

Syllabus

IN THE MATTER OF

BLANCHE KAPLAN, DOING BUSINESS AS PROGRESSIVE MEDICAL COMPANY, PROGRESSIVE LABORATORIES, LADIES AID COMPANY, LADIES AID, AND LADIES AID PRODUCTS

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 20, 1914

Docket 4261. Complaint, Aug. 22, 1940—Decision, Oct. 9, 1940

Where an individual engaged, under names Progressive Medical Co., Progressive Laboratories, Ladies Aid Co., and others, in sale and distribution of certain medicinal preparations designated as Ladies Aid No. 1 H. Y. G. Tablets, Ladies Aid No. 4, Promeco Cod Liver Oil Compound Tablets, and Ladies Aid Reducing Tablets; in advertisements of her said products which she disseminated and caused to be disseminated through the United States mails and through circulars, leaflets, pamphlets, and other advertising literature, and otherwise, and which were intended and likely to induce purchase of her said products—

- (a) Represented that her said Ladies Aid No. 1 H. Y. G. Tablets constituted a competent vaginal antiseptic and reliable germ destroyer, and was an effective prophylactic against venereal diseases and a dependable contraceptive, facts being her said product was not a competent vaginal antiseptic and reliable germ destroyer, nor effective prophylactic against such diseases, nor dependable contraceptive;
- (b) Represented that her said Ladies Aid No. 4 was a competent and effective treatment for leucorrhea, vaginitis, pruritus vulvae, and cases of fetid discharges, facts being said product was not such a treatment for said conditions, which are only symptoms that arise from vaginal and uterine infections or other pathological conditions, and can only be corrected by eliminating the causes thereof, and at best said preparation could only be useful as an accessory to the treatment of such causes;
- (c) Represented that her said Promeco Cod Liver Oil Compound Tablets was a new scientific discovery and constituted an effective remedy for every condition for which physicians might prescribe cod liver oil, facts being said product was not a new scientific discovery nor an effective remedy for every such condition;
- (d) Represented that her said Ladies Aid Reducing Tablets constituted an amazing new scientific discovery and was safe and harmless, and that by use thereof one could easily reduce five pounds a week without diet or exercise, and that it contained the ingredients of a wonderful and newly discovered ocean plant that are effective in the treatment of obesity, facts being her said product was not an amazing new scientific discovery, nor safe and harmless, one could not reduce 5 pounds a week or any other appreciable amount by use thereof without diet or exercise, and it did not contain the ingredients of such plant, but the only ingredient contained therein, other than the commonly known drugs of phenolphthalein and aloin, was powdered extract of bladder wrack, which does not possess any therapeutic properties,

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and said Ladies Aid reducing preparation was not safe and harmless, in that two of its ingredients, aloin and phenolphthalein, are irritating cathartics, the repeated use of which would result in watery evacuations of the bowels, and repeated use of said latter drug produces skin eruptions and keratosis in some persons, while such use of former drug may cause colitis with resulting atony of the bowel, and any weight which might be lost as result of taking said preparation would follow solely because of the withdrawal of water from the tissues as a result of harmful excessive purgation; and

- (e) Failed to reveal, in her said advertisements, that use of said Ladies Aid Reducing Tablets, under conditions prescribed therein or such conditions as are customary or usual, might result in serious or irreparable injury to health;

With effect of misleading and deceiving substantial portion of purchasing public into erroneous and mistaken belief that such statements, representations, and advertisements were true, and of inducing a portion of such public, because of such erroneous and mistaken belief, to purchase her said medicinal preparations:

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

Mr. R. P. Bellinger for the Commission.

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 Blanche Kaplan, doing business under the trade names Progressive Medical Co., Progressive Laboratories, Ladies Aid Co., Ladies Aid, and Ladies Aid Products, 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. Respondent, Blanche Kaplan, is an individual trading under the names Progressive Medical Co., Progressive Laboratories, Ladies Aid Co., Ladies Aid, and Ladies Aid Products, with her office and principal place of business heretofore located at 3944 Pine Grove Avenue, Chicago, Ill., but at present located at 330 South Wells Street, Chicago, Ill., from which last named address she transacts business under the above trade names.

PAR. 2. Respondent is now, and for more than 2 years last past has been engaged in the sale and distribution of certain medicinal preparations designated as Ladies Aid No. 1 H. Y. G. Tablets, Ladies Aid No. 4, Promeco Cod Liver Oil Compound Tablets, and Ladies Aid Reducing Tablets.

In the course and conduct of her business, respondent causes said medicinal preparations, when sold, to be transported from her place of business in the State of Illinois to purchasers thereof located in other States of the United States and in the District of Columbia.

At all times mentioned herein, respondent has maintained, and now maintains, a course of trade in said medicinal preparations sold and distributed by her 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 her aforesaid business, respondent has disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning her said products by the United States mails and by various other means in commerce, as commerce is defined in the Federal Trade Commission Act, for the purpose of inducing and which are likely to induce, directly or indirectly, the purchase of said products; and respondent has also disseminated and is now disseminating, and has caused and is now causing, the dissemination of, false advertisements concerning her said products, by various means, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of her said products in commerce, as commerce is defined in the Federal Trade Commission Act. Among and typical of the false, misleading, and deceptive statements and representations contained in false advertisements, disseminated and caused to be disseminated, as hereinabove set forth, by the United States mails and by circulars, leaflets, pamphlets, and other advertising literature, are the following:

With respect to Ladies Aid No. 1 H. Y. G. Tablets—

LADIES AID NO. 1
FOR FEMININE HYGIENE
A VAGINAL ANTISEPTIC
A MARRIED WOMAN'S NECESSITY

H. Y. G. Tablets are a wonderful, effective, yet safe vaginal germ preventive.

No longer need you fuss with messy and often dangerous douche solutions—so many of which contain elements injurious to delicate tissues. Ladies Aid No. 1 H. Y. G. Tablet is dainty, snow white and odorless * * * upon contact with the vaginal mucosa, it releases a gentle foam of germ destroying oxygen, which penetrates and reaches into all the folds and crevices of the vaginal tract.

* * * they are effective against unwanted germ life, even several hours after application.

With respect to Ladies Aid No. 4—

Ladies Aid No. 4 is used in many hospitals and by a great many nurses themselves. Made largely of copper sulphate and alum, it is highly recommended in the treatment of leucorrhea, vaginitis, pruritus vulvae and cases of fetid discharges.

With respect to Promeco Cod Liver Oil Compound Tablets—

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A new scientific discovery for every condition for which physicians recommend cod liver oil.

With respect to Ladies Aid Reducing Tablets—

At last you can have normal weight without strenuous dieting or exhausting exercises.

* * * An amazing new scientific discovery has made it possible to reduce safely and easily, without dieting or exercising. You can lose five pounds a week. Ladies Aid Reducing Tablets contain the vital element of a newly discovered ocean plant. Science has extracted from this wonderful plant its basic ingredients which are used in these tablets.

Why be handicapped by obesity? Send for a box of Ladies Aid Reducing Tablets at once.

These tablets are absolutely safe. They contain no dinitrophenol or other harmful or dangerous drugs. Just take one tiny concentrated tablet after each meal, then watch the results.

We highly recommend our reducing tablets to men who are overweight and anxious to regain that slender youthful appearance which they once prized so highly. Order a supply today. Supply for 1 month \$1—For 2 months \$1.75—For 3 months \$2.50.

PAR. 4. By the use of the representations hereinabove set forth and other representations similar thereto not specifically set out herein, respondent represents that her preparation, known and designated as Ladies Aid No. 1 H. Y. G. Tablets, is a competent vaginal antiseptic and reliable germ destroyer; that it is an effective prophylactic against venereal diseases; and that it is a dependable contraceptive; that her preparation, known and designated as Ladies Aid No. 4, is a competent and effective treatment for leucorrhea, vaginitis, pruritus vulvae and cases of fetid discharges; that her preparation, known and designated as Promeco Cod Liver Oil Compound Tablets, is a new scientific discovery and that it is an effective remedy for every condition for which physicians might prescribe cod liver oil; that her preparation, known and designated as Ladies Aid Reducing Tablets, is an amazing new scientific discovery; that it is safe and harmless; that by its use one can easily reduce five pounds a week without diet or exercise; that it contains the ingredients of a wonderful and newly discovered ocean plant that are effective in the treatment of obesity.

PAR. 5. In truth and in fact respondent's preparation known and designated as Ladies Aid No. 1 H. Y. G. Tablets is not a competent vaginal antiseptic and reliable germ destroyer; it is not an effective prophylactic against venereal diseases; and it is not a dependable contraceptive; respondent's preparation known and designated as Ladies Aid No. 4 is not a competent and effective treatment for leucorrhea, vaginitis, pruritus vulvae and cases of fetid discharges, which are only symptoms that arise from vaginal and uterine infec-

tions or other pathological conditions, and can only be corrected by eliminating the causes thereof, and at best said preparation could only be useful as an accessory to the treatment of such causes; respondent's preparation known and designated as Promeco Cod Liver Oil Compound Tablets is not a new scientific discovery and it is not an effective remedy for every condition for which physicians might prescribe cod liver oil; and respondent's preparation known and designated as Ladies Aid Reducing Tablets is not an amazing new scientific discovery; it is not safe and harmless; by its use one cannot reduce five pounds a week or any other appreciable amount, without diet or exercise; and it does not contain the ingredients of a wonderful and newly discovered ocean plant that are effective in the treatment of obesity, but the only ingredient contained in said preparation, other than the commonly known drugs of phenolphthalein and aloin, is powdered extract of bladder wrack, which does not possess any therapeutic properties.

Respondent's preparation, Ladies Aid Reducing Tablets, is not safe and harmless, in that two of its ingredients, aloin and phenolphthalein, are irritating cathartics, the repeated use of which would result in watery evacuations of the bowels; and the repeated use of phenolphthalein produces skin eruptions and keratoses in some persons, while the repeated use of aloin may cause colitis with resulting atony of the bowel. Moreover, any weight which might be lost as a result of taking said preparation would follow solely because of the withdrawal of water from the tissues as a result of purgation, and excessive purgation is harmful.

In addition to the representations hereinabove set forth, respondent has also engaged in the dissemination of false advertisements in the manner above set forth in that said advertisements so disseminated fail to reveal that the use of Ladies Aid Reducing Tablets, under the conditions prescribed in said advertisements or under such conditions as are customary or usual, may result in serious or irreparable injury to health.

PAR. 6. The use by respondent of the foregoing false, deceptive, and misleading statements and representations with respect to her preparations, disseminated as aforesaid, has had and now has the capacity and tendency to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements, representations, and advertisements are true, and induces a portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondent's medicinal preparations.

PAR. 7. The aforesaid acts and practices of respondent, 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 August 22, 1940, issued, and on August 26, 1940, served, its complaint in this proceeding upon respondent, Blanche Kaplan, an individual doing business under the trade names Progressive Medical Co., Progressive Laboratories, Ladies Aid Co., Ladies Aid, and Ladies Aid Products, charging her with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. On September 16, 1940, the respondent filed her answer, in which answer she admitted all of the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearing as to said facts. Thereafter, the proceeding regularly came on for final hearing before the Commission on the said complaint and the answer thereto, and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent, Blanche Kaplan, is an individual trading under the names Progressive Medical Co., Progressive Laboratories, Ladies Aid Co., Ladies Aid, and Ladies Aid Products, with her office and principal place of business heretofore located at 3944 Pine Grove Avenue, Chicago, Ill., but at present located at 330 South Wells Street, Chicago, Ill., from which last named address she transacts business under the above trade names.

PAR. 2. Respondent is now, and for more than 2 years last past has been, engaged in the sale and distribution of certain medicinal preparations designated as Ladies Aid No. 1 H. Y. G. Tablets, Ladies Aid No. 4, Promeco Cod Liver Oil Compound Tablets, and Ladies Aid Reducing Tablets.

In the course and conduct of her business, respondent causes said medicinal preparations, when sold, to be transported from her place of business in the State of Illinois to purchasers thereof located in other States of the United States and in the District of Columbia.

At all times mentioned herein, respondent has maintained, and now maintains, a course of trade in said medicinal preparations sold and distributed by her 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 her aforesaid business, respondent has disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning her said products by the United States mails and by various other means in commerce, as commerce is defined in the Federal Trade Commission Act, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of said products; and respondent has also disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning her said products, by various means, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of her said products in commerce, as commerce is defined in the Federal Trade Commission Act. Among and typical of the false, misleading, and deceptive statements and representations contained in said false advertisements disseminated and caused to be disseminated, as hereinabove set forth, by the United States mails and by circulars, leaflets, pamphlets, and other advertising literature, are the following:

With respect to Ladies Aid No. 1 H. Y. G. Tablets—

LADIES AID NO. 1
FOR FEMININE HYGIENE
A VAGINAL ANTISEPTIC
A MARRIED WOMAN'S NECESSITY

H. Y. G. Tablets are a wonderful, effective, yet safe vaginal germ preventive.

No longer need you fuss with messy and often dangerous douche solutions—so many of which contain elements injurious to delicate tissues. Ladies Aid No. 1 H. Y. G. Tablet is dainty, snow white and odorless * * * upon contact with the vaginal mucosa, it releases a gentle foam of germ destroying oxygen, which penetrates and reaches into all the folds and crevices of the vaginal tract.

* * * they are effective against unwanted germ life, even several hours after application.

With respect to Ladies Aid No. 4—

Ladies Aid No. 4 is used in many hospitals and by a great many nurses themselves. Made largely of copper sulphate and alum, it is highly recommended in the treatment of leucorrhea, vaginitis, pruritus vulvae and cases of fetid discharges.

With respect to Promeco Cod Liver Oil Compound Tablets—

A new scientific discovery for every condition for which physicians recommend cod liver oil.

With respect to Ladies Aid Reducing Tablets—

At last you can have normal weight without strenuous dieting or exhausting exercises.

* * * An amazing new scientific discovery has made it possible to reduce safely and easily, without dieting or exercising. You can lose five pounds a week. Ladies Aid Reducing Tablets contain the vital element of a newly discovered ocean plant. Science has extracted from this wonderful plant its basic ingredients which are used in these tablets.

Why be handicapped by obesity? Send for a box of Ladies Aid Reducing Tablets at once.

These tablets are absolutely safe. They contain no diuitrophenol or other harmful or dangerous drugs. Just take one tiny concentrated tablet after each meal, then watch the results.

We highly recommend our reducing tablets to men who are overweight and anxious to regain that slender youthful appearance which they once prized so highly. Order a supply today. Supply for 1 month \$1—For 2 months \$1.75—For 3 months \$2.50.

PAR. 4. By the use of the representations hereinabove set forth and other representations similar thereto not specifically set out herein, respondent represents that her preparation, known and designated as Ladies Aid No. 1 H. Y. G. Tablets, is a competent vaginal antiseptic and reliable germ destroyer; that it is an effective prophylactic against venereal diseases; and that it is a dependable contraceptive; that her preparation, known and designated as Ladies Aid No. 4, is a competent and effective treatment for leucorrhea, vaginitis, pruritus vulvae, and cases of fetid discharges; that her preparation, known and designated as Promeco Cod Liver Oil Compound Tablets, is a new scientific discovery and that it is an effective remedy for every condition for which physicians might prescribe cod liver oil; that her preparation, known and designated as Ladies Aid Reducing Tablets, is an amazing new scientific discovery; that it is safe and harmless; that by its use one can easily reduce 5 pounds a week without diet or exercise; that it contains the ingredients of a wonderful and newly discovered ocean plant that are effective in the treatment of obesity.

PAR. 5. In truth and in fact respondent's preparation known and designated as Ladies Aid No. 1 H. Y. G. Tablets is not a competent vaginal antiseptic and reliable germ destroyer; it is not an effective prophylactic against venereal diseases; and it is not a dependable contraceptive; respondent's preparation known and designated as Ladies Aid No. 4 is not a competent and effective treatment for leucorrhea, vaginitis, pruritus vulvae, and cases of fetid discharges, which are only symptoms that arise from vaginal and uterin infections or other pathological conditions, and can only be corrected by eliminating the causes thereof, and at best said preparation could only be useful as an accessory to the treatment of such causes; respondent's

preparation known and designated as Promeco Cod Liver Oil Compound Tablets is not a new scientific discovery, and it is not an effective remedy for every condition for which physicians might prescribe cod liver oil; and respondent's preparation known and designated as Ladies Aid Reducing Tablets is not an amazing new scientific discovery; it is not safe and harmless; by its use one cannot reduce 5 pounds a week or any other appreciable amount, without diet or exercise; and it does not contain the ingredients of a wonderful and newly discovered ocean plant that are effective in the treatment of obesity, but the only ingredient contained in said preparation, other than the commonly known drugs of phenolphthalein and aloin, is powdered extract of bladder wrack, which does not possess any therapeutic properties.

Respondent's preparation, Ladies Aid Reducing Tablets, is not safe and harmless, in that two of its ingredients, aloin and phenolphthalein, are irritating cathartics, the repeated use of which would result in watery evacuation of the bowels; and the repeated use of phenolphthalein produces skin eruptions and keratoses in some persons, while the repeated use of aloin may cause colitis with resulting atony of the bowel. Moreover, any weight which might be lost as a result of taking said preparation would follow solely because of the withdrawal of water from the tissues as a result of purgation, and excessive purgation is harmful.

In addition to the representations hereinabove set forth, respondent has also engaged in the dissemination of false advertisements in the manner above set forth in that said advertisements so disseminated fail to reveal that the use of Ladies Aid Reducing Tablets, under the conditions prescribed in said advertisements or under such conditions as are customary or usual, may result in serious or irreparable injury to health.

PAR. 6. The use by respondent of the foregoing false, deceptive, and misleading statements and representations with respect to her preparations, disseminated as aforesaid, has had and now has the capacity and tendency to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements, representations and advertisements are true, and induces a portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondent's medicinal preparations.

CONCLUSION

The aforesaid acts and practices of respondent, as herein found, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that she 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, Blanche Kaplan, an individual doing business under the trade names, Progressive Medical Co., Progressive Laboratories, Ladies Aid Co., Ladies Aid, and Ladies Aid Products, or doing business under any other name or names, her agents, representatives, servants, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of her medicinal preparations designated as Ladies Aid No. 1 H. Y. G. Tablets, Ladies Aid No. 4, Promeco Cod Liver Oil Compound Tablets and Ladies Aid Reducing Tablets, or of any other preparations composed of substantially similar ingredients or possessing substantially the same properties, whether sold under the same name or names, or under any other name or names, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that said preparation designated as Ladies Aid No. 1 H. Y. G. Tablets, is a competent and effective vaginal antiseptic or reliable germ destroyer, or that said preparation constitutes an effective prophylactic, or that said preparation is a dependable contraceptive; or which advertisement represents, directly or through inference, that said preparation designated as Ladies Aid No. 4, is a competent and effective treatment for leucorrhea, vaginitis, pruritus vulvae, or cases of fetid discharges, or that said preparation possesses any therapeutic value in the treatment of such conditions beyond its use as an accessory therein; or which advertisement represents, directly or through inference, that said preparation designated as Promeco Cod Liver Oil Compound Tablets, is a new scientific discovery, or that said preparation constitutes an effective remedy for every condition for which physicians might prescribe cod liver oil; or which advertisement represents, directly or through inference, that said preparation designated as Ladies Aid Reducing Tablets, is an amazing new

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scientific discovery, or that said preparation is safe and harmless, or that by its use one can reduce 5 pounds a week or any other appreciable amount, or that said preparation is a competent and effective weight reducer without diet or exercise, or that said preparation contains the ingredients of a newly discovered ocean plant which are effective in the treatment of obesity, or that the use of said preparation will produce any weight reduction of a permanent nature; or which advertisement with respect to said preparation Ladies Aid Reducing Tablets fails to reveal that the use of said preparation may result in skin eruptions and excessive irritation of the bowels,

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 preparations, Ladies Aid No. 1 H. Y. G. Tablets, Ladies Aid No. 4, Promeco Cod Liver Oil Compound Tablets, and Ladies Aid Reducing Tablets, which advertisement contains any representations prohibited in paragraph (1) hereof, or which advertisement with respect to said preparation Ladies Aid Reducing Tablets fails to reveal that the use of said preparation may result in skin eruptions and excessive irritation of the bowels.

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

IN THE MATTER OF
NEW METHOD FILE GRINDERS, INC., ALSO TRADING AS
AUTOMOBILE BODY SUPPLY COMPANY

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

Docket 4020. Complaint, Feb. 6, 1940—Decision, Oct. 15, 1940

Where a corporation engaged in purchase of used and second-hand files from automobile manufacturers, garages, automobile body repair establishments, and other sources, and in cleaning, reconditioning, or resharpening said products and selling and distributing same to trade; in advertisements in advertising matter having general interstate circulation—

Represented to purchasers that some of its said files were water damaged or had been through fires and damaged by water, but were otherwise new and unused, facts being that some of the products thus represented were files which had actually been used by mechanics and other operators and artisans and had thereafter been purchased by it in normal course of its business for purpose of reconditioning and sale;

With tendency and capacity to mislead and deceive substantial part of purchasing public into mistaken belief that such representations were true, and with result that, as consequence of such belief thus engendered, substantial part of such public was induced to and did purchase its said products:

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. John W. Addison*, trial examiner.

Mr. S. Brogdyne Tew, II, for the Commission.

Mr. Robert E. Dunne, 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 New Method File Grinders, Inc., a corporation, trading as Automobile Body Supply Co., hereinafter referred to as respondent, has 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. Respondent, New Method File Grinders Co., Inc., is a corporation organized and doing business under and by virtue of the laws of the State of Illinois, and having its principal office and place of business at 5120 South Halsted Street, city of Chicago, State of Illinois. It also trades as Automobile Body Supply Co.