

## IN THE MATTER OF

## IRVING SOFRONSKI, TRADING AS DR. RON-AL MEDICINE COMPANY, DR. PENN'S PRODUCTS COMPANY, AND PENN PRODUCTS

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

*Docket 3848. Complaint, July 13, 1939—Decision, Oct. 3, 1939*

Where an individual engaged, as "Dr. Ron-Al Medicine Company," in sale and distribution of his "Dr. Ron-Al's Relief Compound" to purchasers in other States and in the District of Columbia; in advertisements which he disseminated through the United States mails, newspapers, and periodicals of general circulation, and through circulars and other printed or written matter distributed in commerce among the various States, and otherwise, and which were intended and likely to induce purchase of his said medicinal preparation—

- (a) Represented that his said "Dr. Ron-Al's Relief Compound" was a competent and effective remedy for delayed menstruation, and that it was absolutely harmless and would accomplish results without pain or delay, facts being said preparation was composed of ergotin, aloes, oil savin, extract cotton wood bark, extract black hellebore, and iron sulphate, dried, and was not a competent, safe, or scientific treatment for delayed menstruation, and would not accomplish results without pain or delay, and use thereof, under conditions prescribed in advertisements in question, or under such conditions as are customary and usual, might result in gastrointestinal disturbances such as catharsis, nausea, and vomiting with pelvic congestion, inflammation and congestion of the uterus and adnexa leading to excessive uterine hemorrhage, and, where used to interfere with the normal course of pregnancy, might also result in uterine infection with extension to other pelvic and abdominal structures and also to the blood stream, causing septicemia or blood poisoning, and use thereof constituted a menace to the health and life of pregnant women; and
- (b) Failed to reveal, in advertisements disseminated as aforesaid, that use of said preparation, under the conditions prescribed in said advertisements or under such conditions as are customary or usual, might result in serious and irreparable injury to health;

With effect of misleading and deceiving substantial portion of purchasing public into erroneous and mistaken belief that such statements and representations were true, and of inducing portion of said public, because of such belief, to purchase his said preparation with injurious drugs therein contained:

*Held*, That such acts and practices, under the circumstances set forth, were all to the prejudice and injury of the public and constituted unfair and deceptive acts and practices in commerce.

*Mr. R. P. Bellinger* for the Commission.

*Mr. A. Lincoln Meyers*, of Philadelphia, Pa., for respondent.

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## 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 Irving Sofronski, an individual, trading as Dr. Ron-Al Medicine Co., Dr. Penn's Products Co., and Penn Products, 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, Irving Sofronski, is an individual trading as Dr. Ron-Al Medicine Co., Dr. Penn's Products Co., and Penn Products, residing at 7342 Ogontz Avenue, in the city of Philadelphia, State of Pennsylvania, from which address he transacts business under the above trade names.

PAR. 2. The respondent is now, and for some time last past has been, engaged in selling, distributing and causing to be transported from his place of business in the State of Pennsylvania to the purchasers thereof located in other States and in commerce between and among the various States of the United States and in the District of Columbia, a certain medicinal preparation known as "Dr. Ron-Al's Relief Compound."

Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said medicinal preparation in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of the aforesaid business, the respondent has disseminated, and is now disseminating, and has caused, and is now causing, the dissemination of false advertisements concerning his said medicinal preparation, by United States mails, by insertions in newspapers and periodicals, having a general circulation, and also in circulars and other printed or written matter, all of which are distributed in commerce among and between the various States of the United States, and by other means in commerce, as commerce is defined in the Federal Trade Commission Act, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of his said medicinal preparation; and has disseminated, and is now disseminating, and has caused, and is now causing, the dissemination of false advertisements concerning his said medicinal preparation, by various means, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of his said medicinal preparation in commerce, as commerce is defined in the

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Federal Trade Commission Act. Among and typical of the false representations contained in the advertisements disseminated and caused to be disseminated, as aforesaid, are the following:

Women of Today do not have to suffer monthly pain, and delay, due to cold, nervous strain, exposure, or other similar unnatural causes. Mrs. G. writes: "I received relief after twelve weeks of unnatural delay." Dr. Ron-Al's Relief Compound is effective, reliable, and gives quick relief. Don't suffer or be uncertain. Send today for this remedy.

PAR. 4. By the use of the representations hereinabove set forth, and other representations similar thereto not specifically set out herein, the respondent represents that his medicinal preparation known and designated as "Dr. Ron-Al's Relief Compound" is a competent and effective remedy for delayed menstruation; that said preparation is absolutely harmless and will accomplish results without pain or delay.

PAR. 5. In truth and in fact the medicinal preparation sold and distributed by the respondent, known as "Dr. Ron-Al's Relief Compound," is composed of ergotin, aloes, oil savin, extract cotton wood bark, extract black hellebore, and iron sulphate, dried, and is not a competent, safe, or scientific treatment for delayed menstruation and will not accomplish results without pain or delay. The use of said medicinal preparation, under the conditions prescribed in the said advertisements, or under such conditions as are customary and usual, may result in gastrointestinal disturbances such as catharsis, nausea, and vomiting with pelvic congestion, inflammation and congestion of the uterus and adnexa leading to excessive uterine hemorrhage. In those cases where this preparation is used to interfere with the normal course of pregnancy, such use may also result in uterine infection with extension to other pelvic and abdominal structures and also to the blood stream, causing the condition known as septicemia, or blood poisoning. The use of said medicinal preparation is a menace to the health and life of pregnant women.

PAR. 6. In addition to the representations hereinabove set forth, the respondent is also engaged in the dissemination of false advertisements in the manner above set forth in that said advertisements so disseminated fail to reveal that the use of said preparation, under the conditions prescribed in said advertisements or under such conditions as are customary or usual, may result in serious and irreparable injury to health.

PAR. 7. The use by the respondent of the foregoing, false, deceptive, and misleading statements and representations with respect to his preparation, disseminated as aforesaid, 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 statements and representations are true and induce a portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondent's medicinal preparation containing injurious drugs.

PAR. 8. The aforesaid acts and practices of the respondent, as herein alleged, are all to the prejudice and injury of the public and constitute unfair and deceptive 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 July 13, 1939, issued, and on July 14, 1939, served its complaint in this proceeding upon the respondent, Irving Sofronski, an individual trading as Dr. Ron-Al Medicine Co., Dr. Penn's Products Co., and Penn Products, charging him with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondent's answer, the Commission, by order entered herein, granted respondent's motion for permission to withdraw said 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. Respondent, Irving Sofronski, is an individual trading as Dr. Ron-Al Medicine Co., Dr. Penn's Products Co., and Penn Products, residing at 7342 Ogontz Avenue, in the city of Philadelphia, State of Pennsylvania, from which address he transacts business under the above trade names.

PAR. 2. The respondent is now, and for sometime last past has been, engaged in selling, distributing, and causing to be transported from his place of business in the State of Pennsylvania to the purchasers thereof located in other States and in commerce between and among the various States of the United States and in the District of Columbia, a certain medicinal preparation known as "Dr. Ron-Al's Relief Compound."

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Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said medicinal preparation in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of the aforesaid business, the respondent has disseminated, and is now disseminating, and has caused, and is now causing, the dissemination of false advertisements concerning his said medicinal preparation by United States mails, by insertions in newspapers, and periodicals, having a general circulation, and also in circulars and other printed or written matter, all of which are distributed in commerce among and between the various States of the United States, and by other means in commerce, as commerce is defined in the Federal Trade Commission Act, for the purpose of inducing, and which are likely to induce, directly or indirectly the purchase of his said medicinal preparation; and has disseminated, and is now disseminating, and has caused, and is now causing, the dissemination of false advertisements concerning his said medicinal preparation, by various means, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of his said medicinal preparation in commerce, as commerce is defined in the Federal Trade Commission Act. Among and typical of the false representations contained in the advertisements disseminated and caused to be disseminated, as aforesaid, are the following:

Women of today do not have to suffer monthly pain, and delay, due to cold, nervous strain, exposure, or other similar unnatural causes. Mrs. G. writes: "I received relief after twelve weeks of unnatural delay." Dr. Ron-Al's Relief Compound is effective, reliable, and gives quick relief. Don't suffer or be uncertain. Send today for this remedy.

PAR. 4. By the use of the representations hereinabove set forth, and other representations similar thereto not specifically set out herein, the respondent represents that his medicinal preparation known and designated as "Dr. Ron-Al's Relief Compound" is a competent and effective remedy for delayed menstruation; that said preparation is absolutely harmless and will accomplish results without pain or delay.

PAR. 5. In truth and in fact the medicinal preparation sold and distributed by the respondent, known as "Dr. Ron-Al's Relief Compound," is composed of ergotin, aloes, oil savin, extract cotton wood bark, extract black hellebore, and iron sulphate, dried, and is not a competent, safe, or scientific treatment for delayed menstruation and will not accomplish results without pain or delay. The use of said medicinal preparation, under the conditions prescribed in the said advertisements, or under such conditions as are customary and usual, may result in gastrointestinal disturbances such as catharsis, nausea, and

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vomiting with pelvic congestion, inflammation and congestion of the uterus and adnexa leading to excessive uterine hemorrhage. In those cases where this preparation is used to interfere with the normal course of pregnancy, such use may also result in uterine infection with extension to other pelvic and abnormal structures and also to the blood stream, causing the condition known as septicemia, or blood poisoning. The use of said medicinal preparation is a menace to the health and life of pregnant women.

PAR. 6. In addition to the representations hereinabove set forth, the respondent is also engaged in the dissemination of false advertisements in the manner above set forth in that said advertisements so disseminated fail to reveal that the use of said preparation, under the conditions prescribed in said advertisements or under such conditions as are customary or usual, may result in serious and irreparable injury to health.

PAR. 7. The use by the respondent of the foregoing, false, deceptive, and misleading statements and representations with respect to his preparation, disseminated as aforesaid, 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 statements and representations are true and induce a portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondent's medicinal preparation containing injurious drugs.

## CONCLUSION

The aforesaid acts and practices of the respondent, as herein found, are all to the prejudice and injury of the public and constitute unfair and deceptive 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 respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act.

*It is ordered,* That the respondent, Irving Sofronski, an individual trading as Dr. Ron-Al Medicine Co., Dr. Penn's Products Co., and Penn Products, or trading under any other name or names, his agents,

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servants, representatives, 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 an emmenagogue preparation now known as Dr. Ron-Al's Relief Compound, or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or under 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 medicinal preparation which advertisements represent, directly or through implication, that the use of said medicinal preparation constitutes a safe, competent, or scientific treatment for delayed menstruation or that its use will have no ill effect upon the human body, and which advertisements fail to reveal that the use of said preparation may result in serious or irreparable injury to the health of the user.

*It is further ordered,* That the respondent shall, within 10 days after service upon him of this order, file with the Commission an interim report in writing, stating whether he intends to comply with this order and if so, the manner and form in which he intends to comply; and that, within 60 days after service upon him of this order said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

MAGNECOIL CO., INC.

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Syllabus

IN THE MATTER OF