

Syllabus

IN THE MATTER OF

JESSIE F. SPRINGER, TRADING AS HARMONY CENTRE

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

Docket 3933. Complaint, Oct. 19, 1939—Decision, Mar. 9, 1940

Where an individual engaged in sale and distribution of "The Grape Cure" or, as formerly titled, "The Grape Cure (How I Cured Myself of Cancer)," to purchasers in other States and in the District of Columbia, in substantial competition with others engaged in sale and distribution of books pertaining to matters of health in commerce among the various States and in said District; in advertisements which she disseminated respecting said book and method or system of treatment outlined therein among prospective purchasers through the mails and through newspapers and periodicals of general circulation—

Represented, directly and by implication, that system or method of treatment outlined in such book constituted cure or remedy for, or competent or effective treatment for, constipation, cancer, heart and kidney trouble, rheumatism and other ailments and conditions therein set forth, and that grapes dissolved and were solvent of mucous, through statements to foregoing effect and such statements as that most diseases originated in intestines and were caused by poisons due to uneliminated waste, and that those who developed malignant growths in most cases had been suffering from constipation which system or method of treatment in question prevented, and that salt, inorganic drugs and patent medicines caused cancer, and that poisons resulted from using aluminum vessels, and that system or method in question would restore one's health;

Facts being most of diseases, ailments and conditions mentioned do not originate in intestines and are not caused by poisons, as above set forth, grapes do not have above effect or qualities, only in rare instances is there any connection between constipation and development of malignant growths, and other representations and statements as above made were false, and system or method of treatment in question did not constitute cure or remedy or competent or effective treatment for said various ailments and conditions set forth, and would not restore one's health;

With effect of misleading and deceiving substantial number of purchasing public into erroneous and mistaken belief that such false and misleading statements, representations and implications were true, and into purchase of substantial number of said books by reason of such belief, and with result that trade in commerce was thereby diverted unfairly to her from her competitors who do not falsely represent their books; to the injury of competition in commerce:

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

Before *Mr. Lewis C. Russell*, trial examiner.

Mr. Karl Stecher for the Commission.

Mr. Harold Johnson, of New York City, for respondent.

Complaint

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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 Jessie F. Springer, an individual trading under the name of Harmony Centre, has 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. Respondent, Jessie F. Springer, is an individual, doing business under the name and style of Harmony Centre, with her office and principal place of business at 604 West 112th Street in the city of New York, State of New York. Respondent is now and has been for several years last past engaged in the business of selling and distributing a book written by one Johanna Brandt, now entitled "The Grape Crue," but which was formerly entitled "The Grape Cure (How I Cured Myself of Cancer)." Respondent causes said books, which contain a method or system of treatment, when sold, to be transported from her aforesaid place of business in the State of New York to the purchasers thereof at their respective points of location in other States of the United States and in the District of Columbia. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said books in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 2. Respondent is now, and has been during all the times mentioned herein, in substantial competition with corporations, firms, partnerships, and individuals also engaged in the business of selling and distributing books pertaining to matters of health in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. The book, "The Grape Cure," which was formerly advertised and distributed under the title "The Grape Cure (How I Cured Myself of Cancer)," purportedly tells how its author, Johanna Brandt, cured herself of cancer through the use of the method or system of treatment narrated in said book which is based on the use of grapes as a foundation therefor. Such method or system of treatment, it is claimed by the respondent, will cure or rid one of cancer and practically all other diseases, ailments, and conditions which may be present in or afflict the human body.

PAR. 4. In the course and conduct of her business as aforesaid, the respondent has disseminated, and is now disseminating, and has caused

and is now causing the dissemination of false, misleading, and deceptive statements and representations concerning said book, "The Grape Cure," or "The Grape Cure (How I Cured Myself of Cancer)," and the method or system of treatment outlined therein, through advertisements distributed among prospective purchasers through the United States mails and by inserting such advertisements in newspapers and periodicals having a general circulation.

Among and typical of the false statements, representations, and implications contained in said advertising, disseminated and caused to be disseminated as aforesaid, are the following:

(a) That "most diseases originate in the intestines and are caused by poisons due to uneliminated waste";

(b) That the system or method of treatment outlined in said book is a competent treatment or an effective remedy for constipation, cancer, heart trouble, kidney trouble, bladder trouble, angina pectoris, sinus trouble, goiter, stomach ulcers, rheumatism, asthma, gall stones, tuberculosis;

(c) That said system or method of treatment will "cure", or "rid" one of, or enable one to "overcome," constipation, cancer, heart trouble, kidney trouble, bladder trouble, angina pectoris, sinus trouble, goiter, stomach ulcers, rheumatism, asthma, gall stones, tuberculosis;

(d) That grapes dissolve or are a solvent of mucus;

(e) That "those who develop malignant growths in most cases have been suffering from constipation," and that said system or method of treatment prevents constipation;

(f) That salt, inorganic drugs, and patent medicines cause cancer;

(g) That poisons result from using aluminum vessels;

(h) That the system or method of treatment outlined in said book will "restore" one's health.

Through the use of the aforesaid statements, advertisements, and representations, and others of similar import and meaning not herein set out, respondent has represented, and now represents, directly and by implication, that by purchasing said book and following the system or method of treatment narrated or outlined therein the purchaser can secure an effective and efficient treatment, remedy, or cure for the diseases, ailments, afflictions and conditions mentioned in said advertising matter as hereinabove set forth.

PAR. 5. The aforesaid representations and implications by respondent are false, misleading, and deceptive, for the use of grapes in the manner prescribed in said book, "The Grape Cure," or the following of the system or method of treatment outlined therein, is not an efficient or effective treatment, remedy, or cure for the diseases, ailments, and conditions above named, or any of them. In truth and in fact,

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most of the diseases, ailments, and conditions mentioned by the respondent in said false advertisements do not originate in the intestines and are not caused by poisons due to uneliminated waste. Grapes do not dissolve, and are not a solvent of, mucus. Except in rare instances there is no connection between constipation and the development of malignant growths. Salt, inorganic drugs, and patent medicines do not cause cancer, and poisons do not result from the use of aluminum vessels. Said system or method of treatment outlined in said book is not a competent treatment or an effective remedy for and will not "cure," "rid" one of, or enable one to "overcome" constipation, cancer, heart trouble, kidney trouble, bladder trouble, angina pectoris, sinus trouble, goiter, stomach ulcers, rheumatism, asthma, gall stones, or tuberculosis, and it will not "restore" one's health.

PAR. 6. The acts, practices, and methods of the respondent as above alleged have the capacity and tendency to, and do, mislead and deceive a substantial number of the purchasing public into the erroneous and mistaken belief that the aforesaid false and misleading statements, representations, and implications are true, and into the purchase of a substantial number of respondent's said books because of said erroneous and mistaken belief. As a direct result thereof, trade in commerce between and among the various States of the United States and in the District of Columbia has been diverted unfairly to the respondent from her competitors who do not falsely represent their books. In consequence thereof, injury is being, and has been, done by respondent to competition in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 7. The aforesaid acts and practices of the respondent as herein alleged are all to the prejudice and injury of the public and of respondent's competitors and constitute unfair methods of competition in commerce and 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 October 19, 1939, issued and on October 20, 1939, served its complaint in this proceeding upon respondent, Jessie F. Springer, an individual trading under the name of Harmony Centre, charging her with the use of unfair methods of competition in commerce and 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, Jessie F. Springer, is an individual, doing business under the name and style of Harmony Centre, with her office and principal place of business at 604 West 112th Street in the city of New York, State of New York. Respondent is now, and has been for several years last past, engaged in the business of selling and distributing a book written by one Johanna Brandt, now entitled "The Grape Cure," but which was formerly entitled "The Grape Cure (How I Cured Myself of Cancer)." Respondent causes said books, which contain a method or system of treatment, when sold, to be transported from her aforesaid place of business in the State of New York to the purchasers thereof at their respective points of location in other States of the United States and in the District of Columbia. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said books in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 2. Respondent is now, and has been during all the times mentioned herein, in substantial competition with corporations, firms, partnerships, and individuals also engaged in the business of selling and distributing books pertaining to matters of health in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. The book, "The Grape Cure," which was formerly advertised and distributed under the title "The Grape Cure (How I Cured Myself of Cancer)," purportedly tells how its author, Johanna Brandt, cured herself of cancer through the use of the method or system of treatment narrated in said book which is based on the use of grapes as a foundation therefor. Such method or system of treatment, it is claimed by the respondent, will cure or rid one of cancer and practically all other diseases, ailments, and conditions which may be present in or afflict the human body.

PAR. 4. In the course and conduct of her business as aforesaid, the respondent has disseminated, and is now disseminating, and has caused and is now causing the dissemination of, false, misleading, and deceptive statements and representations concerning said book, "The Grape Cure," or "The Grape Cure (How I Cured Myself of Cancer)," and the method or system of treatment outlined therein, through advertisements distributed among prospective purchasers through the United States mails and by inserting such advertisements in newspapers and periodicals having a general circulation.

Among and typical of the false statements, representations, and implications contained in said advertising, disseminated and caused to be disseminated as aforesaid, are the following:

(a) That "most diseases originate in the intestines and are caused by poisons due to uneliminated waste.

(b) That the system or method of treatment outlined in said book is a competent treatment or an effective remedy for constipation, cancer, heart trouble, kidney trouble, bladder trouble, angina pectoris, sinus trouble, goiter, stomach ulcers, rheumatism, asthma, gall stones, tuberculosis.

(c) That said system or method of treatment will "cure," or "rid" one of, or enable one to "overcome," constipation, cancer, heart trouble, kidney trouble, bladder trouble, angina pectoris, sinus trouble, goiter, stomach ulcers, rheumatism, asthma, gall stones, tuberculosis.

(d) That grapes dissolve or are a solvent of mucus.

(e) That "those who develop malignant growths in most cases have been suffering from constipation," and that said system or method of treatment prevents constipation.

(f) That salt, inorganic drugs, and patent medicines cause cancer.

(g) That poisons result from using aluminum vessels.

(h) That the system or method of treatment outlined in said book will "restore" one's health.

Through the use of the aforesaid statements, advertisements, and representations, and others of similar import and meaning not herein set out, respondent has represented, and now represents, directly and by implication, that by purchasing said book and following the system or method of treatment narrated or outlined therein the purchaser can secure an effective and efficient treatment, remedy or cure for the diseases, ailments, afflictions and conditions mentioned in said advertising matter as hereinabove set forth.

PAR. 5. The aforesaid representations and implications by respondent are false, misleading, and deceptive, for the use of grapes in the manner prescribed in said book, "The Grape Cure," or the following of the system or method of treatment outlined therein, is not an efficient

or effective treatment, remedy, or cure for the diseases, ailments, and conditions above named, or any of them. In truth and in fact, most of the diseases, ailments, and conditions mentioned by the respondent in said false advertisements do not originate in the intestines and are not caused by poisons due to uneliminated waste. Grapes do not dissolve, and are not a solvent of, mucus. Except in rare instances there is no connection between constipation and the development of malignant growths. Salts, inorganic drugs, and patent medicines do not cause cancer, and poisons do not result from the use of aluminum vessels. Said system or method of treatment outlined in said book is not a competent treatment or an effective remedy for and will not "cure," "rid" one of, or enable one to "overcome" constipation, cancer, heart trouble, kidney trouble, bladder trouble, angina pectoris, sinus trouble, goiter, stomach ulcers, rheumatism, asthma, gall stones, or tuberculosis, and it will not "restore" one's health.

PAR. 6. The acts, practices, and methods of the respondent as herein found have the capacity and tendency to, and do, mislead and deceive a substantial number of the purchasing public into the erroneous and mistaken belief that the aforesaid false and misleading statements, representations, and implications are true, and into the purchase of a substantial number of respondent's said books because of said erroneous and mistaken belief. As a direct result thereof, trade in commerce between and among the various States of the United States and in the District of Columbia has been diverted unfairly to the respondent from her competitors who do not falsely represent their books. In consequence thereof, injury is being, and has been, done by respondent to competition in commerce between and among the various States of the United States and in the District of Columbia.

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 and 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 the complaint, and states that she waives all intervening procedure and further hearing as to the said facts, and the

Order

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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, Jessie F. Springer, an individual trading under the name of Harmony Centre, or trading under any other name or names, her representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of a book written by one Johanna Brandt, now entitled "The Grape Cure," but which was formerly entitled "The Grape Cure (How I Cured Myself of Cancer)," in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that the system or method of treatment outlined in respondent's book constitutes a cure or remedy for, or a competent or effective treatment for, constipation, cancer, heart trouble, kidney trouble, bladder trouble, angina pectoris, sinus trouble, goitre, stomach ulcers, rheumatism, asthma, gall-stones or tuberculosis;

2. Representing that grapes dissolve, or are a solvent of, mucus.

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

Syllabus

IN THE MATTER OF
JEAN FERRELL, INC.

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 28, 1914

Docket 3950. Complaint, Nov. 14, 1939—Decision, Mar. 9, 1940

Where a corporation engaged in sale and distribution of its "Concentra" preparation as concentrated food product for obesity and as tonic, to purchasers in various other States and in the District of Columbia; in advertisements thereof which it disseminated through the mails, circulars and other printed or written matter distributed in commerce, and otherwise, and which were intended and likely to induce purchase of its said product—

- (a) Represented, directly or indirectly, that said "Concentra" food or preparation was a highly concentrated food, safe for use, and of which child at one time could take "several dozen capsules" with "no ill effects," and that said product, with addition of liquids, would constitute balanced diet and replace ordinary diet, facts being preparation in question was not a food but, by virtue of high content of rhubarb present therein, in fact a drug, from continued use of which, as recommended, serious injury to health might result, and did not constitute a balanced diet or have sufficient nutritive value to replace ordinary diet, and was not safe for use by either adults or children;
- (b) Represented that said product would supply deficiencies to the body and correct organic elements and cause natural elimination, and that use thereof would correct both underweight and overweight and restore and develop healthy normal figure and remove or eliminate poisons from body, by reason of action of rhubarb, and poisons from kidneys by reason of action of gravel root, facts being it would not supply deficiencies as aforesaid, nor correct organic elements nor accomplish other results above claimed therefor; and
- (c) Failed to reveal, in advertisements disseminated by it as aforesaid, to purchasers and prospective purchasers, that, under conditions prescribed in said advertisements or such conditions as are customary or usual, serious injury to health might be caused by use of said "Concentra," continued use of which over long period of time, as recommended by it, would, by reason of high percentage of rhubarb therein contained, cause excessive purgation and resulting serious injury, as aforesaid;

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 of inducing purchase by public of its preparation aforesaid:

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. J. W. Brookfield, Jr. for the Commission.

Mr. Charles L. Schwartz, of Chicago, Ill., for respondent.