

Order

IN THE MATTER OF
BELMONT LABORATORIES, INC.

MODIFIED CEASE AND DESIST ORDER

Docket 2869. Order, Mar. 25, 1940.

Modified order, pursuant to provisions of Sections 5 (i) of Federal Trade Commission Act, in proceeding in question, in which original order issued on January 6, 1938, 26 F. T. C. 244, and in which Circuit Court of Appeals for Third Circuit on March 29, 1939, in *Belmont Laboratories, Inc. v. Federal Trade Commission*, 103 F. (2d) 538, 28 F. T. C. 1941, rendered its opinion and issued its mandate modifying said order in certain particulars and affirming same in other particulars—

Requiring respondents, its officers, etc., in connection with the offer for sale and distribution in interstate commerce, or in the District of Columbia, of its Mazon or other similar medicinal products, to cease and desist from representing directly or through use of testimonials or indorsements, or in any other manner that such Mazon is a competent remedy or cure for eczema, acne, dandruff, alopecia and other disorders and ailments manifested by diseased conditions of the skin, unless such representations are limited to those types of said diseases and disorders which are not caused by, or associated with, systemic or metabolic disorder, or are not caused by syphilis, or that it has been clinically proved permanently to eliminate eczema, etc., as above described, unless qualified as aforesaid, or that it is used exclusively by well known specialists in treatment of various skin disorders, or that physicians throughout the country have successfully prescribed it to permanently eliminate or cure skin ailments, etc., irrespective of type thereof, or representing that the product is original or only treatment of its character for skin disorders.

MODIFIED ORDER TO CEASE AND DESIST

This proceeding coming on for further hearing before the Federal Trade Commission and it appearing that on January 6, 1938 the Commission made its findings as to the facts herein and concluded therefrom that respondent had violated the provisions of section 5 of the Federal Trade Commission Act and issued and subsequently served its order to cease and desist; and it further appearing that on March 29, 1939, the United States Circuit Court of Appeals for the Third Circuit rendered its opinion and issued its mandate modifying the aforesaid order of the Commission in certain particulars and affirming said order in other particulars.

Now, therefore, Pursuant to the provisions of subsection (i) of section 5 of the Federal Trade Commission Act, the Commission issues this its modified order to cease and desist in conformity with the said mandate;

Order

30 F. T. C.

It is ordered, That the respondent, Belmont Laboratories, Inc., a corporation, its officers, representatives, agents, and employees, in connection with the offering for sale, sale, and distribution of a medicinal product now designated as Mazon, or of any other medicinal product containing substantially the same ingredients, or possessing the same properties, sold under that name or any other name, in interstate commerce or in the District of Columbia, do forthwith cease and desist from representing:

1. Directly or through the use of testimonials or indorsements or in any other manner

(a) That Mazon is a competent remedy or cure for eczema, acne, dandruff, alopecia, and other disorders and ailments manifested by diseased conditions of the skin unless such representations are limited to those types of said diseases and disorders which are not caused by, or associated with, a systemic or metabolic disorder, or are not caused by syphilis;

(b) That Mazon has been clinically proved to permanently eliminate eczema, acne, dandruff, alopecia and other disorders and ailments manifested by diseased conditions of the skin unless such representations are limited to those types of said diseases and disorders which are not caused by, or associated with, a systemic or metabolic disorder, or are not caused by syphilis;

(c) That the product is used exclusively by well-known specialists in the treatment of various skin disorders;

(d) That physicians, throughout the country, have successfully prescribed Mazon to permanently eliminate or cure ailments, disorders and diseased conditions of the skin, irrespective of the type of the particular disorder or the cause or condition thereof;

2. That the product is the original or only treatment of its character for skin disorders.

It is further ordered, That the respondent shall, within 30 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.

Order

IN THE MATTER OF

FIORET SALES COMPANY, INC., AND MURRAY W. MORIN
AND IRVING UNTERMAN, INDIVIDUALLY, AND AS
OFFICERS OF FIORET SALES COMPANY, INC.

MODIFIED CEASE AND DESIST ORDER

Docket 3164. Order, Mar. 25, 1940

Modified order, pursuant to provisions of Sections 5 (1) of Federal Trade Commission Act, in proceeding in question, in which original order issued on February 19, 1938, 26 F. T. C. 806, and in which Circuit Court of Appeals for Second Circuit on December 5, 1938, in *Fioret Sales Co., Inc., et al. v. Federal Trade Commission* 100 F. (2d) 358, 27 F. T. C. 1702, rendered its opinion and on April 28, 1939, issued its final decree affirming order in question by modification thereof in certain particulars—

Requiring respondent, its officers, etc., in connection with offer for sale and distribution of perfumes in interstate commerce or in the District of Columbia, to forthwith cease and desist from representing through use of such words as "Les Parfums des Jardines de Fioret," or through the use of any foreign words or phrases, or otherwise, that perfumes made or compounded in the United States are made or compounded in France or any other foreign country or are imported, subject to provision that so long as respondents obey terms of aforesaid prohibition, they may imprint upon or affix to packages, etc., or other containers of their perfumes, words "The concentrates of which these perfumes are made were produced in France and, as such, were imported into the United States where they were combined or diluted with domestic alcohol and the resulting perfume was bottled in United States of America."

MODIFIED ORDER TO CEASE AND DESIST

This proceeding coming on for further hearing before the Federal Trade Commission and it appearing that on February 19, 1938, the Commission made its findings as to the facts herein and concluded therefrom that respondents had violated the provisions of section 5 of the Federal Trade Commission Act and issued and subsequently served its order to cease and desist; and it further appearing that on December 5, 1938, the United States Circuit Court of Appeals for the Second Circuit rendered its opinion and on April 28, 1939 issued its final decree affirming the aforesaid order of the Commission by modifying said order in certain particulars.

Now, therefore, Pursuant to the provisions of subsection (i) of section 5 of the Federal Trade Commission Act, the Commission issues this its modified order to cease and desist in conformity with the said decree: