wonderful aid to Nature in Pyorrhea and Trench Mouth.

All of said statements, together with many similar statements appearing in respondent's advertising literature purport to be descriptive of respondent's products and their effectiveness in treating or curing many of the diseases, ailments, afflictions, and conditions of the human body. In all of its advertising literature, respondent represents, through the statements and representations herein set out and other statements of similar import and effect, that its various packaged products to wit: Mother Nature Soap Lake Salts, Mother Nature Soap Lake Seltzer and Mother Nature Soap Lake Spirit, will prevent and cure, or are beneficial in the treatment of, many of the diseases, ailments, afflictions and conditions which may be present or exist in the human body.

Among the diseases, ailments, afflictions and conditions named by the respondent in said radio broadcasts and advertising literature as diseases, ailments, afflictions and conditions which the use of said, above named, products will prevent and cure, or are beneficial in the treatment of, are the following: rheumatism, neuritis, arthritis, eczema, athlete's foot, ulcers of the stomach, poison oak or ivy, gangrene, body or scalp sores, Buerger's Disease, hyperacidity, lumbago, trench mouth, and pyorrhea.

PAR. 5. The representations made by the respondent with respect to the nature and effect of its products when used are grossly exaggerated, false, misleading and untrue. In truth and in fact, the use of respondent's packaged products will not prevent and cure, nor is it beneficial in the treatment of all, or any of, the diseases, ailments, afflictions, and conditions hereinabove named. The beneficial properties, if any, of said products are limited to laxative and diuretic action. Said packaged products have no therapeutic value in the treatment of the diseases, ailments, afflictions, and conditions above named.

PAR. 6. There are among respondent's competitors many who manufacture, distribute and sell various products designed, intended, and sold for the purpose of curing, relieving or treating the various diseases, ailments, afflictions, and conditions of the human body hereinabove named and who do not, in any way, misrepresent the quality or character of their respective products or their effectiveness when used.

1377

Findings

PAR. 7. Each and all of the false and misleading statements and representations made by the respondent in designating or describing its products and the effectiveness of said products for curing, treating or relieving the diseases, ailments, afflictions and conditions of the human body herein named, in offering for sale and selling its said products was, and is, calculated to, and had, and now has, a tendency and capacity to mislead a substantial portion of the purchasing public into the erroneous belief that all of said representations are true and that said products will, in truth, accomplish the results claimed. Further, as a direct consequence of the mistaken and erroneous beliefs, induced by the acts and representations of the respondent, as hereinabove detailed, a number of the consuming public has purchased a substantial volume of respondent's products with the result that trade has been unfairly diverted to the respondent from competitors likewise engaged in the business of distributing and selling similar products or other products designed, intended and sold for use in the cure, relief or treatment of the various diseases, ailments, afflictions and conditions named herein, and who truthfully represent the effectiveness of their respective products. As a result 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 and in the District of Columbia.

PAR. 8. The above and foregoing acts, practices, and representations of the respondent have been, and are, all to the prejudice of the public and respondent's competitors as aforesaid, and have been, and are, unfair methods of competition within the meaning and intent 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 the 27th day of May, A. D., 1936, issued and served its complaint in this proceeding upon the respondent, Soap Lake Products Corporation, charging it 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 answer thereto by the respondent, testimony and other evidence in support of the allegations of the complaint were introduced by P. C. Kolinski and Reuben J. Martin, attorneys for the Commission, and in opposition thereto by Ivan D. Hyland, 910 Dexter Horton Building, Seattle, Wash., attorney for the respondent, before Henry

Findings

28 F. T. C.

M. White, Charles P. Vicini, and Miles J. Furnas, respectively, 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 proceedings regularly came on for final hearing before the Commission on the said complaint; the answer thereto, the testimony and other evidence, and briefs in support of the complaint and in opposition thereto; 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. The respondent, Soap Lake Products Corporation, is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Washington, with its office and principal place of business located at 2013 Fourth Avenue, in the city of Seattle, in said State. Respondent is now, and for more than one year last past has been, engaged in the business of preparing, selling and distributing in commerce, certain packaged mineral salts designated as "Mother Nature Soap Lake Salts," "Mother Nature Soap Lake Seltzer," and "Mother Nature Soap Lake Spirit." The salt ingredients which go to make up these products are obtained by said respondent from a body of water called "Soap Lake," which is situated in the State of Washington.

PAR. 2. Respondent causes its products, when sold, to be transported from its place of business in Seattle, in the State of Washington, to purchasers thereof located at various points in other States of the United States. There is now, and has been for some time last past, a course of trade and commerce by the respondent in said products, between and among various States of the United States.

PAR. 3. Said respondent, in the course of the operation of its said business, as described in paragraphs 1 and 2 hereof, is in competition with other corporations and with individuals and firms also engaged in the business of preparing, selling and distributing mineral salt products or other products intended and sold for the same purposes for which respondent's products are sold, in commerce between and among various States of the United States.

PAR. 4. In the course of the operation of its business and for the purpose of inducing individuals, firms, and corporations to purchase said packaged mineral salts, the respondent has made use of booklets, folders, pamphlets and other advertising literature, some of which it distributes to members of the purchasing public located in the various

1377

Findings

States of the United States, and some of which it furnishes to its customers to be by them placed in the hands of members of the purchasing public. It has also made use of advertisements inserted in newspapers and magazines having a general circulation throughout the various States of the United States. It has also made use of radio broadcasts over stations of sufficient power to convey the programs emanating therefrom into the various States of the United States. In all of its said advertisements, respondent has caused its corporate name to be prominently and conspicuously displayed in connection with the trade names of its products, "Mother Nature Soap Lake Salts," "Mother Nature Soap Lake Seltzer," and "Mother Nature Soap Lake Spirit," together with the following statements:

A JOYOUS BLESSING for the AFFLICTED

* * *

ALMOST UNBELIEVABLE—BUT TRUE!

The Fame of Soap Lake has become nation-wide. More than 30,000 visitors last summer! They came with aches and pains—rheumatism, neuritis, arthritis * * * with skin irritations—eczema, itch, psoriasis, athlete's foot, poison oak, poison ivy, gangrene and lingering infections; with stomach, gall, intestine, kidney, bladder and other functional disorders—and left happy.

The Government sends its Buerger's disease patients to Soap Lake * * *

Not all, however, who are afflicted can afford the time and money to visit Soap Lake. So the Soap Lake Products Corporation, under the brand name, Mother Nature, is making available the virtues of Soap Lake to the public everywhere. Through modern concentrating and evaporating methods, three products have been produced, viz: Mother Nature Soap Lake Salts for the bath; Mother Nature Soap Lake Seltzer for internal use, and Mother Nature Soap Lake Spirit for external application.

Stop at the nearest drug store—get the Mother Nature Soap Lake product for your particular affliction. Through its use—*more complete relief* than ever dreamed possible! * * *

The trade name, Mother Nature, is your protection. *Insist on the genuine—* Mother Nature Soap Lake Products—and get the gratifying results you expect. At drug stores everywhere. Samples free—send us your name and address at once in a postcard.

Make sure—demand natural, Genuine Mother Nature Soap Lake products. Demonstrate without cost, their anti-acid value in correcting ills caused by hyperacidity.

They neutralize acid wherever contacted.

Ask almost anyone who has been there and who faithfully took the treatments for such ills as rheumatism * * * ulcers of the stomach, gangrene, body or scalp sores. In many cases you will be told stories of complete and prompt recovery so astonishing as to be almost unbelievable. * * *

No longer need you journey far and expensively to prove the virtue of Soap Lake minerals. They are now easily and inexpensively available to you through your druggist * * * from Nature's own laboratory.

No one should submit to an operation for ulcers without first having given Mother Nature Soap Lake Seltzer a trial.

Findings

28 F. T. C.

Oral Hygiene: Trench Mouth—Pylorrhea, * * * Wonderful aid to Nature in Pylorrhea and Trench Mouth * * * Hold in mouth in contact with sore places as long as possible. Wonderful results.

Through the use of said statements and other statements of similar import and meaning used in its advertising matter, respondent represents directly or by implication that "Mother Nature Soap Lake Salts," "Mother Nature Soap Lake Seltzer," and "Mother Nature Soap Lake Spirit," will prevent and cure, and are beneficial in the treatment of, many of the diseases, afflictions, ailments and conditions which may be present or exist in the human body. Among the diseases, ailments, afflictions, and conditions named by respondent in said radio broadcasts and said advertising literature as diseases, ailments, afflictions and conditions which the use of the said above-named products will benefit, prevent and cure, are the following: Rheumatism, arthritis, neuritis, eczema, athlete's foot, ulcers of the stomach, poison oak and ivy, gangrene, body or scalp sores, Buerger's disease, hyperacidity, lumbago, trench mouth, and pyorrhea.

PAR. 5. In truth and in fact, the use of respondent's packaged mineral salts alone, either externally or internally, will not prevent or cure, and are not beneficial in the treatment of rheumatism, arthritis, neuritis, eczema, athlete's foot, ulcers of the stomach, poison oak and ivy, gangrene, body or scalp sores, Buerger's disease, hyperacidity, lumbago, trench mouth, pyorrhea, or any other disease, affliction, ailment or condition which may be present or exist in the human body, as represented in its radio broadcasts and other advertisements and advertising literature.

Respondent obtains its above-named products by evaporation of the waters of Soap Lake. An analysis has been made of the natural water of Soap Lake and also of respondent's product, "Mother Nature Soap Lake Salts." Respondent's "Salts" are the unadulterated residue after evaporation is complete, and its "Spirit" is the liquid concentrate bottled before evaporation is complete. Its "Seltzer" is 60 percent "Salts" and 40 percent citric and tartaric acid salts, which are added solely for effervescence and palatability.

"Mother Nature Soap Lake Salts" contain:

	Percent
Sodium Chloride.....	18.19
Potassium Chloride.....	6.57
Sodium Sulphate.....	21.38
Sodium Carbonate.....	53.72
Calcium Carbonate.....	.07
Negligible traces of silica, phosphorus, iron, aluminum, magnesium, iodine and lithium.....	.07
Total.....	100.00

The chemical content of the natural water is the same as that of respondent's "Salts," except that certain volatiles are lost in the evaporation process. There is no radioactivity or vitamin D content in the respondent's packaged preparations.

No merit is claimed for the calcium carbonate or for the negligible traces of silica, phosphorus, iron, alumina, magnesium, iodine, and lithium.

Sodium sulphate, or Glauber's salts, a well known purgative, accounts for a trifle more than one-fifth of the total solid content. Concentrated Glauber's salts give a laxative effect. The effect of the Glauber's salts in respondent's products, however, is so minimized by its combination with the other ingredients therein as to require increased dosage and the ingestion of a very large amount of water, in order to have the same effect as that given by a concentrated laxative requiring a much less amount of water. Physicians prefer to prescribe a laxative in concentrated form, in order that the patient be not required to drink more water than he would normally consume.

More than one-half of the content of the "Salts" is sodium carbonate, a caustic alkali known as washing soda. For the purpose of temporarily neutralizing acid in cases where ulcers or a condition of hyperacidity exists, an alkali is sometimes prescribed by physicians. One of the elements usually prescribed for temporarily overcoming hyperacidity is sodium bicarbonate which is less caustic and more readily decomposed by the hydrochloric acidity of the stomach than sodium carbonate. While the respondent's products, because of the sodium carbonate therein, do have an alkalizing effect, they are not a proper treatment for ulcers or hyperacidity because of their extremely caustic effect.

Of the total content 24.76 percent is sodium chloride and potassium chloride. Potassium chloride is ordinary table salt. The medicinal properties of potassium chloride and sodium chloride are practically the same. The normal diet contains an adequate supply of salt and other chlorides for all purposes.

In the treatment of neuritis, arthritis, or lumbago, which are types of rheumatism, and kidney trouble, the use of chlorides is restricted by physicians because an excess of chloride irritates and aggravates the pathological processes in the kidneys. The internal use of respondent's products by persons afflicted with any type of rheumatism causes additional aggravation and irritation of the kidneys. Frequently, the conditions prevalent when the patient is suffering from so-called rheumatism are associated with some degree of kidney involvement, and the use of respondent's product is distinctly harmful.

Findings

28 F. T. C.

When taken internally the respondent's product acts as a mild and indefinite diuretic and laxative. There are many well known harmless laxatives, diuretics, and neutralizers of hyperacidity which do not aggravate the pathological processes of the organs of the patient. Many of these other preparations will react definitely as prescribed by physicians.

Bathing in hypertonic salt solutions will promote dehydration through the skin and thus eliminate to a certain extent toxic products circulating in the blood. This effect is increased when baths are taken hot. Hot baths with or without salts of this character are very useful in giving temporary relief to internal pains, especially those associated with the joints, arising from neuritis, arthritis, lumbago, rheumatism, gangrene, or Buerger's disease. The dehydrating effect of the hypertonic salt solution very probably results in the lessening of congestion in and about swollen joints or other afflicted parts and thus temporarily relieves pain because of the slight hypertonic effect of respondent's products. There are many hypertonic salts other than respondent's which likewise furnish temporary relief when mixed with hot bath water.

Eczema and other similar diseases are generally considered of systemic origin and are manifested by skin lesions. When sodium carbonate is applied to this diseased skin, it acts as a counter-irritant and temporarily relieves the itching and discomfort. Respondent's products, however, are not effective in curing or preventing these skin diseases.

Athlete's foot is a fungoid infection deeply embedded in the layers of the skin. While some of the ingredients of respondent's product might cleanse the diseased tissue, there are no antiseptic properties in respondent's products which will prevent or cure athlete's foot.

Poison oak and poison ivy are skin diseases which spread rapidly unless properly checked. The rapidity with which the infection is spread over the body is greatly accentuated by the use of liquid solutions. External applications of respondent's product are harmful to a person suffering from this affliction.

Body and scalp sores are commonly treated with medicines having astringent qualities. It is also necessary to keep the afflicted parts clean. Respondent's products have no astringent properties whatever. The beneficial effect following the use of these products on sores is limited to the cleansing properties thereof.

Trench mouth is caused by a germ which is not affected in any way by respondent's products. The cause and cure of pyorrhea are not known to medical science as yet. The only benefit which a person afflicted with trench mouth and/or pyorrhea could derive from re-

1377

Order

spendent's products would be through its use as a mouth wash. When so used the effect would be similar to that of table salt.

Hot and cold baths are beneficial in temporarily relieving the pain incidental to Buerger's Disease and gangrene. Gangrene is sometimes due to diabetes. In that event, respondent's products may be soothing when mixed with bath water. However, respondent's packaged products, when administered in any form, are not competent treatments for gangrene or Buerger's Disease.

The therapeutic benefits, if any, generally obtained from the use of any or all of said products are limited to those resulting from the laxative, diuretic and cleansing properties of the various ingredients thereof.

PAR. 6. The use by the respondent of each and all of the false and misleading statements and representations in its advertising circulars, pamphlets, radio continuities and other advertising media, in offering for sale and selling its products in commerce, had, and now has, the tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous belief that said representations are true. As a direct result of these erroneous and mistaken beliefs induced by the acts and representations of the respondent, as hereinabove enumerated, a number of the consuming public have purchased a substantial volume of respondent's products, with the result that trade in commerce has been unfairly diverted to the respondent from individuals, firms and corporations likewise engaged in the business of preparing, distributing and selling similar products or other products designed, intended and sold for use in the cure, relief or treatment of the various diseases, ailments, afflictions and conditions named herein, and who truthfully represent the effectiveness of their respective products, to the injury of competition in commerce among and between the various States of the United States.

CONCLUSION

The aforesaid acts and practices of the respondent as herein found are all 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 the respondent, testimony and other evidence taken before Henry M.

Order

28 F. T. C.

White, Charles P. Vicini, and Miles J. Furnas, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and the briefs filed herein (counsel for respondent not having requested oral argument) 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, Soap Lake Products Corporation, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as commerce is defined in the Federal Trade Commission Act, of packaged mineral salts obtained from the waters of Soap Lake located in the State of Washington, now designated as "Mother Nature Mineral Soap Lake Salts," "Mother Nature Soap Lake Seltzer," and "Mother Nature Soap Lake Spirit," whether sold under those names or any other names, do forthwith cease and desist from representing:

1. That said packaged mineral salt preparations will cure eczema or similar skin diseases of systemic origin, or have any beneficial effect in the treatment thereof other than temporarily relieving the itching and discomfort incidental to said diseases.

2. That said mineral salt preparations will cure athlete's foot or any body or scalp sores or have any beneficial value in the treatment thereof other than cleansing effect upon surface lesions.

3. That said mineral salt preparations will cure poison oak or poison ivy or have any beneficial value in the treatment thereof.

4. That said mineral salt preparations will cure pyorrhea or trench mouth or have any beneficial value in the treatment thereof other than as a cleansing agent.

5. That said mineral salt preparations will cure ulcers of the stomach or hyperacidity or constitute a competent and proper treatment therefor or have any beneficial value in the treatment thereof other than temporarily relieving the pain and discomfort incident thereto by temporarily neutralizing excess acid.

6. That the said mineral salt preparations, when taken internally, will prevent or cure rheumatism, neuritis, arthritis, lumbago, gangrene, or Buerger's Disease, or constitute a proper treatment thereof or have any beneficial value in the treatment thereof.

7. That said mineral salt preparations when used externally will prevent or cure rheumatism, neuritis, arthritis, lumbago, gangrene, or Buerger's Disease, or have any beneficial effect in the treatment

1377

Order

thereof other than temporarily relieving pain and congestion in the afflicted parts.

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

IN THE MATTER OF
**FREDERICK CLUTHE, TRADING AS CHARLES CLUTHE
& SONS; AND CHARLES CLUTHE & SONS (A CORPORATION)**

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

Docket 3512. Complaint, July 27, 1938—Decision, Apr. 10, 1939

Where an individual and a corporation, engaged in manufacture of trusses for ruptures, and in sale and distribution thereof to purchasers in various other States, in competition with others engaged in sale and distribution in commerce among the various States of trusses and similar appliances; in advertising their said products in pamphlets and circulars distributed to prospective purchasers in various States, and in newspapers, and periodicals circulating among the various States—

- (a) Represented, through use of term "Guaranteed to hold," that their said truss would prevent the intestines from passing through the rupture; and
- (b) Represented that use thereof would enable ruptured persons to engage safely in severe forms of exercise and physical effort, and that same would seal the rupture opening; and

Where said individual—

- (c) Represented, as above set forth, that their said appliance was a new kind of truss or invention, and that elastic or spring trusses were not adaptable for use on the body, and that ruptured person using their said truss would be assured of beneficial results by reason of such use, and that it would fit ruptures; and
- (d) Represented, through use of term "overcome rupture troubles," that use of their said truss would cure a rupture, and that the necessity for an operation for rupture would be eliminated by reason of the use of such truss;

Facts being said product was not a new kind of truss and invention, and would not overcome rupture troubles or fit and cure the rupture, and was not a way of obtaining sure results in the treatment of such condition, and would not end rupture worries and accomplish results above claimed, elastic or spring trusses could be adapted for use on the body, and their said truss would not seal the opening or save and eliminate necessity of operation for rupture, and their said representations were false and misleading;

With effect of misleading and deceiving members of purchasing public in various States into erroneous and mistaken belief that said statements and representation were true, and into purchasing substantial quantities of their said products because of such erroneous and mistaken belief, and with result that trade was thereby diverted unfairly to them from their competitors aforesaid who truthfully advertise their respective 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.