

IN THE MATTER OF
ARABIAN TOILET GOODS COMPANY, INC.

MODIFIED CEASE AND DESIST ORDER

Docket 2981. Order, Dec. 16, 1939

Order, in response to motion, modifying cease and desist order of January 20, 1938, 26 F. T. C. 441, so as to require respondent, its officers, etc., in connection with offer, etc., in interstate commerce or in District of Columbia, of cosmetics, to cease and desist from using term "Certified Cosmetics," and from misrepresenting qualities or composition of its said products, or Government guarantee, or use thereof as in said order set forth.

Before *Mr. John L. Hornor*, trial examiner.

Mr. DeWitt T. Puckett for the Commission.

Mr. George J. Crane, of Chicago, Ill., for respondent.

MODIFIED ORDER TO CEASE AND DESIST, ETC.

This matter having been heard by the Federal Trade Commission upon the motion of W. T. Kelley, chief counsel for the Federal Trade Commission, to modify the order to cease and desist issued in this proceeding on January 20, 1938, and it appearing to the Commission that the respondent was given proper notice and an opportunity to be heard on said motion, and the matter being now properly before the Commission for determination and the Commission having considered said motion and the record, and being now fully advised in the premises.

It is ordered, That the motion to modify the order to cease and desist issued herein on January 20, 1938, be, and the same hereby, is, granted.

It is further ordered, That the order to cease and desist issued herein on January 20, 1938, be, and the same hereby is, modified so as to read as follows:

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before John L. Hornor, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and briefs in support of the complaint and in opposition thereto (no oral argument having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of an act of Congress approved Septem-

ber 26, 1914, entitled, "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes."

It is further ordered, That the respondent, Arabian Toilet Goods Co., Inc., a corporation, its officers, representatives, agents, and employees, in connection with the offering for sale, sale and distribution of cosmetics in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

1. Using the term "Certified Cosmetics" or any other term of similar import or meaning to describe or refer to cosmetic products which have not been certified by some governmental or official authority.

2. Representing that its skin cream now designated as Wrinkle Creme, or any other cream containing substantially the same ingredients or possessing the same properties, sold under that name or any other name

(a) Will nourish or rejuvenate the skin.

(b) Will remove wrinkles and lines from the skin.

(c) Contains turtle oil or is guaranteed by the United States Government to contain pure turtle oil.

3. That turtle oil has been successfully used by the United States Government in removing scar tissue and wrinkles from wounded soldiers.

4. That the use of turtle oil has been indorsed or approved by the United States Government as a skin food and rejuvenator.

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.

IN THE MATTER OF
SAM LUBER, TRADING AS DEARBORN SALES COMPANY

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

Docket 3870. Complaint, Aug. 15, 1939—Decision, Dec. 18, 1939

Where an individual engaged in sale and distribution of radios, coffee sets, roasters, and other articles of merchandise, to purchasers in various other States and in the District of Columbia; in soliciting and selling and distributing his said products—

Furnished customers and prospective customers with various devices, use of which, in connection with sale and distribution of said merchandise to purchasing public by method or plan suggested, involved sale and distribution thereof to such public by game of chance, gift enterprise, or lottery scheme, and distribution to purchasing public of pull cards, together with certain literature and instructions, including order blanks, depictions of products concerned, and circulars explaining plan in question, under which person selecting by chance, from list of 66 feminine names displayed on card, name corresponding with that concealed under card's large master seal, received choice of radio, coffee set, roaster, "34 piece set Wm. A. Rogers and Chest," waffle iron, or sandwich toaster tray set, and person securing two certain numbers concealed under card's various tabs received fountain pen desk set, and amount paid by customers was contingent upon numbers secured under tabs, as above set forth, and operator of card was compensated by same choice secured by person selecting winning feminine name, as above described; and

Supplied thereby to, and placed in hands of others, means of conducting lotteries in the sale of his said merchandise in accordance with aforesaid or similar sales plan, varying only in detail therefrom, and under which articles in question were distributed to purchasing public wholly by lot or chance, and amount which customer paid was similarly determined, and involving game of chance or sale of chance to procure article of merchandise at price much less than normal retail price thereof, contrary to an established public policy of the United States Government and in violation of the criminal laws, and in competition with many who are unwilling to adopt and use said or similar or any plan or method involving game of chance or sale of a chance to win something by chance, or any other sales plan or method contrary to public policy, and refrain therefrom;

With result that many persons were attracted by said plan or method employed by such individual in sale and distribution of his merchandise, and by element of chance involved therein, and were thereby induced to buy and sell his said products in preference to those offered and sold by his competitors aforesaid, who do not use such or equivalent sales plan or method, and with effect, through use of such game of chance, of unfairly diverting substantial trade to him from his competitors aforesaid, who do not use such or equivalent method or plan: