

IN THE MATTER OF
**ZENDEJAS PRODUCTS CORPORATION, AND JOSE SILVA,
TRADING AS ZENDEJAS PRODUCTS COMPANY**

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

Docket 3679. Complaint, Dec. 28, 1938—Decision, Sept. 7, 1939

Where a corporation and an individual, who was secretary and manager thereof and controlled and directed its business activities, sales policies and practices, engaged in sale and distribution of certain medical preparations designated as "Zendejas Medicine" and "Zendejas Ointment," to members of purchasing public in various States; in advertisements which they disseminated through the mails, in newspapers and periodicals of general circulation, and through circulars and other printed matter distributed in commerce among the various States, and through continuities broadcast from radio stations of extrastate audience—

- (a) Represented that said "Zendejas Medicine" contained well-known curative qualities of many plants, barks, and roots, and contributed to the purification of the blood, and was an alternative for the digestive system which promoted formation of new and healthy elements, regulated circulation of the blood, prevented blood clots, and eliminated useless and noxious elements therefrom;
- (b) Represented, as aforesaid, further, that it was a cure and remedy for all ailments for which an iodized medicine could be prescribed, and for rheumatism, through clearing blood of noxious matter, and that it was of great value in treatment of gout and arthritis, and that millions of rheumatics recommended its use;

Facts being it did not, as aforesaid claimed, contain well-known curative qualities of plants, barks, and roots, or contribute to purifying the blood, was not an alternative for general digestive system which aided said system as aforesaid claimed, did not regulate circulation of the blood or accomplish other results above set forth, and was not a cure or remedy for all ailments for which iodized medicine could be prescribed, nor for rheumatism, and was not great remedy in treatment of gout or arthritis, nor recommended by millions of rheumatics;

- (c) Represented, as aforesaid, that their said "Zendejas Ointment" was a competent and efficient treatment for, or would cure, eczema, rash, and other skin diseases, and would give immediate relief to sufferers therefrom and cause such eruptions to disappear;

Facts being it was not a competent or effective treatment for such ailments and conditions, nor of substantial therapeutic value in treatment thereof, nor remedy thereof, and would not accomplish results claimed as above set forth; and

- (d) Failed to reveal to purchasers and prospective purchasers of their preparations, in the course and conduct of their business, that indiscriminate use thereof by the uninformed might cause them to suffer irreparable and perhaps fatal injury by reason of fact that their said medicine was composed essentially of senna and potassium iodide, and danger to public in

indiscriminate use of iodides which might cause great harm to those afflicted with latent tuberculosis and toxic goiter, and by reason of presence in said ointment of dangerous drug and ingredient "Betanaphthol," which should be used only under physician's supervision, due to special irritant action on kidneys and fact that severe neuritis has been caused by absorption from skin of said drug, which is especially contraindicated in presence of renal disease;

With effect of misleading and deceiving substantial portion of purchasing public into erroneous and mistaken belief that such false statements, representations, and advertisements were true, and that their said preparations possessed properties claimed and represented, and would accomplish results as aforesaid, and of causing portion of such public, by reason of such belief, to purchase the same and thereby divert trade unfairly to them from their competitors in commerce who truthfully advertise the effectiveness in use of their products; to the substantial injury of competitors in commerce:

Held, That such acts and practices, under the circumstances set forth, were all to the prejudice of the public and competitors and constituted unfair methods of competition in commerce and unfair acts and practices therein.

Mr. J. C. Kash 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 Zendejas Products Corporation, a corporation, and J. Silva, an individual trading as Zendejas Products Co., hereinafter referred to as respondents, have violated the provisions of 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. Zendejas Products Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its principal office and place of business located at 200 West Fifty-first Street, Los Angeles, Calif.

Respondent J. Silva, is an individual trading as Zendejas Products Co. and is also secretary and manager of said respondent, Zendejas Products Corporation, and controls and directs the business activities, sales policies, and practices of respondent corporation and has his office and place of business at the same address, to wit, 200 West Fifty-first Street, Los Angeles, Calif.

Said respondents have acted in concert and in cooperation with each other in performing the acts and practices hereinafter alleged.

PAR. 2. The respondents are now and have been for more than 1 year last past engaged in the business of selling and distributing

certain medicinal or pharmaceutical preparations designated as "Zendejas Medicine" and "Zendejas Ointment." Respondents sell said preparations to members of the purchasing public situated in various States of the United States and cause the said preparations, when sold by them, to be transported from their aforesaid place of business in the State of California to the purchasers thereof located in other States of the United States and in the District of Columbia.

Respondents maintain, and at all times mentioned herein have maintained, a course of trade in commerce in said preparations among and between the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of their business, respondents are in active and substantial competition with other individuals and corporations and with partnerships engaged in the sale and distribution in commerce among and between the various States of the United States and in the District of Columbia of medicinal preparations designed and intended for and used in the treatment of the ailments and conditions of the human body, for which respondents recommend the use of their said preparations. Among such competitors in said commerce are many who do not in any manner misrepresent their said preparations, or the therapeutic properties thereof, and who do not make false and misleading statements in connection with the sale and distribution of their preparations and products.

PAR. 4. In the course and conduct of their aforesaid business, the respondents have disseminated, are now disseminating, and have and do now cause to be disseminated, false advertisements for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of the respondents' said medicinal preparations. Said false advertisements were, and are, disseminated by use of the United States mails; by insertion in newspapers, and periodicals having a general circulation and also in circulars and other printed matter, all of which are distributed in commerce among and between the various States of the United States; and by continuities broadcast from radio stations which have sufficient power to, and do, convey the programs emanating therefrom to listeners thereto located in the various States of the United States other than the State from which said broadcasts originate. Various means have been, and are, used by respondents to disseminate or cause the dissemination of said false advertisements for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase in commerce among and between the various States of the United States of respondents' said medicinal preparations. The greater part of such advertisements are disseminated by

the respondents in the Spanish language. The list of advertisements quoted below are English translations of the advertisements actually disseminated, as aforesaid. Among, and typical of, the statements and representations contained in said false advertisements so used and disseminated as aforesaid are the following:

ZENDEJAS MEDICINE

It is a medical compound that contains the active principles of many plants, barks and roots, whose curative qualities have been well known since remote times.

It contributes to the purification of the blood and works as an alterative for the general digestive system, increases metabolism and transforms the organic functions. Therefore it promotes the formation of new and healthy elements.

It has a dilatory action on the arteries, which activate and regulate the circulation of the blood to the outer surface and the tissues and aids in preserving the natural fluids of the blood, prevents formation of small blood clots (thrombosis and embolisms) that obstruct the arteries. Because of its diaphoretic and diuretic action and its resolvent and smooth laxative qualities, it throws off on the surface the useless and noxious elements. In general it is indicated for all ailments for which an iodized vegetable medicine could be prescribed.

It can be practically demonstrated that an iodized medicine is of great value for this universal ailment (rheumatism). Zendejas Medicine combines the qualities of an iodine preparation with the benefits of vegetable elements that go so well with the iodides.

RHEUMATIC PAINS

Gout

Arthritis

If you are a victim of the tortures of this disease, especially during the winter, remember that millions of rheumatics recommend the incomparable Mexican remedy

ZENDEJAS

Zendejas is a valuable remedy against rheumatism because you attack the trouble at its true origin, clear the blood of the noxious matter which causes it.

Aids digestion and renews vigor.

POMADA ZENDEJAS

(Zendejas Ointment)

And for many reasons it can be remembered for its use, because of its marvelous results in eczema, rash, ringworm, itching, and other affections are some of the things which cause you to always remember it * * *.

SKIN DISEASES

You don't have to suffer from diseases like eczema, ringworm and other skin irritations, many of them repulsive, that prohibit from all social contact. Remember that

POMADA ZENDEJAS

is an efficacious remedy, easy to apply * * *.

Complaint.

29 F. T. C.

SKIN ERUPTIONS

Many eruptions are very painful, others produce desperate itching. There are others that, if they aren't painful, like eczema and psoriasis, are at least nuisances and have a disagreeable appearance.

LA POMADE ZENDEJAS

gives immediate relief, soothes the itching quickly and when the eruptions can't be traced to any specific diseases, it makes them disappear * * *.

PAR. 5. Through the use of the statements and representations hereinabove set forth, and others similar thereto not specifically set-out herein, all of which purport to be descriptive of the remedial, curative, or therapeutic properties of respondents' products, respondents have represented, and do now represent, directly and indirectly, that respondents' preparation, "Zendejas Medicine" contains well-known curative qualities of many plants, barks and roots; that it contributes to the purification of the blood; that it is an alterative for the general digestive system; that it promotes the formation of new and healthy elements; that it regulates the circulation of the blood and prevents blood clots; that it eliminates useless and noxious elements from the system; that it is a cure or remedy for all ailments for which an iodized medicine could be prescribed; that it is a cure or remedy for rheumatism because it clears the blood of noxious matter; that it is of great value in the treatment of gout and arthritis; that millions of rheumatics recommend its use; that "Zendejas Ointment" is a competent and effective treatment for, or will cure eczema, rash, ringworm, itching, and other skin diseases; that it is a cure or remedy for skin diseases; that its use gives immediate relief to sufferers of skin eruptions and causes such eruptions to disappear.

PAR. 6. The aforesaid representations and claims used and designated by the respondents, as hereinabove described, are grossly exaggerated, misleading, and untrue and constitute false advertising. In truth and in fact, respondents' "Zendejas Medicine" does not contain the well-known curative qualities of many plants, barks, and roots. It does not contribute to the purification of the blood, is not an alterative for the general digestive system, and does not promote the formation of new and healthy elements. Said preparation does not regulate the circulation of the blood, nor prevent blood clots and does not eliminate useless and noxious elements from the system. This preparation is not a cure or remedy for all ailments for which an iodized medicine could be prescribed. It is not a cure or remedy for rheumatism and does not clear the blood of the noxious matter that causes same. It is not of great value in the treatment of gout or arthritis. Millions of rheumatics do not recommend the use of this preparation.

Respondents' preparation "Zendejas Ointment" is not a competent or effective treatment for, nor will it cure or be of substantial therapeutic value in the treatment of, eczema, rash, ringworm, itching, and other skin diseases. It is not a remedy for skin diseases and its use does not give immediate relief to sufferers of skin eruptions and cause such eruptions to disappear.

Respondents' claims as to the therapeutic value or efficacy of said preparation are grossly exaggerated, false, and deceptive and greatly exceed any claims as to the therapeutic value or efficacy of said preparation which might truthfully be made.

PAR. 7. The use of the aforesaid false advertisements, disseminated in the manner above described, induces or is likely to induce, directly or indirectly the purchase of medicinal preparations containing drugs.

The formula of "Zendejas Medicine" shows that it is composed essentially of *cassa augustifolia* (senna) and potassium iodide. The indiscriminate sale of iodides to the public is dangerous and may cause great harm to persons afflicted with latent tuberculosis and toxic goiter.

The "Zendejas Ointment" contains the dangerous ingredient "Betanaphthol" and should be used only under a physician's supervision as it has a special irritant action on the kidneys, and severe nephritis has been caused by its absorption from the skin, and is especially contraindicated in the presence of renal disease.

In the course and conduct of their business, the respondents do not disclose to purchasers and prospective purchasers of their preparations that the indiscriminate use of said preparations by the uninformed may cause them to suffer irreparable and perhaps fatal injury.

PAR. 8. The use by respondents of the foregoing false, receptive, and misleading statements, representations, and advertisements disseminated as aforesaid with respect to said medicinal preparations has had, and now has, the capacity and tendency to and does mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such false statements, representations, and advertisements are true and that respondents' said preparations possess the properties claimed and represented and will accomplish the results represented and causes a portion of the purchasing public because of said erroneous and mistaken belief to purchase respondents' said preparations. As a result, trade has been diverted unfairly to the respondents from their competitors in said commerce who truthfully advertise the effectiveness and use of their respective products. In consequence thereof, injury has been and is

now being done by respondents to competition in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 9. The aforesaid acts and practices of the respondents, as herein alleged, are all to the prejudice and injury of the public and the respondents' competitors and constitute unfair methods of competition in commerce and unfair acts and practices 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 28th day of December 1938, issued, and on January 3, 1939, served, its complaint in this proceeding upon respondents Zendejas Products Corporation, a corporation, and Jose Silva, an individual trading as Zendejas Products Co., 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, the Commission, by order entered herein, granted respondents' motion for permission to withdraw their answer and to substitute therefor an answer admitting all the material allegations of fact set forth in said complaint and waiving all intervening procedure and further hearing as to said facts, which substitute answer was duly filed in the office of the Commission. Thereafter, this proceeding regularly came on for final hearing before the Commission on the said complaint and substitute answer, 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 Zendejas Products Corporation is a corporation organized, existing, and doing business under the laws of the State of California, with its principal office and place of business at 200 West Fifty-first Street, Los Angeles, Calif. The respondent, Jose Silva, is an individual trading as Zendejas Products Co. He is also secretary and manager of said corporation and controls and directs the business activities, sales policies, and practices of respondent corporation. His office and place of business is also at 200 West Fifty-first Street, Los Angeles, Calif. Said respondents have acted in concert and in cooperation with each other in performing the acts and practices hereinafter stated.

PAR. 2. The respondents are now, and have been for more than 1 year last past, engaged in the business of selling and distributing certain medical preparations designated as "Zendejas Medicine" and "Zendejas Ointment." Respondents have sold said preparations to members of the purchasing public situated in various States of the United States, and have caused the said preparations, when sold by them, to be transported from their aforesaid place of business in the State of California to the purchasers thereof located in the other States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of their business respondents have been and are in active and substantial competition with other individuals, corporations, partnerships, and firms engaged in the sale and distribution of medical preparations designed and intended for and used as treatments for the ailments and conditions of the human body for which respondents recommend the use of their said preparations. Among such competitors in said commerce are many who do not in any manner misrepresent their medical preparations or the therapeutic properties thereof and who do not make false and misleading statements in connection with the sale and distribution of their products.

PAR. 4. In the course and conduct of respondents' business, they have disseminated false advertisements for the purpose of inducing, directly or indirectly, the purchase of their said medical preparations. Said false advertisements were and are disseminated by use of the United States mails, by insertions in newspapers and periodicals having a general circulation, and also in circulars and other printed matter, all of which are distributed in commerce among and between the various States of the United States, and by continuities broadcast from radio stations, which have sufficient power to, and do, convey the programs emanating therefrom to listeners thereto located in the various States of the United States other than the State from which said broadcasts originate. The greater part of certain advertisements are disseminated by the respondent in the Spanish language. The list of advertisements quoted below are English translations of the advertisements actually disseminated as aforesaid. Among and typical of said statements and representations are the following:

ZENDEJAS MEDICINE

It is a medical compound that contains the active principals of many plants, barks and roots whose curative qualities have been well known since remote times.

It contributes to the purification of the blood and works as an alterative for general digestive system, increases metabolism and transforms the organic

Findings

29 F. T. C.

functions; therefore, it promotes the formation of new and healthy elements.

It has a dilatory action on the arteries, which activate and regulate the circulation of blood to the outer surface and the tissues and aids in preserving the natural fluids of the blood, prevents formation of small blood clots (thrombosis and embolisms) that obstruct the arteries. Because of its diaphoretic and diuretic action and its resolvent and smooth laxative qualities, it throws off on the surface the useless and noxious elements. In general it is indicated for all ailments for which an iodized vegetable medicine could be prescribed.

It can be practically demonstrated that an iodized medicine is of great value for this universal ailment (rheumatism). Zendejas Medicine combines the qualities of an iodized preparation with the benefits of vegetable elements, which go so well with the iodized.

RHEUMATIC PAINS

Gout

Arthritis

If you are a victim of the tortures of this disease, especially during the winter, remember that millions of rheumatics recommend the incomparable Mexican remedy.

Zendejas is a valuable remedy against rheumatism because you attack the trouble at its true origin, clear the blood of the noxious matter which causes it.

Aids digestion and renews vigor.

POMADA ZENDEJAS

(Zendejas Ointment)

And for many reasons it can be remembered for its use because of its marvelous results in eczema, rash, ringworm, and itching, and other affections, are some of the things which cause you always to remember it.

SKIN DISEASES

You don't have to suffer from diseases like eczema, ringworm, and other skin irritations, many of them repulsive, that prohibit from all social contact. Remember that Pomada Zendejas is an efficacious remedy easy to apply.

SKIN ERUPTIONS

Many eruptions are very useful. Others produce desperate itching. There are others that if they aren't painful, like eczema and psoriasis, are at least nuisances and have a disagreeable appearance. Lapomada Zendejas gives immediate relief, soothes the itching quickly, and when the eruptions can't be traced to any specific diseases, it makes them disappear.

PAR. 5. The Commission finds that through the use of the statements and representations hereinabove set forth in paragraph 4 hereof, and others similar thereto, all of which purport to be descriptive of the remedial, curative, or therapeutic properties of respondents' products, respondents have represented and do now represent, directly and indirectly, that respondents' preparation, "Zendejas Medicine," contains well-known curative qualities of many plants, barks, and roots; that it contributes to the purification of the blood;

that it is an alterative for the general digestive system; that it promotes the formation of new and healthy elements, regulates the circulation of the blood, and prevents blood clots; that it eliminates useless and noxious elements from the system; that it is a cure and remedy for all ailments for which an iodized medicine could be prescribed; that it is a cure or remedy for rheumatism because it clears the blood of noxious matter; that it is of great value in the treatment of gout and arthritis; that millions of rheumatics recommend its use; that "Zendejas Ointment" is a competent and efficient treatment for, or will cure, eczema, rash, ringworm, itching, and other skin diseases; that it is a cure or remedy for skin diseases; that its use gives immediate relief to sufferers of skin eruptions and causes such eruptions to disappear.

PAR. 6. The Commission finds that the aforesaid false and misleading statements, representations, and advertisements set forth in paragraphs 4 and 5 hereof, which respondents make with respect to the therapeutic value of their said products are grossly exaggerated, misleading, and untrue and constitute false advertising. In truth and in fact, respondents' preparation, "Zendejas Medicine" does not contain the well-known curative qualities of plants, barks, and roots. It does not contribute to purifying the blood. It is not an alterative for the general digestive system. It does not aid the general digestive system and does not promote the formation of new and healthy elements. Said preparation does not regulate the circulation of the blood, nor does it prevent blood clots and does not eliminate useless and noxious elements from the system. This preparation is not a cure or remedy for all ailments for which an iodized medicine could be prescribed. It is not a cure or remedy for rheumatism and does not clear the blood of the noxious matter which causes same. It is not a great remedy in the treatment of gout or arthritis, and millions of rheumatics do not recommend the use of said preparation.

Respondents' preparation "Zendejas Ointment" is not a competent or efficient treatment for, nor will it cure, or be of substantial therapeutic value in the treatment of eczema, rash, ringworm, itching, and other skin diseases. It is not a remedy for skin diseases and its use does not give immediate relief to sufferers of skin eruptions and its use will not cause such eruptions to disappear.

PAR. 7. The Commission finds that the formula of the preparation "Zendejas Medicine" is composed essentially of *cassa augustifolia* (senna) and potassium iodide, and that the indiscriminate use of iodides by the public is dangerous and may cause great harm to persons afflicted with latent tuberculosis and toxic goiter.

Order

29 F. T. C.

The Commission further finds that the preparation "Zendejas Ointment" contains the ingredient "Betanaphthol," which is a dangerous drug, and which should be used only under a physician's supervision since it has a special irritant action on the kidneys and since severe neuritis has been caused by its absorption from the skin. It is especially contraindicated in the presence of renal disease.

The Commission further finds that in the course and conduct of their business the respondents have not disclosed to purchasers and prospective purchasers of their preparations that the indiscriminate use of said preparations by the uninformed may cause them to suffer irreparable and perhaps fatal injury.

PAR. 8. The use by the respondents of each and all of the foregoing false, deceptive, and misleading statements, representations, and advertisements disseminated as aforesaid with respect to said medical preparations has had, and now has, the capacity and tendency to and does mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such false statements, representations, and advertisements are true, and that respondents' said preparations possess the properties claimed and represented and that said preparations when taken will accomplish the results represented and causes a portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondents' said preparation. As a result, trade has been diverted unfairly to the respondents from their competitors in said commerce who truthfully advertise the effectiveness and use of their respective products. As a result thereof, substantial injury has been done and is now being done by respondents to competitors in commerce among and between the various States of the United States and in the District of Columbia.

CONCLUSION

The aforesaid acts and practices of the respondents as herein found are all to the prejudice of the public and of respondents' competitors and constitute unfair methods of competition in commerce and unfair acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the answer of the respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they

waive all intervening procedure and further hearings as to the facts, and the Commission having made its findings as to the facts and conclusion that respondents have violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, Zendejas Products Corporation, a corporation, its officers, representatives, agents, and employees, and Jose Silva, individually and trading as Zendejas Products Co., or trading under any other name, his representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of medical preparations containing drugs now designated by the names "Zendejas Medicine" and "Zendejas Ointment," or any other medical preparations composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same names or any other name or names or disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said medical preparations, which advertisements represent directly or through implication that said medicinal preparation "Zendejas Medicine" contains well-known curative properties of many plants, barks, and roots; that it contributes to the purification of the blood; that it is an alterative for the general digestive system; that it promotes a formation of new and healthy elements and regulates the circulation of the blood and prevents blood clots; that it eliminates useless and obnoxious elements from the system; that it is a cure and remedy for all ailments for which an iodized medicine could be prescribed; that it is a cure or remedy for rheumatism; that it is of great value in the treatment of gout and arthritis; that millions of rheumatics recommend its use; or which advertisements fail to reveal that said preparation "Zendejas Medicine," whether sold under the aforesaid name or any other name, contains potassium iodide and that said preparation may be injurious to persons afflicted with latent tuberculosis or toxic goiter, and that its indiscriminate use by the lay public is dangerous; or which advertisements represent directly or through implication that the medicinal preparation "Zendejas Ointment" is a competent and effective treatment, or cure,

Order

29 F. T. C.,

for eczema, rash, ringworm, itching, and other skin diseases; that it is a cure or remedy for skin diseases or that its use gives immediate relief to sufferers from skin eruptions and cause such eruptions to disappear; or which advertisements fail to reveal that said preparation "Zendejas Ointment," whether sold under the aforesaid name or under any other name, contains betanaphthol and that said ingredient is a dangerous drug which should be used only under a physician's supervision.

It is further ordered, That the respondents shall, within 60 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
UNITED DISTRIBUTORS, INC.COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 3708. Complaint, Feb. 13, 1939—Decision, Sept. 7, 1939*

Where a corporation engaged in manufacture of its "Wittone" preparation for treatment of various diseases, and in sale and distribution thereof to members of purchasing public in the various States, in substantial competition in commerce with others engaged in sale and distribution of other preparations designed and intended for and used in treatment of the conditions for which it recommended its said "Wittone"; in advertisements which it disseminated through circulars, folders, calendars, match books, and other printed and written matter distributed in commerce among the various States, and through other means, and which were intended and likely to induce purchase of its said product—

- (a) Represented that constipation caused a swelling of the digestive organs, and that generation of poisons was usual consequence of constipation, and that distention of such organs was caused by poison and that such distention brought about pressure on the nerves, resulting in bilious spells, dizziness, headaches, dull tired feelings, and various other asserted symptoms there set forth, and that use of its said "Wittone" would, by relieving pressure on the nerves, eliminate such various conditions, and that professional medical opinion was to the effect that 87 percent of all ailments were traceable to constipation as fundamental cause, and that said "Wittone" would cleanse the bowels as they had never been "cleansed before and tone them into better daily action," and that use thereof would strengthen the nerves and assure and impart physical beauty to the user;
- (b) Represented that such use would lift mental depression, regardless of its cause, rendering the mind active and alert and affording relief from all stomach disorders, and that its action was gentle and would assure, in all cases, good health, well-being and healthy condition of the blood stream, and that it contained seven carminatives and was beneficial in stimulating the appetite and digestive processes, etc.; and
- (c) Represented that it relieved the liver and kidneys of a part of their work and was a remedy and adequate treatment for all deranged stomachic conditions, inactive livers, weak kidneys, and other disorders, and was of value in connection with the functioning of the kidneys, driving out poison, and beneficial to women passing through change of life, and would relieve nervous indigestion, pains in legs or sides, sick headaches, high blood pressure, heart trouble, and various other ailments and conditions, and would avert the cold and restore to normal all abnormal functioning of the nervous system, blood stream, liver or stomach;

Facts being representations, as aforesaid, as to cause and effect of constipation were untrue or misleading, as were those as to cause and effect of distention of the digestive organs, various symptoms enumerated were not due to nerve pressure in region of digestive organs caused by their distention, but to other causes, it possessed laxative and cathartic properties