

Syllabus

IN THE MATTER OF

JOHN B. ROCHE, TRADING AS THE G-H-R ELECTRIC
DILATOR COMPANY AND THE ROCHE ELECTRIC
MACHINE COMPANYCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 3772. Complaint, Apr. 25, 1939—Decision, July 9, 1940*

Where an individual engaged in sale and distribution of Electric Thermoitis Dilator for use in treatment of prostate gland, and of his Electric Hygienic Machine for use, as recommended by him, in treatment of various ailments, diseases and conditions, to purchasers in the various other States and in competition with others engaged in sale and distribution of like or similar devices, and of preparations, remedies, and treatments for use and useful in treatment of ailments, diseases, and conditions for which he recommended his said devices, in commerce also among the various States and in the District of Columbia; in advertisements of his said devices which he disseminated and caused to be disseminated through the mails, by insertion in newspapers and periodicals of general circulation, and also in circulars and other printed or written matter distributed in commerce among and between the various States, and by other means in commerce, and which advertisements were intended or likely to induce purchase of his said devices—

- (a) Represented, directly and by implication, that prostate disorders are responsible for many of the ailments, diseases, and conditions of the human body, including impotency, kidney weaknesses, loss of vitality, constipation, piles, and sexual decline, and that use of his Electric Thermoitis Dilator device would cure prostate disorders and the ailments, diseases, and conditions caused thereby; and
- (b) Represented, as aforesaid, that the use of his said Dilator would stop the wasting away of tissues and keep glands vigorous and strong, enabling one to feel and look young at 80, and that said device was useful and effective in treatment of frigidity and would eliminate lack of procreative impulse, and was useful generally in renewing vigor and vitality and would produce beneficial results where all other treatments and methods had failed, and would restore and preserve prostate gland;

Facts being said dilator, while it might have some beneficial effects on congested prostatic conditions because of heat generated in said device, had no value in treatment of prostatic disorders and its use would not cure such disorders, and use thereof was not a cure or remedy for, or a competent treatment of, impotency, kidney weakness, or other ailments and conditions above set forth, and would not stop wasting away of tissues or keep glands vigorous and strong, would have no effect on conditions due to age, and would not make user thereof feel and look young at 80, and use of said device was of no value in treatment of frigidity and would not eliminate lack of procreative impulse or be useful in renewing vigor and vitality; and

- (c) Represented, as aforesaid, that use of said Electric Hygienic Machine would take place of exercise and massage and all other vibrators and would re-

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vive the nerves and muscles, including involuntary muscles, insure perfect blood circulation, restore health and vital force where such health and force had been lost by prodigal expenditure of nervous and physical energy, and that said machine would renew human vitality, however and whatever lost, and, through increasing circulation of blood, would eliminate failure or weakness of any vital organ and restore such organ so that it would perform its normal functions and set it vigorously to work; and

- (d) Represented, as aforesaid, that said machine was a cure for, or beneficial in treatment of, paralysis, locomotor ataxia, vertigo, apoplexy, rheumatism, gout, lumbago, high blood pressure, hardening of the arteries, and many other ailments, diseases, and conditions afflicting mankind, and that there was no other treatment on the market for ailments, diseases, and conditions mentioned as efficacious as his said machine;

Facts being, said device would not take place of exercise, massage, or all other vibrators and would not revive nerves and muscles, use thereof would not insure perfect blood circulation nor restore health and vital force, or renew human vitality, however and whatever lost, it was not effective in treatment of any weakness of any vital organ and would not restore such organ so that it would perform its normal functions or set such organ vigorously to work, and use of said device was not a cure or remedy for, or competent treatment of, paralysis and other ailments, diseases, or conditions above set forth;

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 causing portion of such public, because of said belief, to purchase his said devices, and with result that trade was diverted unfairly to him from his competitors who were likewise engaged in sale and distribution in commerce among the various States and in the District of Columbia of preparations, remedies, and treatments for use in treatment of ailments, diseases, and conditions for which he recommended his said devices, and who truthfully advertise the effectiveness and therapeutic value of their respective preparations and devices; 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. Clark Nichols for the Commission.

Mr. Stewart J. Roche, of Hart, Mich., for respondent.

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 John B. Roche, an individual, trading as The G-H-R Electric Dilator Co. and The Roche Electric Machine Co., hereinafter referred to as respondent, has violated the provisions of said act, and it appearing to said

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, John B. Roche, is an individual trading and doing business as The G-H-R Electric Dilator Co. and The Roche Electric Machine Co., with principal place of business at 215 North Division Avenue, Grand Rapids, Mich. Respondent is now and for the several years last past has been engaged in the sale and distribution of a device under the name Electric Thermitis Dilator for use in the treatment of the prostate gland, and a device under the name Roche Electric Hygienic Machine recommended by the respondent for use in the treatment of various ailments, diseases and conditions, in commerce between and among the various States of the United States and in the District of Columbia. Respondent causes and has caused said devices, when sold, to be transported from his place of business in Grand Rapids, Mich., to the purchasers thereof located at various points in the several States of the United States other than the State of Michigan. There is now and has been for the several years last past a course of trade in such devices in commerce between and among the various States of the United States and in the District of Columbia. In the course and conduct of his business as aforesaid, the respondent is in competition with other individuals and with corporations and partnerships engaged in the sale and distribution of like or similar devices, and in the sale and distribution of preparations, remedies, and treatments for use and useful in the treatment of the ailments, diseases, and conditions for which the respondent recommends his said devices, in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 2. In the course and conduct of his 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 devices, by United States mails, by insertion 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 devices; and has disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning his said devices, by various means, for the purpose of inducing, and which are likely to induce, directly

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or indirectly, the purchase of his said devices in commerce, as commerce is defined in the Federal Trade Commission Act.

Among and typical of the statements made in said false advertisements, disseminated and caused to be disseminated as aforesaid, with reference to the device sold under the name Electric Thermitis Dilator, are the following:

Let us by a simple and harmless means restore to normal this very vital and important gland, for upon this gland in a large degree depends the future race. Not only that, but it has been proven in thousands of cases that prostate disorders are as a rule largely responsible for a long list of ailments to which our body is subject.

This can be done by means of our new and improved G-H-R Electric Thermitis Dilator and a few minutes spent each day brings you new health, vigor, and vitality. Those whose vital stamina has been on the decrease, and who have failed in nerve energy, should by all means seek a restoration for this lost power, in order that they may get the best out of life.

Men wonder why they are old at fifty. The knife is a failure in preserving that wonderful gland. Send for our G-H-R Electric Thermitis Dilator.

Women often suffer from various forms of female disorders which can be overcome by this simple and harmless treatment.

Impotency and prostate disorders are very closely related.

WHY PERMIT YOURSELF TO GROW OLD when science has discovered a way out.

The new and improved G-H-R Electric Thermitis Dilator is the one true method for the treatment of bladder or kidney weakness, loss of vitality, prostate gland trouble. Constipation, piles, sexual decline, and other seminal losses can be laid to the birth of prostate gland trouble.

You cannot go wrong when you purchase one of these G-H-R Electric Thermitis Dilators for prostate gland trouble, so get into the highways of strength and preserve this wonderful gland.

Of course, you will notice the years passing by. We cannot prevent it, but you can stop the wasting away of your tissues, and keep your glands vigorous and strong. You can feel and look young at 80 by simply taking the proper treatment.

The principal effect is a typical hyperemia (an increased blood supply) of the pelvic organs, particularly of the genital organs. Remarkable results have been obtained where frigidity and lack of procreative impulse have been treated with this element of the G-H-R Electric Thermitis Dilator.

The G-H-R Electric Thermitis Dilator produces results when all other treatments fail.

Restore and preserve that wonderful gland and don't be robbed by age.

Among and typical of the statements made in said false advertisements, disseminated and caused to be disseminated as aforesaid, with reference to the device sold under the name Roche Electric Hygienic Machine, are the following:

The Roche Electric Hygienic Machine has all the value of exercise, hand manipulation, and so-called vibrators, but it goes still farther for it relieves the nerves and muscles, reaching you voluntarily and involuntarily. The whole world recognizes the necessity of keeping up a good blood circulation. No man knows of a machine or anything that will do it so effectively as the Roche Electric Hygienic Machine.

We honestly believe, yes, and we know that the Roche Electric Hygienic Machine is the greatest boon that has been granted to intelligent teachers of health.

We claim to be able to show how to restore to your system that perfect stage of health and vital force, probably lost by a too prodigal expenditure of nervous and physical energy.

You might sum up the whole story of the Roche Electric Hygienic Machine by saying that it "renews human vitality, however, and whatever lost." Whatever lengths the various ailments for which it is beneficial may lead us to in the description of its uses, you will find through it all the important facts, that whatever it does is done through the renewed and increased circulation of the blood, the restoration of which by our machine once more establishes a vigorous action of the part of the body that was ailing, and since the cause of the troubles originates in the failure or weakness of some vital organ, rendering it incapable of performing the function expected of it, and anything which will restore the strength to this feeble organ and will set it vigorously to work again, that is a cure.

The failure of medicine and so-called electric machines is no argument against the Roche Electric Hygienic Machine. No other treatment is in the same class with it. Everything else may fail, and still the Roche Electric Hygienic Machine will produce results. The merit of this machine is unquestionable.

The Roche Electric Hygienic Machines satisfy and soothe the nerves of one that is longing for a good night's sleep. They will convince the most skeptical after a few demonstrations. This is the one reason why we ask you to give the machine a trial, showing you that this machine will master the ailments that it is recommended for, such as: Paralysis, locomotor ataxia, vertigo, apoplexy, rheumatism, gout, lumbago, high blood pressure, or hardening of the arteries.

PAR. 3. Through the use of said statements in said advertisements, disseminated as aforesaid, and others similar thereto not herein set out, all of which purport to be descriptive of said devices and their efficacy in the treatment of various ailments, diseases, and conditions of the human body, the respondent represents, directly and by implication, in connection with the offering for sale and sale of said devices, that prostate disorders are responsible for many of the ailments, diseases, and conditions of the human body, including impotency, kidney weaknesses, loss of vitality, constipation, piles, and sexual decline, and that the use of the device known as Electric Thermitis Dilator will cure prostate disorders and the ailments, diseases, and conditions caused thereby; that the use of said dilator will stop the wasting away of tissues and keep glands vigorous and strong, enabling one to feel and look young at eighty; that said dilator is useful and effective in the treatment of frigidity and will eliminate the lack of procreative impulse, and that it is useful generally in renewing vigor and vitality and will produce beneficial results where all other treatments and methods have failed, and will restore and preserve the prostate gland; that the use of the device known as Roche Electric

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Hygienic Machine will take the place of exercise and massage and all other vibrators and will revive the nerves and muscles, including the involuntary muscles, insure perfect blood circulation, restore health and vital force where health and vital force has been lost by prodigal expenditure of nervous and physical energy; that said machine will renew human vitality, however and whatever lost; that said machine, through increasing the circulation of the blood, will eliminate the failure or weakness of any vital organ and restore such organ so that it will perform its normal functions and set such vital organ vigorously to work; that said machine is a cure for, or beneficial in the treatment of, paralysis, locomotor ataxia, vertigo, apoplexy, rheumatism, gout, lumbago, high blood pressure, hardening of the arteries, and many other ailments, diseases, and conditions afflicting mankind, and that there is no other treatment on the market for the ailments, diseases, and conditions mentioned, as efficacious as respondent's said machine.

PAR. 4. The aforesaid representations and claims used and disseminated by the respondent as hereinabove described are grossly exaggerated, misleading, and untrue. In truth and in fact, the device known as Electric Thermitis Dilator, while it may have some beneficial effect on congested prostatic conditions because of the heat generated in said device, has no value in the treatment of prostatic disorders and its use will not cure such disorders. The use of said device is not a cure or remedy for, or a competent treatment of, impotency, kidney weakness, loss of vitality, constipation, piles, or sexual decline. The use of said Electric Thermitis Dilator will not stop wasting away of tissues or keep glands vigorous and strong. Its use will have no effect on conditions due to age and will not make the user thereof feel and look young at eighty. The use of said device is of no value in the treatment of frigidity and will not eliminate the lack of procreative impulse or be useful in renewing vigor and vitality.

The device known as Roche Electric Hygienic Machine will not take the place of exercise, massage or all other vibrators and will not revive the nerves and muscles. The use of said device will not insure perfect blood circulation and will not restore health and vital force, or renew human vitality, however and whatever lost. Said device is not effective in the treatment of any weakness of any vital organ, and will not restore such organ so that it will perform its normal functions or set such vital organ vigorously to work. The use of said device is not a cure or remedy for, or a competent treatment of, paralysis, locomotor ataxia, vertigo, apoplexy, rheumatism, gout, lumbago, high blood pressure, hardening of the arteries, or any other ailments, diseases, or conditions.

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PAR. 5. The use by the respondent of the foregoing false, deceptive, and misleading statements, representations, and advertisements with respect to the therapeutic value and effectiveness of its devices, known as Electric Thermitis Dilator and Roche Electric Hygienic Machine, 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 false statements, representations, and advertisements are true, and causes a portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondent's devices. As a result, trade has been diverted unfairly to the respondent from its competitors who are likewise engaged in the sale and distribution in commerce between and among the various States of the United States and in the District of Columbia of preparations, remedies, and treatments for use in the treatment of ailments, diseases, and conditions for which the respondent recommends his said devices, who truthfully advertise the effectiveness and therapeutic value of their respective preparations and devices. In consequence thereof, injury has been, and is now being, done by respondent to competition in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 6. The aforesaid acts and practices of the respondent as herein alleged are all to the prejudice and injury of the public and 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 the 25th day of April 1939, issued and subsequently served its complaint in this proceeding upon the respondent John B. Roche, trading as G-H-R Electric Dilator Co., and as Roche Electric Machine Co., charging him 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. On the 14th day of June 1940, the respondent filed his answer, in which answer he 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 now being 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. The respondent, John B. Roche, is an individual trading and doing business as The G-H-R Electric Dilator Co. and as The Roche Electric Machine Co., with his principal place of business at 215 North Division Avenue, Grand Rapids, Mich. Respondent is now, and for several years last past has been, engaged in the sale and distribution of a device under the name Electric Thermitis Dilator for use in the treatment of the prostate gland, and a device under the name of Roche Electric Hygienic Machine, recommended by the respondent for use in the treatment of various ailments, diseases and conditions, in commerce between and among the various States of the United States and in the District of Columbia. Respondent causes and has caused said devices, when sold, to be transported from his place of business in Grand Rapids, Mich., to the purchasers thereof located at various points in the several States of the United States other than the State of Michigan. There is now and has been for several years last past a course of trade in such devices in commerce between and among the various States of the United States and in the District of Columbia. In the course and conduct of his business as aforesaid, the respondent is in competition with other individuals and with corporations and partnerships engaged in the sale and distribution of like or similar devices, and in the sale and distribution of preparations, remedies, and treatments for use and useful in the treatment of the ailments, diseases, and conditions for which respondent recommends his said devices in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 2. In the course and conduct of his 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 devices, by United States mails, by insertion 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 devices; and has disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning his said devices, by various means, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of his said devices, in commerce, as commerce is defined in the Federal Trade Commission Act.

Among and typical of the statements made in said false advertisements, disseminated and caused to be disseminated as aforesaid, with reference to the device sold under the name Electric Thermitis Dilator, are the following:

Let us by a simple and harmless means restore to normal this very vital and important gland, for upon this gland in a large degree depends the future race. Not only that, but it has been proven in thousands of cases that prostate disorders are as a rule largely responsible for a long list of ailments to which our body is subject.

This can be done by means of our new and improved G-H-R Electric Thermitis Dilator and a few minutes spent each day brings you new health, vigor, and vitality. Those whose vital stamina has been on the decrease, and who have failed in nerve energy, should by all means seek a restoration for this lost power, in order that they may get the best out of life.

Men wonder why they are old at fifty. The knife is a failure in preserving that wonderful gland. Send for our G-H-R Electric Thermitis Dilator.

Women often suffer from various forms of female disorders which can be overcome by this simple and harmless treatment.

Impotency and prostate disorders are very closely related.

WHY PERMIT YOURSELF TO GROW OLD when science has discovered a way out.

The new and improved G-H-R Electric Thermitis Dilator is the one true method for the treatment of bladder or kidney weakness, loss of vitality, prostate gland trouble. Constipation, piles, sexual decline, and other seminal losses can be laid to the birth of prostate gland trouble.

You cannot go wrong when you purchase one of these G-H-R Electric Thermitis Dilators for prostate gland trouble, so get into the highways of strength and preserve this wonderful gland.

Of course, you will notice the years passing by. We cannot prevent it, but you can stop the wasting away of your tissues, and keep your glands vigorous and strong. You can feel and look young at 80 by simply taking the proper treatment.

The principal effect is a typical hyperemia (an increasing blood supply) of the pelvic organs, particularly of the genital organs. Remarkable results have been obtained where frigidity and lack of procreative impulse have been treated with this element of the G-H-R Electric Thermitis Dilator.

The G-H-R Electric Thermitis Dilator produces results when all other treatments fail.

Restore and preserve that wonderful gland and don't be robbed by age.

Among and typical of the statements made in said false advertisements, disseminated and caused to be disseminated as aforesaid, with reference to the device sold under the name of Roche Electric Hygienic Machine, are the following:

The Roche Electric Hygienic Machine has all the value of exercise, hand manipulation, and so-called vibrators, but it goes still further for it relieves the nerves and muscles, reaching you voluntarily and involuntarily. The whole world recognizes the necessity of keeping up a good blood circulation. No man knows of a machine or anything that will do it so effectively as the Roche Electric Hygienic Machine.

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We honestly believe, yes, and we know that the Roche Electric Hygienic Machine is the greatest boon that has been granted to intelligent teachers of health.

We claim to be able to show how to restore to your system that perfect stage of health and vital force, probably lost by a too prodigal expenditure of nervous and physical energy.

You might sum up the whole story of the Roche Electric Hygienic Machine by saying that it "renews human vitality, however, and whatever lost." Whatever lengths the various ailments for which it is beneficial may lead us to in the description of its uses, you will find through it all the important facts, that whatever it does is done through the renewed and increased circulation of the blood, the restoration of which by our machine once more establishes a vigorous action of the part of the body that was ailing, and since the cause of the trouble originates in the failure or weakness of some vital organ, rendering it incapable of performing the function expected of it, and anything which will restore the strength to this feeble organ and will set it vigorously to work again, that is a cure.

The failure of medicine and so-called electric machines is no argument against the Roche Electric Hygienic Machine. No other treatment is in the same class with it. Everything else may fail, and still the Roche Electric Hygienic Machine will produce results. The merit of this machine is unquestionable.

The Roche Electric Hygienic Machines satisfy and soothe the nerves of one that is longing for a good night's sleep. They will convince the most skeptical after a few demonstrations. This is the one reason why we ask you to give the machine a trial, showing you that this machine will master the ailments that it is recommended for, such as: Paralysis, locomotor ataxia, vertigo, apoplexy, rheumatism, gout, lumbago, high blood pressure, or hardening of the arteries.

PAR. 3. Through the use of said statements in said advertisements, disseminated as aforesaid, and others similar thereto not herein set out, all of which purport to be descriptive of said devices and their efficacy in the treatment of various ailments, diseases, and conditions of the human body, the respondent represents, directly and by implication, in connection with the offering for sale of said devices, that prostate disorders are responsible for many of the ailments, diseases, and conditions of the human body, including impotency, kidney weaknesses, loss of vitality, constipation, piles, and sexual decline, and that the use of the device known as Electric Thernitis Dilator will cure prostate disorders and the ailments, diseases, and conditions caused thereby; that the use of said dilator will stop the wasting away of tissues and keep glands vigorous and strong, enabling one to feel and look young at 80; that said dilator is useful and effective in the treatment of frigidity and will eliminate the lack of procreative impulse, and that it is useful generally in renewing vigor and vitality and will produce beneficial results where all other treatments and methods have failed, and will restore and preserve the prostate gland; that the use of the device known as Roche Electric Hygienic Machine

will take the place of exercise and massage and all other vibrators and will revive the nerves and muscles, including the involuntary muscles, insure perfect blood circulation, restore health and vital force where health and vital force has been lost by prodigal expenditure of nervous and physical energy; that said machine will renew human vitality, however and whatever lost; that said machine, through increasing the circulation of the blood, will eliminate the failure or weakness of any vital organ and restore such organ so that it will perform its normal functions and set such vital organ vigorously to work; that said machine is a cure for, or beneficial in the treatment of, paralysis, locomotor ataxia, vertigo, apoplexy, rheumatism, gout, lumbago, high blood pressure, hardening of the arteries, and many other ailments, diseases, and conditions afflicting mankind, and that there is no other treatment on the market for the ailments, diseases, and conditions mentioned, as efficacious as respondent's said machine.

PAR. 4. The aforesaid representations and claims used and disseminated by the respondent as hereinabove described are grossly exaggerated, misleading and untrue. In truth and in fact, the device known as Electric Thermitis Dilator, while it may have some beneficial effect on congested prostatic conditions because of the heat generated in said device, has no value in the treatment of prostatic disorders and its use will not cure such disorders. The use of said device is not a cure or remedy for, or a competent treatment of, impotency, kidney weakness, loss of vitality, constipation, piles, or sexual decline. The use of said Electric Thermitis Dilator will not stop wasting away of tissues or keep glands vigorous and strong. Its use will have no effect on conditions due to age and will not make the user thereof feel and look young at 80. The use of said device is of no value in the treatment of frigidity and will not eliminate the lack of procreative impulse or be useful in renewing vigor and vitality.

The device known as Roche Electric Hygienic Machine will not take the place of exercise, massage or all other vibrators and will not revive the nerves and muscles. The use of said device will not insure perfect blood circulation and will not restore health and vital force, or renew human vitality, however and whatever lost. Said device is not effective in the treatment of any weakness of any vital organ, and will not restore such organ so that it will perform its normal functions or set such vital organ vigorously to work. The use of said device is not a cure or remedy for, or a competent treatment of, paralysis, locomotor ataxia, vertigo, apoplexy, rheumatism, gout, lumbago, high blood pressure, hardening of the arteries, or any other ailments, diseases or conditions.

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PAR. 5. The use by the respondent of the foregoing false, deceptive, and misleading statements, representations, and advertisements with respect to the therapeutic value and effectiveness of his devices, known as Electric Thermitis Dilator and Roche Electric Hygienic Machine, 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 false statements, representations, and advertisements are true, and causes a portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondent's devices. As a result, trade has been diverted unfairly to the respondent from his competitors who are likewise engaged in the sale and distribution in commerce between and among the various States of the United States and in the District of Columbia of preparations, remedies, and treatments for use in the treatment of ailments, diseases, and conditions for which the respondent recommends his said devices, who truthfully advertise the effectiveness and therapeutic value of their respective preparations and devices. In consequence thereof, injury has been, and is now being, done by respondent to competition in commerce among and between 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 the respondent, in which answer respondent admits all of 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 its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent John B. Roche, individually, and trading as The G-H-R Electric Dilator Co. and as The Roche Electric Machine Co., or trading under any other name or names, his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribu-

tion of his devices designated Electric Thermitis Dilator and Roche Electric Hygienic Machine, or any other devices of substantially similar construction or possessing substantially similar qualities, whether sold under the same names or under any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisements represent, directly or through inference:

(a) That the use of said device designated Electric Thermitis Dilator will cure or serve as a competent or effective treatment for impotency, sexual decline, kidney weakness, piles, constipation, or prostatic disorders; that the use of such device has any therapeutic value in the treatment of prostatic conditions in excess of the beneficial effect of heat with relation to congested prostatic conditions; that the use of said device will stop the wasting away of tissues or beneficially affect the functioning of glands; that the use of said device will have any effect on conditions due to age; that said device possesses any value in the treatment of frigidity or that it will supply any lack of the procreative impulse; or that the use of said device will supply or renew so-called vigor or vitality.

(b) That said device designated Roche Electric Hygienic Machine will cure or serve as a competent or effective treatment for paralysis, locomotor ataxia, vertigo, apoplexy, rheumatism, gout, lumbago, high blood pressure, or hardening of the arteries; that the use of such device is an effective substitute for exercise; that the use of such device will revive the nerves or muscles; that said device will insure perfect blood circulation, or restore health or vital force, or renew vitality; or that said device constitutes an effective treatment for any weakness of any of the vital organs or possesses any therapeutic value with respect thereto.

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 devices, which advertisements contain any of the representations prohibited in paragraph 1 hereof.

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

IN THE MATTER OF
VERONICA IGNATOVITCH, TRADING AS MADAME VERA,
MADAM VERA, AND MME. VERA

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

Docket 3906. Complaint, Oct. 3, 1939—Decision, July 9, 1940

Where an individual engaged in manufacture of her "Madame Vera Hair Grower Salve" for use on hair and scalp, and in sale thereof to purchasers in various other States and in District of Columbia, in advertisements of her said product, which she disseminated and caused to be disseminated through the mails, insertions in newspapers and periodicals having general circulation, and through other printed or written matter, distributed in commerce among the various States and by other means in commerce, and otherwise, and which advertisements were intended and likely to induce purchase of her said product—

- (a) Represented, through various statements in said advertisements and including "before and after" pictures, that her said preparation was a competent and effective remedy for conditions known as dandruff and falling hair and that it grew new hair and that it had been used successfully by thousands of persons; facts being, it was not a competent or effective remedy for conditions above set forth, and would not grow new hair and had not been used successfully by thousands of persons or any other number; and
- (b) Represented that price at which said preparation was offered for sale was a special price and was substantially less than that at which it was customarily offered, through such statement as "Special 30-day offer. Send only \$1 for treatment. Regularly \$3"; facts being, price at which it was offered was not specially reduced one, but price at which it was regularly and customarily sold;

With capacity and tendency to, and effect of, misleading and deceiving substantial portion of purchasing public into erroneous and mistaken belief that such false statements and representations were true and to induce substantial portion of such public, because of said belief thus engendered, to purchase her medicinal preparation aforesaid:

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

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

Mr. John M. Russell for the Commission.

Gould & Price, of Bridgeport, Conn., for respondent.

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 Veronica Ignatovitch, trading as Madame Vera, Madam Vera, and as Mme. Vera, hereinafter referred to as respondent, has violated the provisions of said act, and it