

IN THE MATTER OF

SAMUEL R. ISRAEL AND AL GOLDSTEIN TRADING
AS HOUSE OF ROYALSUN

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

Docket 3849. Complaint, July 14, 1939—Decision, Dec. 3, 1940

Where three partners engaged under trade name in interstate sale and distribution of various grades and types of textiles, fabrics, and knitting yarns, in substantial competition with others engaged in sale and distribution of various grades and types of such fabrics and yarns in commerce as aforesaid, in pursuance of a practice of representing falsely the constituent fiber or material of which the various products sold and distributed by them were made, and which included textile products composed of various combinations of rayon, wool, and cotton—

- (a) Represented as composed of silk certain products through use of brand names such as "New Pigment Crepe" on labels attached to particular one concerned, notwithstanding fact said product thus designated was not, as known to public from said word and designation, without modifying words, pure silk, but was in fact made from various combinations of wool, cotton, and rayon;
- (b) Represented as composed of wool certain products through use of brand names such as "Zephyr Tweed," "Oriental Tweed," "Rainbow Tweed," "Tropical Tweed," and "Scotch Tweed" on labels attached to various textile products concerned, notwithstanding facts such products were not fabrics composed entirely of wool as favorably known to substantial portion of purchasing public from words "tweed" and "worsted," but were otherwise composed of various combinations of rayon, wool, or cotton as hereinabove set forth;
- (c) Represented as composed of wool obtained from hair of the "Cashmere" goat certain products through use of brand names such as "Cashmere Sport Yarn" on labels attached to particular product, notwithstanding fact fabrics in question were not composed of such wool as understood by substantial portion of purchasing public from use of word "Cashmere" in marking of product, but were otherwise composed as hereinabove described;
- (d) Represented as composed of wool certain of their said products through the use of such brand names as "Lustre Wool" on labels attached to particular product concerned, notwithstanding fact said products were not wool but were otherwise composed as hereinabove set forth; and
- (e) Represented falsely constituent fiber or material of which certain of their said products were composed through failure to reveal in such products presence therein of rayon, chemical fiber or fabric which, when manufactured to simulate appearance and feel of either silk or wool and not properly labeled as rayon, is by purchasing public, practically indistinguishable from silk or wool as case may be; and

Where said partners engaged as aforesaid, in statements, descriptive, or purportedly descriptive, of their said business—

- (f) Represented that they maintained a separate unit in their organization for blocking and cleaning garments and that such unit was operated by experts and that their plant was equipped to specialize in such work and that such branch of the business was on a nonprofit basis and operated solely as a service for their customers, facts being cleaning and blocking plant advertised by them through various means was operated for very short time and was owned by a party with whom they were not connected, and located across the street from their place of business, and they merely supervised cleaning and blocking there performed, and continued to advertise operation of such plant in connection with their business long after discontinuance of plant in question;
- (g) Represented that they had in their employ one of the foremost authorities in the East on mail order instruction and fashion designs and that such expert was in charge of styles and instructions at their place of business and that his services were available to their customers, the facts being said individual represented as aforesaid as one of the foremost experts in the East on mail order instructions and fashion designs in the use of knitting yarns was not such an expert but a person of limited experience, and ceased to be in their employ long prior to their discontinuance of the advertisement of such service; and
- (h) Represented that on each dollar spent in the purchase of their products purchaser would save 33 cents and that their prices were lower than those obtained by competitors for inferior yarns and that their yarns lasted twice as long as any other yarn, facts being purchasers did not make such a saving on every dollar spent in buying their products as compared with yarns offered by competitors, their products in a number of instances sold for higher prices than products of similar quality offered by competitors, and their products represented as lasting twice as long as other yarns did not possess any such quality of longevity;

With result that use of such acts and practices by them had and continued to have tendency and capacity to mislead and deceive substantial portion of purchasing public, members of which are forced to rely upon the advertisements and representations of manufacturers and dealers in textile, fabrics and knitting yarns, and upon the statements of their sales representatives in the purchase of such products, into the erroneous belief that all of said representations were true, and that they had truthfully represented the constituent fiber and material of which their textiles, fabrics and knitting yarn products were made, and that they furnished special services to their customers and sold their products at prices which resulted in considerable saving to purchasers, and with consequence, by reason of such erroneous beliefs thus engendered, that a number of consuming public purchased a substantial volume of their products, and trade was thereby diverted unfairly to them from their competitors engaged also in sale and distribution in commerce, as aforesaid, of various types and grades of textiles, fabrics, and knitting yarns and who do not misrepresent the type, grade, quality, price, or service to their customers:

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.

Complaint

32 F. T. C.

Before *Mr. Arthur F. Thomas* and *Mr. Robert S. Hall*, trial examiners.

Mr. James L. Fort and *Mr. Robert Mathis, Jr.*, for the Commission.
Mr. Samuel R. Israel, of New York City, 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 R. Israel, and Al Goldstein, individually and as copartners trading as the House of Royalsun, 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 R. Israel and Al Goldstein are copartners, trading as House of Royalsun, with their principal place of business at 25 Essex Street, in the city of New York, State of New York.

PAR. 2. Respondents are now, and have been for a year or more last past, engaged in the business of selling and distributing various grades and types of textile fabrics and knitting yarns. Respondents sell their products to members of the purchasing public situated in various States of the United States and in the District of Columbia and cause said products when sold by them to be transported from their place of business in the State of New York to the purchasers thereof at their respective points of location in the various States of the United States other than the State of New York, and the District of Columbia. Respondents maintain, and at all times herein mentioned have maintained, a course of trade in said products in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 3. Respondents are engaged in substantial competition in commerce between and among the various States of the United States and in the District of Columbia, with other partnerships, and with individuals, corporations, and firms engaged in the business of selling and distributing various grades and types of textile fabrics and knitting yarns in commerce between the various States of the United States and in the District of Columbia.

PAR. 4. In the course and conduct of their said business, respondents have engaged in the practice of falsely representing the constituent fiber or material of which the various products sold and distributed by them are made by means of false representations on labels attached to their products and in various catalogs, and other

advertising matter, and by failure to disclose the rayon content of certain of their products. Respondents also have falsely represented that in purchasing their products purchasers received certain discounts or savings. Respondents have also falsely represented that they maintain a separate unit in their organization for blocking and cleaning garments; that said unit is operated by experts; that respondents' plant is equipped to specialize in such work; that this branch of the business is on a nonprofit basis, and is operated solely as a service for their customers. Respondents have also falsely represented that they had in their employ one of the foremost authorities in the East on mail-order instructions and fashion designs who was in charge of styles and instructions at their place of business, and whose services were available to respondents' customers.

In furtherance of the foregoing practices and for the purpose of inducing the purchase of the said products, respondents have caused false statements and representations purporting to be descriptive of such products, their respective constituent fiber or material; false statements as to alleged savings or discounts; false statements as to the operation by respondents of a blocking and cleaning unit, and false statements as to the presence in their employ of an expert in charge of styles and instructions, to be inserted in catalogs, price lists, and advertisements appearing in magazines, newspapers, and other publications, distributed among prospective purchasers of said products situated in various States of the United States and in the District of Columbia.

PAR. 5. Among and typical of the acts and practices above described, respondents represented by labels, catalogs, and other advertising material distributed to their customers certain of their products as being "New Pigment Crepe," "Fine Silk and Wool," "4-Ply Silk and Wool," "Pure Wool," "Worsted," "Tweed," "Cashmere," and other and similar terms, when in fact said products were not made of the fibers indicated by the use of these terms, but were made from fibers other than those indicated by the use of the aforesaid terms.

PAR. 6. Other and typical acts and practices engaged in by the respondents in falsely representing their products are representations contained in their catalogs that "on every dollar purchased you save 33¢"; the representations contained in advertisements in periodicals that purchasers obtain a saving "up to 50%," and the representations containing an alleged guarantee that their "prices are even lower than those obtained for inferior yarns." The facts are that no such savings are effected and their prices are on a parity with those of other similar dealers.

Complaint

32 F. T. C.

PAR. 7. A further typical act and practice on the part of respondents is the representation contained in their advertising that respondents operate a blocking and cleaning unit for the use of their customers, which they allege they operate on a nonprofit basis, when in truth and in fact such cleaning and blocking as respondents have occasion to do is done by a regular cleaning establishment not operated by respondents.

PAR. 8. Typical also of said acts and practices respondents represent their said products as being of a finer grade, higher quality or of a different fiber than is actually the fact by the use of words and phrases indicative to the purchasing public of certain fiber, grade, or quality. An example of this practice is the respondents' use of the word "Cashmere" in advertising material to designate and describe certain of their products which do not contain the hair of the Cashmere goat but instead are composed of other fibers.

Another example is the representation in their catalog distributed as aforesaid that their yarn "will last twice as long as any other yarn." The yarns distributed by them possess no such quality of longevity.

PAR. 9. A further typical act and practice on the part of respondents is the use of words which are associated in the minds of the purchasing and consuming public as being descriptive of wool exclusively to designate and describe certain yarn products as aforesaid which are composed in part of wool and in part of other materials. As an example of this practice, the respondents use the term "Oriental Tweed" in advertising matter and in catalogs distributed as aforesaid to designate the yarn products composed of rayon and wool.

PAR. 10. Further typical of the acts and practices on the part of respondents is the representation in their catalogs that one Helen Field is "in charge of styles and instructions at the House of Royalsun" offering free knitting service to customers, and further representation that such individual is "one of the foremost authorities in the East on mail-order instructions and fashion designs," when in truth and in fact respondents had no experts who had the qualifications claimed.

PAR. 11. The word "silk" for many years last past has had and still has, in the minds of the purchasing and consuming public generally a definite and specific meaning, to wit, the product of the cocoon of the silkworm. Silk products for many years have held, and still hold, great public esteem and confidence for their preeminent qualities.

The unqualified word "silk" has, in the minds of the purchasing and consuming public, the definite and specific meaning of unweighted

silk or silk which has not been subjected to the process of a metallic bath.

The word "cashmere" has long been applied to a particular type of wool fiber that is made from the hair of the Cashmere goat, and which product has for a long time been known well and favorably to the purchasing public. The word "cashmere" when used in connection with the designation and description of yarns or other products having the general appearance of wool fibers, is considered by members of the purchasing public as being a descriptive designation of a cashmere wool product composed entirely of the hair of the Cashmere goat.

The word "crepe" is a word long and favorably known to a substantial portion of the purchasing public as descriptive of a certain type of fabric made of unweighted silk.

The words "worsted" and "tweed" are words long and favorably known to a substantial portion of the purchasing and consuming public as descriptive of certain kinds of fabrics composed entirely of wool.

The word "rayon" is the name of a chemical fiber or fabric which simulates "silk" in that it has the appearance and feel of silk and is by the purchasing public practically indistinguishable from silk.

PAR. 12. The use by respondents of the aforesaid acts and practices has had, and now has, the 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 and that the respondents have truthfully represented the constituent fiber and material of which their products are made; that respondents furnish special services to their customers, and sell their products at prices which result in a considerable saving to their purchasers. On account of these erroneous beliefs a number of the consuming and purchasing public purchase a substantial volume of respondents' products with the result that trade has been diverted unfairly to the respondents from their competitors who are also 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 various types and grades of textile yarns and knitting yarns. As a consequence thereof, injury has been done and is now being done by respondents to competition in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 13. The aforesaid acts and practices of respondents as herein alleged are all to the prejudice and injury of the public and of respondents' competitors, and constitute unfair methods of competi-

Findings

32 F. T. C.

tion 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 14th day of July 1939, issued and subsequently served its complaint in this proceeding upon the respondents, Samuel R. Israel, and Al Goldstein, individually and as copartners trading as the House of Royalsun, charging them 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 the complaint, and filing of respondents' answer thereto, testimony and other evidence in support of the allegations of said complaint were introduced by James L. Fort and Robert Mathis, Jr., attorneys for the Commission, and in opposition to the allegations of said complaint by Samuel R. Israel, one of the respondents, for the respondents, before Arthur F. Thomas and Robert S. Hall, examiners of the Commission, theretofore duly designated by it, and said evidence was 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, and brief in support of the complaint (respondents not having filed brief and oral argument not having been requested); and the Commission, having duly considered the matter, and being now fully advised in the premises, finds this proceeding is in the interest of the public, and makes this its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondents, Samuel R. Israel and Al Goldstein, individuals, are copartners, trading as House of Royalsun, with their principal place of business at 25 Essex Street, in the city of New York, State of New York.

PAR. 2. Respondents are now, and have been for a year or more last past, engaged in the business of selling and distributing various grades and types of textile fabrics, and knitting yarns. Respondents sell their products to members of the purchasing public situated in various States of the United States, and in the District of Columbia, and cause said products, when sold by them, to be transported from their place of business in the State of New York to the purchasers

thereof at their respective points of location in various States of the United States other than the State of New York, and in the District of Columbia. Respondents maintain, and at all times herein mentioned, have maintained a course of trade in said products in commerce among and between various States of the United States and in the District of Columbia.

PAR. 3. Respondents are engaged in substantial competition in commerce between and among the various States of the United States and in the District of Columbia with other partnerships, and with individuals, corporations, and firms engaged in the business of selling and distributing various grades and types of textile fabrics and knitting yarns in commerce between the various States of the United States and in the District of Columbia.

PAR. 4. In the course and conduct of their business, respondents have engaged in the practice of falsely representing the constituent fiber or material of which the various products sold and distributed by them are made. Such misrepresentation has been accomplished by the use of brand names such as "New Pigment Crepe," "Cashmere Sport Yarn," "Zephyr Tweed," "Oriental Tweed," "Lustre Wool," "Rainbow Tweed," "Tropical Tweed," "Scotch Tweed," and "Royal-sun Yarns" to describe and designate textile products composed of various combinations of rayon, wool, and cotton and by respondents' failure to disclose the presence of rayon in certain of such products. The brand names set-out above appeared on labels attached to the individual items of respondent's various textile products.

Respondents have also represented that they maintained a separate unit in their organization for blocking and cleaning garments; that such unit was operated by experts; that respondents' plant was equipped to specialize in such work; and that this branch of the business was on a non-profit basis and operated solely as a service for their customers. Some of such representations were in the following language:

Blocking and Cleaning—We maintain a separate unit in our organization for this type of work, and it is handled by experts.

Our plant is designed to specialize in such work with knitted garments. This phase of our work is solely as a special service to our trade.

Respondents also represented that they had in their employ one of the foremost authorities in the East on mail order instructions and fashion designs, and that such expert was in charge of styles and instructions at their place of business, and whose services were available to respondents' customers.

Respondents also represent that on each dollar spent in the purchase of their products the purchaser thereof would save 33 cents; that

Findings

32 F. T. C.

respondents' prices are lower than those obtained by competitors for inferior yarns; and that respondents' yarns last twice as long as any other yarn. Among and typical of representations of this character are the following:

Yarns save up to 50%.

On every dollar purchase you save 33 cents.

Guaranteed that our prices are even lower than those obtained for inferior yarns.

Guaranteed that our yarn will last twice as long as any other yarn.

PAR. 5. The representations as set out herein are false and misleading to the purchasing public. The word "crepe" without modifying words is known to the purchasing public as a term descriptive of pure silk. A substantial portion of the purchasing public believes respondents' product represented as "New Pigment Crepe" is a product composed entirely of silk. Respondents' products designated as "New Pigment Crepe" and represented to be made of silk are not composed of silk but are in fact made from various combinations of wool, cotton, and rayon. The words "tweed" and "worsted" are words which have been and are favorably known to a substantial portion of the purchasing public as descriptive of certain kinds of fabrics composed entirely of wool; a substantial portion of the purchasing public believes that a product marked "cashmere" is composed of a kind of wool obtained from the hair of the "cashmere" goat.

The word "rayon" is the name of a chemical fiber or fabric which may be manufactured to simulate the appearance and feel of either silk or wool and when so manufactured and not properly labeled as rayon is practically indistinguishable by the purchasing public from silk or wool, as the case may be. The members of the purchasing public are forced to rely upon the advertisements and representations of manufacturers and dealers in textile fabrics and knitting yarns and upon the statements of their sales representatives in the purchase of such products.

The cleaning and blocking plant which respondents advertised through various means was operated for a very short time, the equipment used being owned by another party not connected with respondent and being located directly across the street from respondents' place of business, the respondents merely supervising the cleaning and blocking which was performed there. However, respondents continued to advertise its operation in connection with their business for a long period of time after said plant had been discontinued. Respondents' products, which were represented to last twice as long as other yarns, do not possess any such quality of longevity.

Respondents' employee, represented as one of the foremost experts in the East on mail order instruction and fashion designs in the use

of knitting yarns, was not such an expert but a person of limited experience and ceased to be in the employ of the respondents long before respondents discontinued the advertisement of such service. Purchasers did not, and do not, save 33 cents on every dollar spent in purchasing respondents' product as compared with yarns offered for sale by competitors. In a number of instances respondents' product in fact sold for higher prices than products of similar quality offered by competitors.

PAR. 6. The use by respondents of the aforesaid acts and practices has had, and now has, the 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 and that the respondents have truthfully represented the constituent fiber and material of which their textile fabrics and knitting yarn products are made, that respondents furnish special services to their customers, and sell their products at prices which result in a considerable saving to purchasers. On account of these erroneous beliefs engendered as above set forth, a number of the consuming public purchases a substantial volume of respondents' products with the result that trade has been diverted unfairly to the respondents from their competitors, who are also 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 various types and grades of textile fabrics and knitting yarns, and who do not misrepresent the type, grade, quality, price, or service to their customers.

CONCLUSION

The aforesaid acts and practices of respondents, as herein found, are all to the prejudice and injury of the public and of respondents' 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 respondents, testimony and other evidence taken before Robert S. Hall and Arthur F. Thomas, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief in support of the allegations of the complaint (respondents not having filed brief and oral argument not having been requested), and the Commission having made its findings as to the

facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondents, Samuel R. Israel and Al Goldstein, individually and trading as House of Royalsun, or trading under any other name, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of textile fabrics and knitting yarns and other like articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing in any manner or by any means that respondents' products are composed of fibers or materials other than those of which such products are actually composed.

2. Using the unqualified words "tweed," "worsted," or "wool," or any other descriptive terms of similar import or meaning or otherwise indicative of wool, to describe, designate, or in any way refer to any product which is not composed entirely of wool: *Provided, however*, That in the case of a fabric or product composed in part of wool and in part of other materials said words or other descriptive terms may be used to truthfully designate or describe the wool content when immediately accompanied by a word or words in letters of at least equal size and conspicuousness accurately describing or designating each constituent fiber or material thereof in the order of its predominance by weight beginning with the largest single constituent.

3. Representing in any manner or by any means that the quality, grade, material, or character of respondents' products are superior to or different from the actual quality, grade, material, or character of such products.

4. Using the unqualified word "cashmere" or any other descriptive word of similar import or meaning or of similar spelling or phonetic sound to describe, designate or in any way refer to any product which is not composed entirely of the hair of the Cashmere goat: *Provided, however*, That in the case of a fabric or product composed in part of Cashmere wool and in part of other material said words or other descriptive terms may be used to truthfully designate or describe the Cashmere wool content when immediately accompanied by a word or words in letters of at least equal size and conspicuousness accurately describing or designating each constituent fiber or material thereof in the order of its predominance by weight beginning with the largest single constituent.

5. Using the unqualified term "crepe" or any other descriptive term of similar import or meaning indicative of silk to describe, designate, or in any manner refer to any fabric or product which is not composed

wholly of silk, the product of the cocoon of the silk worm: *Provided, however,* That when said word or descriptive term is used truthfully to designate or describe the type of weave, construction or finish, such word shall be qualified by using in immediate connection and conjunction therewith, in letters of at least equal size and conspicuousness, a word or words clearly and accurately naming or describing the fibers or materials from which said products are made.

6. Using the unqualified term "silk" or any other term or terms of similar import or meaning indicative of silk to describe or designate any fabric or product which is not composed wholly of silk, the product of the cocoon of the silk worm: *Provided,* That in the case of a fabric or product composed in part of silk and in part of materials other than silk, such term or similar terms may be used as descriptive of the silk content when immediately accompanied by a word or words accurately describing and designating each constituent fiber or material thereof in the order of its predominance by weight, beginning with the largest single constituent.

7. Advertising, offering for sale, or selling fabrics, garments, knitting yarns, or other products composed in whole or in part of rayon without clearly disclosing the fact that such fabrics or products are composed of rayon, and when such fabrics or products are composed in part of rayon and in part of other fibers or materials such fibers or materials, including the rayon, shall be named in the order of their predominance by weight, beginning with the largest single constituent.

8. Representing that the respondents have in their employ an expert on fashion and design in knitting yarns, when respondents do not in fact have such person in their employ.

9. Representing that respondents operate a blocking and cleaning plant in connection with their business.

10. Representing that any savings can be effected by the purchase of respondents' products in excess of such savings as actually can be so realized.

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.

It is further ordered, That no provision contained in this order shall be construed as authorizing or permitting, after July 14, 1941, the labeling of any wool product in any manner other than in strict conformity with the provisions of the Wood Products Labeling Act of 1939.

IN THE MATTER OF

JACOB L. GOLDMAN, ALIAS J. L. COLEMAN, TRADING AS
ATLAS HEALTH APPLIANCE COMPANYCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 4291. Complaint, Aug. 29, 1940—Decision, Dec. 4, 1940*

Where an individual engaged in interstate sale and distribution of device or apparatus designated Atlas Short Wave Diathermy, in advertisements of said device which he disseminated and caused to be disseminated through the mails and by various other means in commerce, and by advertisements in newspapers, radio continuities, circulars, leaflets, pamphlets, and other advertising literature, and otherwise, and which were intended and likely to induce purchase of his said product —

- (a) Represented that said device, when used by the unskilled lay public in the treatment of self-diagnosed diseases or ailments, and by individual self-application in the home, constituted a scientific, safe, harmless, and effective means and method for the cure and effective treatment of numerous diseases and ailments having to do, as set forth by him, with head, skin, throat, stomach area, chest, and male and female disorders, and including also high blood pressure, arthritis, neuritis, and various other ailments and conditions, and, expressly and by implication, that he was trained and experienced in physical therapy and in the technique of diagnosing and treating pathological conditions by application of short-wave diathermy;

Facts being he was not thus trained and experienced, and such device would not accomplish results claimed therefor by him, and was not a scientific, safe, harmless, or effective means and method for use by the unskilled lay public in the cure or treatment of self-diagnosed diseases and ailments, as set forth by him, but such self-application by layman, by reason of technical inexperience, might result in severe electric burn through improperly adjusted electrode, and might cause serious injury to health, thus used in treatment of self-diagnosed diseases and ailments, and might, among various other results, lead to peritonitis and blood poisoning in various conditions of acute inflammation, to serious or fatal hemorrhage when applied in any conditions where there is a tendency thereto or in which congestion would aggravate existing trouble, to abortion when applied by layman during pregnancy, and in stimulating growth of cancer cells and metastasis or in spreading the trouble to other tissues when applied to areas which might be affected by malignant tumors, and in tissue destruction and severe burns where sense of heat in said areas of the skin might have been lost due to injury or impairment of nerves involved; and

- (b) Failed to reveal in said advertisements disseminated by him as aforesaid, that use of said device under conditions prescribed in such advertisements or under such conditions as are customary or usual, might result in serious and irreparable injury to health;

With effect of misleading and deceiving substantial portion of purchasing public into erroneous and mistaken belief that such statements, representations;