

Complaint

IN THE MATTER OF

SAMUEL BENENSOHN AND L. BENENSOHN, TRADING AS
KANT-SLIP MANUFACTURING COMPANYCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 3963. Complaint, Dec. 7, 1939—Decision, Sept. 18, 1940*

Where two individuals engaged in the manufacture, sale, and distribution of their Kant-Slip Belt Dressing to purchasers in various other states and in the District of Columbia—

Represented, through circulars, pamphlets, folders, and other written or printed matter, distributed, or caused to be distributed to prospective purchasers, that their said product was a positive preservative for leather, canvas, and fiber belts, and that use thereof would prolong life of such belts and make and keep them soft and pliable, facts being product in question, which consisted principally of resin and denatured alcohol, would not accomplish such results by use thereof on leather belts, had solvent action on oils and greases of leather, and tended to remove same, and cause leather to become dry and brittle;

With effect of misleading and deceiving substantial portion of purchasing public into erroneous and mistaken belief that such statements, representations, and claims were true and causing substantial portion of such public, because of such belief, to purchase their said product:

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

Before *Mr. John W. Addison*, trial examiner.

Mr. Jesse D. Kash for the Commission.

Siegal, Charlens & Seyfarth, 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 Samuel Benelsohn and L. Benensohn, individuals, trading as Kant-Slip Manufacturing Co., hereinafter referred to as respondents, have violated the provisions of said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondents, Samuel Benensohn and L. Benensohn are individuals trading and doing business under the name of Kant-Slip Manufacturing Co., with their principal place of business located at 451 East Sixty-third Street, Chicago, Ill.

PAR. 2. In the course and conduct of their aforesaid business, respondents Samuel Benensohn and L. Benensohn are now, and for more than 1 year last past have been engaged in the manufacture, sale, and distribution of a belt dressing known as "Kant-Slip Belt Dressing." Respondents cause their product, when sold by them, to be transported from their aforesaid place of business in the State of Illinois to the purchasers thereof located in various other States of the United States and in the District of Columbia.

Respondents maintain and at all times mentioned herein have maintained a course of trade in said belt dressing in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of their said business and for the purpose of inducing the purchase of their said belt dressing, said respondents have made and now make, by means of circulars, pamphlets, folders, and other written or printed matter distributed and caused to be distributed to prospective purchasers, many representations and statements concerning the nature and quality of their said belt dressing and the results that may be expected from the use thereof. Among and typical of such representations and statements made by respondents are the following:

Kant-Slip Dressing is a positive preservative! Prolongs the life of leather, canvas and fiber belts making and keeping the belt soft and pliable. Water and oil proof.

PAR. 4. Through the use of the representations herein above set forth and others similar thereto not specifically herein set out, all of which purport to be descriptive of the preservative and beneficial effects of the use of respondents' product, the respondents have represented and do now represent that their said product is a positive preservative for leather, canvas, and fiber belts and that its use will prolong the life of leather, canvas, and fiber belts and that it will make and keep belts made of said materials soft and pliable.

The aforesaid representations are grossly exaggerated, misleading, and untrue. In truth and in fact, respondents' belt dressing is not a preservative for leather, canvas, or fiber belts. The use of said product will not prolong the life of leather, canvas, or fiber belts, and its use will not make said belts soft or pliable. Said product consists principally of rosin and denatured alcohol, neither of which is a preservative, and in fact the use of said product on leather belts has a solvent action on the oils and greases in the leather and tends to remove them and causes the leather to become dry and brittle.

PAR. 5. The use by the respondents of the foregoing false, deceptive, and misleading statements, representations, and claims with respect to

their said product, disseminated as aforesaid, has had, and now has, the tendency and capacity to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements, representations, and claims are true and causes, and has caused, a substantial portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondents' product.

PAR. 6. 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 December 7, 1939, issued and on December 8, 1939, served its complaint in this proceeding upon respondents Samuel Benensohn and L. Benensohn, individuals, trading and doing business under the name of Kant-Slip Manufacturing Co., charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of the said act. The respondent, Samuel Benensohn, on December 26, 1939, filed his answer in this proceeding. No answer was filed on behalf of L. Benensohn. Thereafter it was stipulated and agreed between Irvin J. Siegel, counsel for the respondents, and S. Brogdyne Teu, II, trial attorney for the Commission, that a statement of facts read into the record at a hearing held in Chicago, Ill., June 7, 1940, might be taken as the facts in this proceeding in lieu of testimony in support of the charges of the complaint or in opposition thereto. Thereafter this proceeding regularly came on for final hearing before the Commission on said complaint, answer, and stipulation, and the Commission having duly considered the same and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondents Samuel Benensohn and L. Benensohn are individuals trading and doing business under the name of Kant-Slip Manufacturing Co., with their principal place of business located at 451 East Sixty-third Street, Chicago, Ill.

PAR. 2. In the course and conduct of their aforesaid business respondents are now and for more than 1 year last past have been engaged in the manufacture, sale, and distribution of a belt dressing

known as "Kant-Slip Belt Dressing." Respondents cause their product when sold by them to be transported from their aforesaid place of business in the State of Illinois to the purchasers thereof located in various States of the United States other than the State of Illinois, and in the District of Columbia. Respondents maintain and at all times mentioned herein have maintained a course of trade in said belt dressing in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of their said business and for the purpose of inducing the purchase of their said belt dressing, said respondents have made and now make, by means of circulars, pamphlets, folders, and other written or printed matter, distributed and caused to be distributed to prospective purchasers, many representations and statements concerning the nature and quality of their said belt dressing and the results that may be expected from the use thereof. Among and typical of such representations and statements so made by respondents are the following:

Kant-Slip Dressing is a positive preservative! Prolongs the life of leather, canvas and fiber belts making and keeping the belt soft and pliable. Water and oil proof.

PAR. 4. Through the use of the representations hereinabove set forth and others similar thereto not specifically herein set out, all of which purport to be descriptive of the preservative and beneficial effects of the use of respondents' product, the respondents have represented, and do now represent, that their said product is a positive preservative for leather, canvas, and fiber belts and that its use will prolong the life of leather, canvas, and fiber belts and that it will make and keep belts made of said materials soft and pliable.

The aforesaid representations are not true. Respondents' belt dressing is not a preservative for leather, canvas, or fiber belts. The use of said product will not prolong the life of leather, canvas, or fiber belts, and its use will not make said belts soft or pliable. Said product consists principally of resin and denatured alcohol, neither of which is a preservative, and in fact the use of said product on leather belts has a solvent action on the oils and greases in the leather and tends to remove them and cause the leather to become dry and brittle.

PAR. 5. The use by the respondents of the foregoing statements, representations, and claims with respect to their said product, has had, and now has, the tendency and capacity to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements, representations, and

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claims are true and causes, and has caused, a substantial portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondents' product.

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, answer of respondent Samuel Benensohn, and a stipulation as to the facts entered into between counsel for the Commission and counsel for the respondents, said stipulation having been approved by the Commission, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondents, Samuel Benensohn and L. Benensohn, individuals trading as Kant-Slip Manufacturing 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, and distribution of their product designated "Kant-Slip Belt Dressing," or any other product composed of substantially similar ingredients, whether sold under the same name or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing that said belt dressing will preserve, or prolong the life of, leather, canvas, or fiber belts, or that said belt dressing will make such belts soft or pliable.

It is further ordered, That the respondents shall, within 60 days after service upon them of this order, 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
SEKOV CORPORATION, EDWIN H. VOKES, AND HAZEL
RUTH VOKES

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

Docket 4061. Complaint, Mar. 12, 1940—Decision, Sept. 18, 1940

Where two individuals and a corporation, of which they were the sole stockholders and which they actively managed and business of which they controlled, engaged in sale and distribution of drug preparation advertised and known as "Sekov Reducer" and as "Sekov," and offered and sold as treatment for obesity; in advertisements which, prior to issuance of temporary restraining order by United States District Court, they disseminated and caused to be disseminated concerning their said preparation through newspapers and periodicals having general circulation, through the mails and otherwise, and which were intended and likely to induce purchase thereof—

- (a) Represented that their said product constituted a scientific treatment for obesity which guarded the health of the user and acted entirely on a corrective principle, facts being, it was not such a treatment when administered without thorough medical examination and scientific care and observation, constituted treatment for obesity only when used by persons suffering from hypothyroidism, would be improper and ineffective in cases in which condition was due to dysfunctioning of the pituitary gland and to excess intake of food, and did not guard health of user or act on corrective principle due to effect of intake of thyroid on rate of metabolism and, on the contrary, might be dangerous and injurious to health and life of user unless extent of process was carefully coordinated to exact needs of persons suffering from hypothyroidism;
- (b) Represented that, unlike harsh methods of reducing, it did not contain cathartics or dangerous drugs and did not reduce by merely tearing down fatty cells, facts being use thereof was harsh or strenuous method of reducing for reasons set forth, it did contain cathartics and dangerous drugs in presence therein of rhubarb, cascara sagrada, aloin, and bile salts, tendency of which is to dehydrate body tissues, and contained furthermore, dangerous drug, extract of thyroid; and
- (c) Represented that said preparation was made for reaching the glands, whose faulty function is cause of most overweight, and that it regulated action of glands gently and gradually and took off fat without weakening the body, and was especially prepared to be effective in reducing practically all cases of overweight, and reduced by normalizing body, facts being, it was not made for reaching or nourishing glands whose faulty function is cause of most overweight, only gland substances therein were whole ovarian and pituitary substances and thyroid substance, effect of which latter is to supply thyroxin to system but not to rejuvenate thyroid gland, and it did not regulate action of glands gently and gradually, or at all, and, while use thereof might result in taking off fat by accelerating rate of metabolism, it might seriously weaken body and organs thereof, including heart, and it was not effective in reducing practically all cases of