

IN THE MATTER OF
GEORGE D. MOORMAN AND ROY C. STOCKBRIDGE, INDIVIDUALLY AND TRADING AS MAYOS PRODUCTS COMPANY AND AS M. P. COMPANY

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

Docket 4147. Complaint, May 31, 1940—Decision, June 29, 1940

Where two individuals engaged in sale and distribution of a medicinal preparation designated and described as "Mayos Periodic Compound," to purchasers in various other States and in the District of Columbia; in advertisements thereof which they disseminated and caused to be disseminated through the mails, and by various other means in commerce, and which were intended and likely to induce purchase of their said product—

- (a) Represented, directly and by implication, that their said medicinal preparation was a cure or remedy for delayed, scanty, irregular and painful menstruation, and constituted competent and effective treatment therefor, and that it was entirely safe and harmless and might be used without danger of ill effects upon health of user, facts being their said preparation was not a cure or remedy for such conditions as above set forth, and did not constitute competent or effective treatment for any of said ailments, and it was not safe or harmless, in that it contained ergotin, aloes, extract cotton root bark, extract black hellebore, and oil of savin in quantities sufficient to cause serious and irreparable injury to health if taken under conditions prescribed in said advertisements or under such conditions as are customary or usual, and use thereof might result in gastro-intestinal disturbances, with pelvic congestion and other conditions, leading to excessive uterine hemorrhage, and in those cases where used to interfere with normal course of pregnancy, such use might result in uterine infection with extension to other parts of the body and to the blood stream, causing condition known as septicemia or blood poisoning, and might also produce very severe circulatory condition, tending to produce abortion in some instances, often with violent poisonous effects upon system, and also produce severe toxic conditions, and, in some instances lead to gangrenous condition in lower limbs or other serious or irreparable injury to health; and
- (b) Failed to reveal, in their said advertisements, disseminated as above set forth, that use of said medicinal preparation, under conditions prescribed in such advertisements, or under such conditions as are customary or usual, might result in serious and irreparable injury to health;

With effect, through use of aforesaid false, deceptive and misleading statements and representations, disseminated as above set forth, of misleading and deceiving substantial portion of purchasing public into erroneous and mistaken belief that such statements, representations and advertisements were true, and of inducing portion of said public, because of such erroneous and mistaken belief, to purchase their said medicinal preparation:

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. William L. Taggart 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 George D. Moorman and Roy C. Stockbridge, individually, and trading as Mayos Products Co. and as M. P. Co., hereinafter referred to as respondents, have 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. Respondents (George D. Moorman, residing at 1833 West Larchmont Avenue, Chicago, Ill., and Roy C. Stockbridge, residing at 5623 North Wayne Avenue, Chicago, Ill., are individuals, doing business under the trade names of Mayos Products Co. and M. P. Co., with their office and principal place of business at 1833 West Larchmont Avenue, in the city of Chicago, State of Illinois.

PAR. 2. Respondents are now, and for more than one year last past have been, engaged in the sale and distribution of a medicinal preparation designated and described as Mayos Periodic Compound. Respondents, in the course and conduct of their said business during the time aforesaid, have caused, and do now cause, their said medicinal preparation, when sold by them, to be transported from their said place of business in the State of Illinois to the purchasers thereof located in other States of the United States and in the District of Columbia.

At all times mentioned herein, respondents have maintained a course of trade in said medicinal preparation sold and distributed by them in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of their aforesaid business, the respondents have disseminated, and are now disseminating, and have caused, and are now causing, the dissemination of false advertisements concerning their said medicinal preparation by United States mails, and by various 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 their said medicinal preparation; and respondents have also disseminated and are now disseminating, and have caused, and are now causing, the dissemination of false advertisements concerning their said medicinal preparation, by various means, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of their said medicinal preparation in commerce, as commerce is defined in the Federal Trade Commission Act.

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Among and typical of the false, misleading and deceptive statements and representations contained in said false advertisements, disseminated and caused to be disseminated, as hereinabove set forth, by the United States mails, by advertisements in newspapers and periodicals, and by circulars, leaflets, pamphlets, and other advertising literature, are the following:

IF UNNATURALLY OR FUNCTIONALLY DELAYED

LADIES—DON'T WORRY

ABOUT WHAT TO DO!

Two Dollars brings glorious IMMEDIATE, Painless relief, safest way known to unnaturally late or functionally delayed periods. Pure, QUICK ACTING, reliable medical formula tablets—xxx Strength—easy to take and absolutely GUARANTEED to give results OR MONEY BACK. Magic-like results in most cases and NO DELAY FROM WORK. CONVENIENT, no one need know. Used by thousands, highly recommended, no need to pay more. Rushed to you in sealed, plain package, no letter necessary. C. O. D. plus postage if desired. Send \$2 with order and we pay postage. Valuable, private information enclosed free. Don't delay! Send today.

If you are troubled with painful, scanty, irregular, unnaturally or functionally delayed periods, this product should help to correct such irregularity. This famous formula has been used with success by some doctors and nurses for many years throughout the country. It usually will relieve the most obstinate cases of unnatural or functionally delayed periods without pain or inconvenience from work. We believe that there is no more successful product available from any source whatsoever.

Women, however, do not all respond the same after the use of this product. Some find that only a few tablets will do the necessary work, while others find it necessary to use two or even three packages to obtain relief. If you are one of the latter, please do not delay in ordering the other additional packages so as to keep the results of each package close together.

PAR. 4. Through the use of the statements and representations hereinabove set forth, and other and similar statements and representations not specifically set out herein, all of which purport to be descriptive of the remedial, curative, and therapeutic properties of respondents' said preparation, respondents, directly and by implication, represent that said preparation is a cure or remedy for delayed, scanty, irregular, and painful menstruation and is a competent and effective treatment for such ailments; that said preparation is entirely safe and harmless and may be used without danger of ill effects upon the health of the user.

PAR. 5. The foregoing representations are grossly exaggerated, false, and misleading. In truth and in fact, respondents' preparation is not a cure or remedy for delayed, scanty, irregular, or painful menstruation, nor does it constitute a competent or effective treatment for any of said ailments. Said preparation is not safe or harmless, as it contains ergotin, aloes, extract cotton root bark, extract black hellebore, and oil of savin in quantities sufficient to cause serious

and irreparable injury to health if taken under the conditions prescribed in said advertisements or under such conditions as are customary or usual.

Such use of said medicinal preparation may result in gastro-intestinal disturbances such as catharsis, nausea, and vomiting, with pelvic congestion, inflammation and congestion of the uterus and adnexa, leading to excessive uterine hemorrhage, and in those cases where said preparation is used to interfere with the normal course of pregnancy, its use may result in uterine infection with extension to other pelvic and abdominal structures, and to the blood stream, causing the condition known as septicemia or blood poisoning.

The use of said preparation as aforesaid may also produce a very severe circulatory condition by the constriction of the blood vessels and contraction of the involuntary muscles, tending to produce abortion in some instances, often with violent poisonous effects upon the human system. Such use as aforesaid may also produce severe toxic conditions, such as hemorrhagic diarrhea and in some instances producing a gangrenous condition in the lower limbs or other serious or irreparable injury to health.

PAR. 6. In addition to the representations hereinabove set forth, the respondents have 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 respondents of the foregoing false, deceptive, and misleading statements and representations with respect to their said 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, representations, and advertisements are true, and induces a portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondents' medicinal preparation.

PAR. 8. The aforesaid acts and practices of the respondents, 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 May 31, 1940, issued, and on

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June 3, 1940, served, its complaint in this proceeding upon the respondents George D. Moorman and Roy C. Stockbridge, individually and trading as Mayos Products Co. and as M. P. Co., charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. On June 14, 1940, the respondents filed their answer, in which answer they admitted all the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearing as to said facts. Thereafter, the proceeding regularly came on for final hearing before the Commission on the said complaint and the answer thereto, 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. Respondents, George D. Moorman, residing at 1833 West Larchmont Avenue, Chicago, Ill., and Roy C. Stockbridge, residing at 5623 North Wayne Avenue, Chicago, Ill., are individuals, doing business under the trade names of Mayos Products Co. and M. P. Co., with their office and principal place of business at 1833 West Larchmont Avenue, in the city of Chicago, State of Illinois.

PAR. 2. Respondents are now, and for more than 1 year last past have been, engaged in the sale and distribution of a medicinal preparation designated and described as Mayos Periodic Compound. Respondents, in the course and conduct of their said business during the time aforesaid, have caused, and do now cause, their said medicinal preparation, when sold by them, to be transported from their said place of business in the State of Illinois to the purchasers thereof located in other States of the United States and in the District of Columbia.

At all times mentioned herein respondents have maintained a course of trade in said medicinal preparation sold and distributed by them in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of their aforesaid business, the respondents have disseminated, and are now disseminating, and have caused, and are now causing, the dissemination of false advertisements concerning their said medicinal preparation by United States mails, and by various 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 their said medicinal preparation; and respondents have

also disseminated and are now disseminating, and have caused, and are now causing, the dissemination of false advertisements concerning their said medicinal preparation, by various means, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of their said medicinal preparation in commerce, as commerce is defined in the Federal Trade Commission Act. Among and typical of the false, misleading, and deceptive statements and representations contained in said false advertisements, disseminated and caused to be disseminated, as hereinabove set forth, by the United States mails, by advertisements in newspapers and periodicals, and by circulars, leaflets, pamphlets, and other advertising literature, are the following:

**IF UNNATURALLY LATE OR FUNCTIONALLY DELAYED—LADIES DON'T WORRY
ABOUT WHAT TO DO!**

Two Dollars brings glorious IMMEDIATE, Painless relief, safest way known to unnaturally late or functionally delayed periods. Pure, QUICK ACTING, reliable and medical formula tablets—XXX Strength—easy to take and absolutely GUARANTEED to give results or MONEY BACK. Magic-like results in most cases, and NO DELAY FROM WORK. CONVENIENT, no one need know. Used by thousands, highly recommended, no need to pay more. Rushed to you in sealed, plain package, no letter necessary. C. O. D. plus postage if desired. Send \$2 with order and we pay postage. Valuable, private information enclosed free. Don't delay! Send today.

If you are troubled with painful, scanty, irregular, unnaturally or functionally delayed periods, this product should help to correct such irregularity. This famous formula has been used with success by some doctors and nurses for many years throughout the country. It usually will relieve the most obstinate cases of unnatural or functionally delayed periods without pain or inconvenience from work. We believe that there is no more successful product available from any source whatsoever.

Women, however, do not all respond the same after the use of this product. Some find that only a few tablets will do the necessary work, while others find it necessary to use two or even three packages to obtain relief. If you are one of the latter, please do not delay in ordering the other additional packages so as to keep the results of each package close together.

PAR. 4. Through the use of the statements and representations hereinabove set forth, and other and similar statements and representations not specifically set out herein, all of which purport to be descriptive of the remedial, curative, and therapeutic properties of respondents' said preparation, respondents, directly and by implication, represent that said preparation is a cure or remedy for delayed, scanty, irregular, and painful menstruation and is a competent and effective treatment for such ailments; that said preparation is entirely safe and harmless and may be used without danger of ill effects upon the health of the user.

PAR. 5. The foregoing representations are grossly exaggerated, false, and misleading. In truth and in fact, respondents' preparation is

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not a cure or remedy for delayed, scanty, irregular, or painful menstruation, nor does it constitute a competent or effective treatment for any of said ailments. Said preparation is not safe or harmless, as it contains ergotin, aloes, extract cotton root bark, extract black hellebore, and oil of savin in quantities sufficient to cause serious and irreparable injury to health if taken under the conditions prescribed in said advertisements or under such conditions as are customary or usual.

Such use of said medicinal preparation may result in gastro-intestinal disturbances such as catharsis, nausea, and vomiting, with pelvic congestion, inflammation, and congestion of the uterus and adnexa, leading to excessive uterine hemorrhage, and in those cases where said preparation is used to interfere with the normal course of pregnancy, its use may result in uterine infection with extension to other pelvic and abdominal structures, and to the blood stream, causing the condition known as septicemia or blood poisoning.

The use of said preparation as aforesaid may also produce a very severe circulatory condition by the constriction of the blood vessels and contraction of the involuntary muscles, tending to produce abortion in some instances, often with violent poisonous effects upon the human system. Such use as aforesaid may also produce severe toxic conditions, such as hemorrhagic diarrhea and in some instances producing a gangrenous condition in the lower limbs or other serious or irreparable injury to health.

PAR. 6. In addition to the representations hereinabove set forth, the respondents have 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 respondents of the foregoing false, deceptive, and misleading statements and representations with respect to their said 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, representations, and advertisements are true, and induces a portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondents' medicinal preparation.

CONCLUSION

The aforesaid acts and practices of the respondents, 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 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 hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondents, George D. Moorman and Roy C. Stockbridge, individually, and trading as Mayos Products Co. and as M. P. Co., or trading under any other name or names, their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of their medicinal preparation designated "Mayos Periodic Compound," or of any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or under any other name or names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisements represent, directly or through inference, that said preparation is a cure or remedy or a competent or effective treatment for delayed, scanty, irregular, or painful menstruation; that said preparation is safe or harmless, or which advertisements fail to reveal that the use of said preparation may result in serious and irreparable injury to the health of the user.

2. 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 preparation, which advertisements contain any of the representations prohibited in paragraph 1 hereof, or which fail to reveal that the use of said preparation may result in serious and irreparable injury to the health of the user.

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

IN THE MATTER OF
MAY'S CUT RATE DRUG COMPANY

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

Docket 4152. Complaint, June 4, 1940—Decision, July 6, 1940

Where a corporation engaged in sale and distribution of various medicinal preparations, including drug preparation advertised as "Mayco" and as "Genuine Mayco English Crown Female Capsules for Delayed Periods," and also designated as "Genuine Mayco English Crown Female Capsules, Double Strength" and as "Genuine Mayco English Crown Female Capsules, Triple Strength," to purchasers thereof in various other States and in the District of Columbia; in advertisements of its said product which it disseminated and caused to be disseminated through the mails and by various other means in commerce, and including newspapers, circulars, and other advertising literature and which advertisements were intended and likely to induce purchase of its said product—

- (a) Represented, directly and by implication, that its preparation, designated as above set forth, was a competent and effective treatment for delayed menstruation and that it was safe and harmless, facts being it was not a competent or effective treatment for such condition and was not safe or harmless, in that it contained drugs apiol green, ergotin, oil of savin, and aloin in quantities sufficient to cause serious and irreparable injury to health if used under conditions prescribed in said advertisements or under such conditions as are customary or usual, and use thereof might result in gastro-intestinal disturbances and, in those cases where used to interfere with normal course of pregnancy, in uterine infection, with extension to other pelvic and abdominal structures and even to blood stream, causing condition known as septicemia or blood poisoning, and use might produce also severe circulatory condition, often with poisonous effects and tending to cause abortion in some instances, and result in severe toxic conditions, producing, in some instances, gangrenous condition in lower limbs, resulting possibly either in loss of limbs or in other serious and irreparable injury to health; and
- (b) Failed to reveal, in advertisements disseminated by it as aforesaid, that use of said preparation under conditions prescribed in such 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, representations and advertisements were true, and that said preparation was a safe, competent, and effective treatment for delayed menstruation, and with further effect of inducing, directly or indirectly, purchase by such public of said preparation:

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.

Robinson & Stump, of Clarksburg, W. Va., and *Mr. David D. Blumenstein*, of Pittsburgh, Pa., for respondent.