

IN THE MATTER OF
IMOGENE SHEPHERD, LTD.

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

Docket 3625. Complaint, Oct. 7, 1938—Decision, Aug. 14, 1940

Where a corporation engaged in sale and distribution of its "Baby Skin Oil" and "Baby Skin Oil Soap," to purchasers at various points in the several other States and in the District of Columbia, in competition, in commerce as aforesaid, with others selling and distributing cosmetics, toileteries, and similar merchandise, and including many engaged in manufacture and sale or sale thereof who do not employ and maintain below enumerated and described practices, but truthfully represent and vend said products; in advertising its said preparations through newspapers, periodicals and other advertising literature—

- (a) Represented that its said oil was "a skin normalizer, not a cosmetic," which made "any skin more healthy" and restored to adult "soft and silken texture of baby skin," and that it was "scientifically recognized that modern living and washing routine removes indispensable fatty acids generally known as lipids) from the skin, resulting in deficiency symptoms such as dryness, roughness of the skin, eczema and acne," and that such blemishes and skin irregularities were "becoming more commonly known as 'vitamin F deficiency' in the skin," and that said oil was "designed to restore to the skin by absorption the normal balance of lipids" and that person associated with corporate name had, by "brilliant experiments," "discovered that vitamin F could be reintroduced into the system by absorption by the skin," and that through use of its said products permanent benefits would result to skin on account of Vitamin E and "Vitamin F" content;

Facts being unsaturated fatty acids or "lipids" contained in human skin are supplied in food and distributed through the body in natural process of metabolism, administration of vitamins or fatty acids topically by massage is impracticable and will not affect condition of skin, any possible existing deficiency in any of the vitamins or fatty acids being corrected by giving needed elements by mouth, no "Vitamin F," used by it to describe "substances" not chemically identified, but associated with such lipids, is known as such in scientific world or recognized officially by American Medical Association or any other scientific organization, and vitamin E, obtained in abundance in the daily diet, does not, as revealed by any evidence, play any role in normal life and nutrition of human skin, removal of certain fatty substances, which cannot be replaced by topical inunction and are normally secreted by skin, by cloths or in washing will not adversely affect appearance thereof, and, while regular use of its said products may improve appearance of skin as superficial and largely psychological result, "baby skin" cannot be simulated or produced in older person through use thereof, and any beneficial effects therefrom by virtue of emollient and protective action and aid in correction of dryness, are independent of vitamin E and so-called "Vitamin F" content; and

(b) Represented, as aforesaid indicated, that its said preparation constituted an effective remedy for "deficiency symptoms such as dryness, roughness of the skin, eczema and acne," and that its said oil was "an amazing discovery" and "the outstanding development in beauty culture of the present day," and that "a healthy woman with a dried-looking skin can reclaim a skin with the freshness and texture of perpetual youth by constant use" of said oil;

Facts being it was not a discovery nor any such development, said products had no therapeutic effect and did not constitute cure or remedy for eczema or acne, result, as case may be, of diet or infection, nor for roughness of skin, result of congenital condition thereof, disease, exposure, faulty diet, and other causes, and, as aforesaid indicated, would not restore to skin of adult appearance and texture of baby skin, affect health and appearance of skin, replace or restore essential lipids and vitamin E, have any beneficial effect in treatment of deficiency symptoms, or contribute to correction and prevention of skin disfigurements, or restore to skin necessary vitamins or fatty acids, or benefit same permanently by reason of addition thereof;

With effect of misleading and deceiving members of purchasing public into belief that said representations were true, and of causing members of such public, as result thereof, to purchase substantial quantities of its products, and of diverting unfairly to it trade of competitors engaged in sale in commerce of products of same kind and nature, truthfully advertised and represented:

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. Miles J. Furnas*, trial examiner.

Mr. John R. Phillips, Jr., for the Commission.

Pam, Hurd & Reichmann, of Chicago, Ill., 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 Imogene Shepherd, Ltd., a corporation, hereinafter referred to as respondent, has 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. Imogene Shepherd, Ltd., is a corporation created by, and existing under the laws of the State of Delaware, with its principal offices and place of business located at 155 East Ohio Street, Chicago, Ill.

PAR. 2. Respondent is now, and for more than 1 year last past has been, engaged in the business of distributing and selling a line of cosmetics, designated by it as "Baby Skin Oil and Soap." Respondent

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caused said products when sold to be transported from its place of business in the State of Illinois to its customers located 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 cosmetics sold and distributed by it 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 its business, respondent is in active and substantial competition with other corporations and with partnerships and individuals engaged in the sale and distribution of cosmetics in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 4. In the course and conduct of said business, and for the purpose of inducing the purchase of said cosmetics, respondent by means of advertising circulars and folders, and by means of advertisements inserted in magazines and newspapers circulated between and among the various States of the United States and in the District of Columbia, has made many representations concerning the character and nature of said cosmetics, and concerning the results obtained from their use. Among said representations made by respondent are the following:

BABY SKIN OIL AND SOAP—Increase Cosmetic Sales with this Marvelous Vitamin F Fair! They'll Normalize Your Customer's Skin and Give her Baby Loveliness! * * * BABY SKIN OIL SOAP is the perfect bland, gentle cleanser.

BABY SKIN OIL Restores Essential Lipids To The Skin. VITAMINS E and F.

OIL AS NATURE'S BABY COSMETIC * * * To the present day, it is important that all applications to the baby's body be oily in nature, AND THAT THEY BE FOUNDED ON A BASE OF VITAMIN F, A LIPID NATURALLY CONTAINED AND NEEDED BY THE SKIN. After every bath, this oil should be freely applied and gently rubbed into the baby skin. The oil is quickly absorbed and the skin responds with an improved appearance of freshness and glowing healthfulness envied in the infant skin.

DEFICIENCIES IN THE ADULT SKIN. It is scientifically recognized that modern living and washing routine removes indispensable fatty acids (generally known as lipids) from the skin, resulting in deficiency symptoms, such as dryness and roughness of the skin, eczema, and acne. These blemishes and skin "irregularities" are becoming more commonly known as "vitamin F, deficiency" in the skin * * * Just as the oil mixture is good for the skin of a baby, it is efficacious in restoring a distinguishable measure of baby skin "blush" and freshness to the adolescent and adult skin, by restoring the vital skin lipids.

I am totally unaware of the existence anywhere of a cosmetic chemist who has experimented so widely and so successfully as has Mary Imogene Shepherd in the work of restoring to the skin through cosmetic preparations the needed skin fats, specifically vitamins E and F.

The brilliant work of this research investigator is remaking the cosmetic world, as it should be, on a higher plane of service and efficacy. Through her work with such thoroughly trained scientific collaborators as Linn, McMath, Glennon, Alexander, Sorenson and others, she is contributing directly to the prevention and correction of skin disfigurements through cosmetic usage.

Miss Shepherd's remarks are based on her exhaustive experimentation with laboratory animals and 30,000 human trials extending over the past five years. (Signed) August J. Pacini, Ph. D.

The beneficial results from the use of Baby Skin Oil come from the absorption of the oil by the skin.

The proper amount will be absorbed automatically and will not clog the pores.

The Big Difference Between Cosmetics and Baby Skin Oil is that cosmetics for most part paint the beauty on the outside, while Baby Skin Oil makes sure your beauty is at least skin deep by making beautiful skin.

Baby Skin Oil Is An Amazing Discovery—It Makes Any Skin More Healthy, and a Healthy Skin is Indeed A Beautiful Skin.

It is the outstanding development in beauty culture of the present day. It is simple, safe (doctors recommend it for the tenderest of baby skins) and resultful.

All of said statements, together with similar statements appearing in respondent's advertising literature, purport to be descriptive of respondent's products, and of their effectiveness in use. In all of its advertising literature and through other means respondent, directly or by inference, through statements and representations herein set out, and other statements of similar import and effect, represents: That its "Baby Skin Oil and Soap" by topical application will be of benefit in restoring any component of the skin in which it may be deficient; that the use of respondent's products will result in permanent beneficial results to the skin because of "Vitamin E" and "Vitamin F" content; that respondent's products will prevent or correct disfigurements, blemishes, dryness and roughness of the skin; that there exists such a vitamin as "Vitamin F," which is generally identified and recognized by the majority of reliable scientific authorities and which contains lipids or unsaturated fatty acids contained and needed by the skin; that its products are of "Vitamin E" and "Vitamin F" content; that its products will "normalize the skin"; that its preparations restore essential or vital lipids or needed skin fats to the skin which restore baby skin loveliness of soft silken texture, and a healthy skin with improved appearance of freshness, glow, and blush; that all applications to a baby's body should be oily, or that they should be founded on a base of "Vitamin F"; that its products are a treatment for, or a remedy for acne, eczema, roughness and dryness, blemishes and other skin irregularities; that they will sink into the tissues, or that they can be rubbed into the skin; that they will penetrate or be absorbed by the skin; that they will not clog the pores; that by the absorption of its "Baby Skin Oil" beauty will be skin deep and make beautiful skin; that its products are not cosmetics; that it will be efficacious in all cases; that its products are the outstanding development of the present day in beauty culture; that they are amazing and are recommended by doctors.

PAR. 5. The representations made by respondent with respect to the nature and effect of its products when used are grossly exaggerated, false, misleading, and untrue. In truth and in fact, respondent's "Baby Skin Oil and Soap" are cosmetics, and by topical application will not be beneficial in restoring any deficient component to the skin. Use thereof will not have a beneficial result to the skin and it will not prevent nor correct disfigurements, blemishes, dryness, and roughness of the skin. There does not exist a so-called "Vitamin F" which is generally identified and recognized by the majority of reliable scientific authorities, containing lipids or unsaturated fatty acids which are contained in and needed by the skin. A beneficial effect to the skin will not be derived by using the products of respondent because of "Vitamin E" and "Vitamin F" content. The use of "Baby Skin Oil and Soap" will not "normalize the skin," and its preparations will not restore essential or vital lipids or needed fats to the skin, restoring baby skin loveliness of soft silken texture and a healthy skin with improved appearance of freshness, bloom, and blush. All applications to a baby's body need not be oily nor founded on a base of "Vitamin F." Its products are not a treatment for, or a remedy for, acne, eczema, roughness and dryness, blemishes, and other skin irregularities. "Baby Skin Oil and Soap" will not penetrate the tissues of the skin and be absorbed, and are likely to clog the pores. The use of "Baby Skin Oil and Soap" will not be efficacious in all cases, and is not the outstanding development in beauty culture of the present day, is not an amazing discovery, and doctors do not generally recommend the use thereof.

The true facts are that the ingredients of respondent's products are not absorbed by or through the skin. While scientific literature contains no reference to a skin vitamin, it is possible that some types of vitamins may be absorbed through the skin. Furthermore, in the ordinary diet of Americans, particularly cosmetic users, there is little likelihood of being any deficiency in either vitamin E or of so-called "Vitamin F." However, if vitamins are absorbed through the skin, they will not beneficially affect the local condition of the skin where applied. Any vitamin deficiency may be more scientifically treated by diet, and by the introduction of vitamins and vitamin concentrates by way of the mouth.

PAR. 6. There are, among respondent's competitors, many who manufacture, distribute, and sell cosmetics who do not in any way misrepresent the quality or character of their respective products, or their effectiveness when used.

PAR. 7. Each and all of the false and misleading statements and representations made by the respondent in designing or describing

its products, and their effectiveness when used, as hereinabove set out, were and are calculated to, and have had and now have, a tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous belief that all of said representations are true. As a direct result of this erroneous and mistaken belief, a number of the consuming public have purchased a substantial volume of respondent's products, with the result that trade has been diverted unfairly to respondent from competitors likewise engaged in the business of distributing and selling cosmetics who truthfully advertise their respective products and the effectiveness thereof when used. As a result thereof, injury has been done, 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. 8. The aforesaid acts and practices of the respondent as herein alleged are all to the prejudice 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 the 7th day of October 1938, issued, and subsequently served, its complaint in this proceeding charging Imogene Shepherd, Ltd., a corporation, 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 thereto, testimony and other evidence in support of the allegations of said complaint were introduced by John R. Phillips, attorney for the Commission, and in opposition to the allegations of the complaint by Myron D. Davis, attorney for the respondent, before Miles J. Furnas, an examiner of the Commission theretofore duly designated by it, and said testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, the proceeding regularly came on for final hearing before the Commission on the said complaint, the answer thereto, testimony, and other evidence, briefs in support of the complaint and in opposition 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.

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FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent, Imogene Shepherd, Ltd., is a corporation organized, existing, and doing business under the laws of the State of Delaware, with its principal office and place of business located in the city of Chicago, State of Illinois. It is now, and for more than 3 years last past has been, engaged in the sale and distribution of certain products, sold under the names, "Baby Skin Oil" and "Baby Skin Oil Soap," in commerce between and among the several States of the United States and in the District of Columbia. Respondent ships said products, when sold, from its said place of business in the State of Illinois to the purchasers thereof located at various points in the several States of the United States other than Illinois and in the District of Columbia.

PAR. 2. Respondent, Imogene Shepherd, Ltd., has been, and is, in competition in commerce between and among the various States of the United States and in the District of Columbia, with other corporations, and with firms, partnerships and individuals selling and distributing cosmetics, toiletries, and similar merchandise.

PAR. 3. In the course and conduct of its said business, in connection with the sale and distribution of said products, respondent, through advertisements in newspapers, magazines, and other advertising literature, makes use of the following typical advertising statements and representations:

Baby Skin Oil is a skin normalizer, not a cosmetic.

It makes any skin more healthy.

Doctors recommend it for the tenderest baby skins.

It is easy to have the radiant skin of a baby.

Restores to an adult the soft and silken texture of baby skin.

It is scientifically recognized that modern living and washing routine removes indispensable fatty acids (generally known as lipids) from the skin, resulting in deficiency symptoms, such as dryness, roughness of the skin, eczema and acne. These blemishes and skin irregularities are becoming more commonly known as "vitamin F. deficiency" in the skin. Just as the oil mixture is good for the skin of a baby it is efficacious in restoring a distinguishable measure of baby skin "blush" and freshness to the adolescent and adult skin by restoring the vital skin lipids.

It is designed to restore to the skin by absorption the normal balance of lipids.

Will be absorbed automatically and will not clog the pores.

By brilliant experiments Miss Shepherd discovered that vitamin F could be re-introduced into the system by absorption by the skin.

Baby Skin Oil is an amazing discovery.

It is the outstanding development in beauty culture of the present day.

Contributing directly to the prevention and correction of skin disfigurements through cosmetic usage.

A healthy woman with a dried-looking skin can reclaim a skin with the freshness and texture of perpetual youth by constant use of Baby Skin Oil.

Thousands of tests have proven that it restores to your skin vitamin F and other necessary oils.

The above-quoted representations refer to the product Baby Skin Oil.

Baby Skin Oil Soap * * * will keep your skin fresh, young and smooth, in spite of cold and windy weather. * * * It's the first time we've ever heard of a soap actually containing the essential lipids which make us envy the rose-leaf softness of a baby's skin * * * By the use of Baby Skin Oil and Soap permanent benefits will result to the skin on account of the vitamin E and vitamin F content.

The last-quoted statement refers to both of said products.

PAR. 4. All of said statements are representations appearing in respondent's advertising material and literature, purport to be descriptive of the efficacy of respondent's products when used in the care and treatment of the skin, including the treatment of certain diseases, infections, ailments, and conditions occurring in connection therewith, and of the therapeutic properties and effectiveness of said products when used therefor. Through such advertising statements, respondent represents, directly and by inference, that there exists a vitamin recognized and designated as "Vitamin F," which is a necessary element in, or requisite to, the possession of a fresh, healthy, and youthful skin; that said "Vitamin F" can be, and is, introduced into the system by being absorbed through the skin by local inunction or massage, and that respondent's oils and soaps contain this vital element which can be so administered; that the use of respondent's oils and soaps containing said so-called "Vitamin F" will restore the appearance and condition of youth to the skin; that respondent's products are a remedy or cure for, or will prevent, dryness and roughness of the skin, eczema and acne, and that they will restore to the skin those indispensable fatty acids, generally known as "lipids"; deficiency in which results in such symptoms as dryness, roughness of the skin, eczema and acne; that the use of respondent's Baby Skin Oil and Soap will result in permanent benefits to the skin on account of their Vitamin E and "Vitamin F" content; that respondent's Baby Skin Oil is recommended for the tenderest baby skins and will restore to an adult skin the soft and silken texture of baby skin; and that the products of respondent will prevent and correct skin disfigurements, will rejuvenate the texture of the skin, and that said products are amazing discoveries and the outstanding development in present-day beauty culture.

PAR. 5. Based upon the testimony of experts in the fields of medicine, dermatology, pharmacology, and physiology, the Commission finds that the tissues of the human body, among other elements, contain unsaturated fatty acids generally known as lipids. The human skin contains from 3 percent to 5 percent of such lipids. Such

fatty acids are supplied in the food and distributed throughout the body in the natural process of metabolism. Assuming that a deficiency in any one of the vitamins or fatty acids exists, the proper and accepted method of correcting such deficiency is by giving the needed elements by mouth, either in foods or concentrates. Administering vitamins or fatty acids topically by massage is impracticable and will not affect the condition of the skin for the reason that if any material is absorbed at all it will be absorbed into the blood stream and the action must therefore be systemic.

PAR. 6. The Commission further finds that "Vitamin F" as such is not known in the scientific world; that such an alleged vitamin is not recognized officially by the American Medical Association or by any other scientific association, including the American Society of Physiology, the American Society of Pharmacology and the American Chemical Society. The respondent uses this term to describe what it refers to as "substances" which have not been chemically identified but have been associated with the unsaturated fatty acids generally known as "lipids."

Vitamin E is a fat soluble vitamin found in wheat germ oil, cottonseed oil, cereals, and other foods. It is obtained in abundance in the daily diet and there is no evidence that vitamin E plays any role in the normal life and nutrition of the human skin.

PAR. 7. The Commission further finds that the skin undergoes gradual atrophy with age which is manifested in a gradual breakdown of tissues. This is an inevitable characteristic of advancing age. Other factors causing a dry, rough, or wrinkled skin are sunburn, faulty diet, or skin diseases.

A "baby skin" cannot be simulated or produced in an older person through the use of respondent's products. While the regular use of said products may improve the appearance of the skin, such result is superficial and largely psychological, as no physiological changes result from such use. The skin normally secretes certain fatty substances through the sebaceous glands, and a removal of these fatty substances by cloths or in washing will not adversely affect the appearance of the skin, nor can such fatty substances be replaced by topical inunction.

The Commission finds that, while the application of respondent's oil may act as an emollient and offer some protection to the skin and aid in the correction of dryness, any beneficial effects which may be derived from the use of said products are independent of, and not because of, the vitamin E and the so-called "Vitamin F" content of said product.

PAR. 8. The Commission finds that respondent's oil and soap applied by topical inunction, are not a cure or remedy for acne, eczema, roughness, dryness, blemishes, and other skin irregularities. Eczema may be the result either of faulty diet or of infection. Acne is caused by infection and roughness of the skin, may be due to the congenital condition thereof, or it may be caused by disease, exposure to the elements, faulty diet, and other causes. The application of respondent's oil would act as an emollient, serve as a protective coat, and make the appearance of the skin a little smoother, temporarily, but it has no therapeutic effect. The use of respondent's soap would cleanse the skin but any fatty acids or vitamins which may be contained in the soap will be of no material or appreciable benefit to the skin.

PAR. 9. The Commission finds that respondent's product Baby Skin Oil does not have any therapeutic effects or properties and will not affect the health and appearance of the skin; it will not restore to the skin of the adult the appearance and texture of baby skin, nor will it replace or restore the essential lipids and vitamin E. Said product is not a new scientific discovery and will have no beneficial effect in the treatment of deficiency symptoms. It will not contribute to the prevention and correction of skin disfigurements, and will not restore to the skin necessary vitamins such as vitamin E or fatty acids erroneously designated by respondent as vitamin F, and will not benefit the skin permanently by reason of the addition of such substances.

PAR. 10. There are among the competitors of respondent, many who are engaged in the manufacture and sale, or the sale of cosmetics, toiletries, and similar merchandise between and among the various States of the United States and in the District of Columbia, who do not employ and maintain the practices hereinbefore enumerated and described, but who truthfully represent and vend said products.

PAR. 11. The use by respondent of the hereinabove enumerated false and misleading representations in connection with the offering for sale and sale of its cosmetics, toiletries, and similar merchandise, has, and has had, the capacity and tendency to, and does, mislead and deceive members of the consuming public into the belief that said representations are true, and as a result of such belief has caused said members of the consuming public to purchase substantial quantities of respondent's products.

The aforesaid acts and practices of respondent have the capacity and tendency to, and do, divert unfairly to the respondent the trade of competitors engaged in selling in commerce among and between

the various States of the United States and in the District of Columbia, products of the same kind and nature as those of respondent, which products are truthfully advertised and represented.

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, the answer of respondent, testimony, and other evidence taken before Miles J. Furnas, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed by counsel for the Commission and respondent, no request for oral argument having been made, 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 respondent, Imogene Shepherd, Ltd., its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its products now designated "Baby Skin Oil" and "Baby Skin Oil Soap," or any other preparations composed of substantially the same ingredients, or possessing substantially similar properties, whether sold under the same names or any other names, do forthwith cease and desist from directly or indirectly:

(A) 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 by inference:

1. That said preparations are a remedy or an effective treatment for dryness, roughness of the skin, eczema, and acne; will prevent and correct skin disfigurements; will rejuvenate the texture of the skin or bring back the appearance of youth to the skin of adults, or restore to adults the soft and silken texture of baby skin.

2. That said products are skin normalizers or that they make the skin more healthy and restore a distinguishable measure of baby skin blush and freshness to the skin by restoring skin lipids.

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3. That because of modern living habits or conditions including washing or bathing of the face, indispensable fatty acids are removed from the skin.

4. That its products contain "Vitamin F."

5. That substantial quantities of vitamin E and the so-called "Vitamin F" can be introduced into and absorbed by the system by means of local application on the skin.

6. That its products are amazing discoveries, or the outstanding development in beauty culture of the present day.

7. That its products will nourish, or cause permanent benefit to, the skin on account of their Vitamin E and so-called "Vitamin F" content; or that they will restore essential lipids to the skin.

(B) 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 any of said products, which advertisements contain any of the representations prohibited in paragraphs (A) (1) to (7), inclusive.

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

IN THE MATTER OF
TRIPPE MANUFACTURING COMPANY AND TRIPPE
SALES COMPANY

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

Docket 4037. Complaint, Feb. 20, 1940—Decision, Aug. 14, 1940

Where two corporations engaged in sale and distribution of an electric auxiliary light for use on motor vehicles, through automotive fleet owners, jobbers, and automobile dealers; in describing quality and effectiveness of their said product through circulars, letters, advertisements in newspapers, and other publications of general circulation among the prospective purchasers throughout the United States and in the District of Columbia, and through salesmen traveling through the various States and in said District—

- (a) Represented that their said light would penetrate and conquer fog, regardless of density thereof, and that fog close to ground was thin and less dense in all cases, and that said light in all cases cut under and stayed under fog blanket, facts being light in question would not penetrate all fog, regardless of density, nor was all fog thin and less dense close to ground, and it did not cut through all fog so as to give visibility to driver of motor vehicle to which it was attached;
- (b) Represented that said light gave adequate illumination in fog, rain, mist, or snow, regardless of density thereof, and afforded user 1,000 feet of visibility ahead under all conditions, facts being it would not give such illumination in fog, etc., regardless of density, nor provide operator with visibility as above represented under all conditions; and
- (c) Represented that said light had been purchased and used by the United States Coast Guard, facts being it had not been purchased and used officially by said establishment, unit or organization;

With effect of misleading and deceiving purchasers and prospective purchasers of lights in question, and of causing them erroneously and mistakenly to believe that such statements and representations were true, and, as a result, to purchase substantial quantity of product in question:

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

Before *Mr. Edward E. Reardon*, trial examiner.

Mr. Charles S. Cox for the Commission.

Mr. Lewis F. Mason, of Chicago, Ill., for respondents.

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 Trippe Manufacturing Co., a corporation, and Trippe Sales Co., a corporation, hereinafter referred