

Syllabus

IN THE MATTER OF
FINK & COMPANY, INC.COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 3890. Complaint, Sept. 12, 1939—Decision, Apr. 3, 1941*

Where a corporation engaged in interstate sale and distribution of certain vitamin preparations designated "Mi-Vit-Ine" and "Vi-Min-Ex," and of a cosmetic preparation designated "Muriel Joan Beautifier;" by advertisements disseminated by mail and in newspapers and periodicals, and by circulars and other advertising literature—

(a) Represented directly and by implication that its said "Mi-Vit-Ine" was a cure or remedy for lowered vigor and vitality, constipation, colitis, stomach disorders, neuralgia and nerve disorders, caused by a deficiency of vitamin B in the diet, and constituted a competent treatment for such diseases and conditions; that use thereof would stimulate the appetite, improve digestion, make the bowels function normally and cause the user to gain in vigor and vitality; and that it was a different kind of wheat germ which constituted a proper dietary corrective, and was effective in the treatment of alcoholism;

Facts being such product was not a cure or remedy or competent treatment for aforesaid conditions and disorders which, while they may be symptoms of deficiency of Vitamin B, which is very difficult to determine, under ordinary conditions are due to many different causes, and for curative purposes, in unlikely event under circumstances of Vitamin B1 deficiency requiring curative doses, user would have to take approximately ten times the dosage per day recommended by said corporation; and preparation in question was not different kind of wheat germ, or a dietary corrective, and had no therapeutic value in aforesaid correction or as cure for alcoholism, in both of which its only value would be to stimulate the appetite;

(b) Represented directly and by implication that its said "Vi-Min-Ex" vitamin and mineral capsules constituted a cure or remedy for colds, constipation, spastic colitis, digestive disorders, neuritis, nervous disorders, anemia, loss of appetite and weight, lowered vigor and vitality, and tooth decay due to vitamin deficiency, and that use thereof constituted a competent treatment for said diseases and conditions; that such preparation supplied all the essential vitamins and minerals; and that there was no better source thereof;

Facts being said product was not a cure or remedy or competent treatment for said conditions and disorders, and, while vitamins contained therein would be effective in improving conditions of vitamin deficiency if taken in sufficient amounts, in the dosage recommended said product had little or no beneficial value, would not supply all essential vitamins and minerals required by the body and was not the best source thereof; and

(c) Represented that its "Muriel Joan Beautifier" would beautify and transform the face and make it bloom with beauty, causing skin blemishes, pimples, and blackheads to disappear and bringing about a beautiful complexion;

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Facts being product in question, sold in the form of a moist paste to be allowed to dry upon the face, would not beautify or otherwise bring about the results claimed except to the extent that, it might cover up blemishes, pimples, or blackheads; it had no properties which would cause such blemishes to disappear and had no other permanent effect upon the skin; With the effect of misleading and deceiving a substantial portion of the purchasing public into the erroneous and mistaken belief that such representations were true and inducing it to buy said products because of such belief: *Held*, That such acts and practices, under the circumstances set forth, were all to the prejudice and injury of the public, and constituted unfair and deceptive acts and practices in commerce.

Before *Mr. William C. Reeves* and *Mr. Lewis C. Russell*, trial examiners.

Mr. Merle P. Lyon for the Commission.

Mr. Joseph Schultz, of New York City, 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 Fink & Co., Inc., 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. Respondent is a corporation, organized, existing and doing business under the laws of the State of New York, with its office and principal place of business located at 151 West 40th Street, New York, N. Y. Respondent is now, and for more than 1 year last past has been, engaged in the sale and distribution of certain vitamin preparations designated "Mi-Vit-Ine" and "Vi-Min-Ex" and of a facial cream designated as "Muriel Joan Beautifier."

PAR. 2. Said respondent, being engaged in business as aforesaid, causes and has caused its said products, Mi-Vit-Ine, Vi-Min-Ex, and Muriel Joan Beautifier, when sold, to be transported from its place of business in the State of New York to purchasers located in States of the United States other than the State of origin of such shipments, and in the District of Columbia. There is now, and has been during all the times herein mentioned, a course of trade in the aforementioned products sold by the respondent 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 said business, the respondent has disseminated and is now disseminating, and has caused and is

now causing the dissemination of, false advertisements concerning its said products, by United States mails, by insertion in newspapers and periodicals having a general circulation, and also in circulars and other printed or written matter, all of which are distributed in commerce among and between the various States of the United States; and by other means in commerce, as commerce is defined in the Federal Trade Commission Act, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of its said products; and has disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning its said products, by various means, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of its said products in commerce, as commerce is defined in the Federal Trade Commission Act. Among, and typical of the false statements and representations contained in said advertisements, disseminated and caused to be disseminated, as aforesaid, are the following:

Authorities say that many of our foods are deficient in essential vitamins and minerals—that's why we fall heir to such nutritional ailments as: Frequent Colds, Constipation, Spastic Colitis, Digestive Disorders, Neuritis, Nerve Disorders, Anemia, Loss of Appetite and Weight, Lowered Vigor and Vitality, Tooth Decay. If you are the victim of any of these ailments, due to vitamin and mineral deficiency, you need VI-MIN-EX. For VI-MIN-EX supplies all the essential vitamins and minerals your body requires.

You will find that VI-MIN-EX supplies you with those vital and essential elements that your food has been lacking—the indispensable minerals and vitamins. We know of no better source for the supply of these minerals and vitamins, so necessary for good health.

VI-MIN-EX will present to you A NEW WAY TO LIVE.

Colitis, constipation, digestive disorders, loss of vigor and vitality, frequent colds, neuritis, nervous disorders, are frequently traced to lack of essential vitamins and minerals in your food. To get relief, try Vi-Min-Ex. Vi-Min-Ex supplies the deficiencies by giving you, in pleasant, easy-to-take capsules, an abundance of the essential vitamins A, B, C, D, G, and minerals Calcium, Iron, Iodine, Manganese, Magnesium, Copper Zinc.

Sickly, Ailing Folks who are suffering from constipation, colitis, digestive disorders, loss of vigor and vitality, due to lack of essential vitamins and minerals in their foods, may be helped to better health by trying Vi-Min-Ex.

Starving on 3 Big Meals a Day. Yes! It is possible to eat 3 big meals a day and yet suffer from malnutrition. If your general health is poor, if you suffer from any of these ailments due to vitamin and mineral deficiency, you owe it to yourself to try Vi-Min-Ex. Vi-Min-Ex insures your getting the essential vitamins and minerals. If you don't see a marked improvement in your health and well being, if you don't eat better, sleep better, feel better in every way, You Get Your Money Back.

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Vigor-Vitality-Health for Folks Past 40. Lowered vigor and vitality, constipation, colitis, stomach disorders, neuritis, nerve disorders are frequently caused by deficiency of Vitamin B in your diet. To replace this deficiency and enjoy better health try MI-VIT-INE, the tasty food concentrate, made from heart of wheat—Richest Natural Source of Vitamin B₁. A can of Mi-Vit-Ine approximates in Vitamin B₁ potency, any one of the following: 250 cakes baker's yeast, 40 pints milk, 150 eggs. Also contains 12 other essential vitamins and minerals.

Our amazing food concentrate, MI-VIT-INE, supplies your system with an abundance of Vitamin B₁ plus 12 other essential vitamins and minerals. It is made from the Heart of the Wheat, the Richest Natural Source of Vitamin B₁.

Try MI-VIT-INE. Others have found MI-VIT-INE just the proper dietary corrective they needed to stimulate the appetite, improve digestion, make bowels function normally, calm their nerves, free them from neuritis and colitis, make them gain in vigor and vitality. You Feel and Act Like a New Person.

This sensational seller, MI-VIT-INE, is an ABSOLUTELY DIFFERENT kind of wheat germ.

Try MI-VIT-INE at our risk. If it doesn't bring you the relief you expected. If you don't feel like a "new person," full of pep, energy and radiant health, we'll return your dollar to you.

Vitamin B Aids Alcohol Victims.

Vitamin B₁ Found Neuritis Remedy.

Vitamin B Diet Shows Gain in Brain Power.

New Beautifier Amazes Thousands. Transforms the Face in 60 seconds. You simply apply this cream with a piece of wet cotton and instantly it makes your face bloom with beauty. Not only do pimples, blackheads and blemishes disappear—they soon clear up. Blackheads, pimples vanish. No waiting for results. Simply apply MURIEL JOAN BEAUTIFIER with a wet sponge. Instantly blotches and blemishes disappear, and soon clear up. The complexion becomes BEAUTIFUL. No more shiny skin.

25¢ May Make you a Real Beauty. Amazing New Beautifier Thrills Thousands. Girls and women who never before knew they could be beautiful now stand before a mirror in amazement since using Muriel Joan Beautifier. It is New York's sensational new beauty discovery—a cream applied with a wet sponge. Instantly skin faults disappear and soon clear up. Complexion BLOOMS with beauty.

PAR. 4. Through the use of the statements and representations hereinabove set forth, and other similar statements not herein set out, all of which purport to be descriptive of respondent's products and their effectiveness in use, the respondent has falsely represented, directly and by inference and implication, among other things: (1) That Vi-Min-Ex and Mi-Vit-Ine are competent treatments or effective remedies for constipation, low vitality, constant tiredness, malnutrition, loss of appetite and weight, nervousness, anemia, indigestion, gastric acidity, spastic colitis, colds, alcoholism, stomach ulcers, lowered sex interest, poor complexion, neuritis, nerve disorders, heart disease, paralysis, tooth decay, or any other disease, ailment, affliction

or condition of the human body; (2) that the ordinary American dietary is deficient and lacking in vital and essential minerals and vitamins, and that these minerals and vitamins can be supplied by Vi-Min-Ex and Mi-Vit-Ine; (3) that the above-named diseases and ailments are caused by a deficiency of Vitamin B1 in American dietaries, and that Vi-Min-Ex and Mi-Vit-Ine contain sufficient amounts of Vitamin B1 to serve as adequate treatments or effective remedies for clinically recognizable Vitamin B1 deficiencies; (4) that Vi-Min-Ex and Mi-Vit-Ine supply all the essential vitamins and minerals required by the body and are the best available source for a supply of such vitamins and minerals; (5) that Mi-Vit-Ine and Vi-Min-Ex will bring about a marked improvement in the general health and well-being and make a person eat better, sleep better and feel better in every way; (6) that Mi-Vit-Ine is an amazing food concentrate and an absolutely different kind of wheat germ; (7) that Mi-Vit-Ine and Vi-Min-Ex are dietary correctives and have value in stimulating the appetite, improving the digestion and general health, and will make one feel and act like a new person; (8) that Mi-Vit-Ine is the easy, drugless way to restore lost energy and vitality; and (9) that Muriel Joan Beautifier will beautify and transform the face, make the face bloom with beauty, cause skin blemishes, pimples and blackheads to disappear and vanish instantly, and bring about a beautiful complexion.

PAR. 5. The aforesaid representations, used and disseminated by the respondent in the manner above described, are grossly exaggerated, misleading and untrue, and constitute false advertisements. The true facts are that Vit-Min-Ex, Mi-Vit-Ine and Muriel Joan Beautifier do not have any of the qualities or achieve any of the results claimed and represented as hereinabove described.

Neither Vi-Min-Ex nor Mi-Vit-Ine is a competent treatment or an effective remedy for constipation, low vitality, constant tiredness, malnutrition, loss of appetite and weight, nervousness, anemia, indigestion, gastric acidity, spastic colitis, colds, alcoholism, stomach ulcers, lowered sex interest, poor complexion, neuritis, nerve disorders; heart disease, paralysis, tooth decay, or any other disease, ailment, affliction or condition of the human body. Mi-Vit-Ine will not rejuvenate or will it cure or reach the cause of any such disease, ailment, affliction or condition of the human body and it will not afford a complete recovery therefrom. Mi-Vit-Ine will not replace a vitamin deficiency and it is not a competent treatment nor an effective remedy for any condition caused by a vitamin deficiency. The ordinary American dietary is not deficient and lacking in vital and es-

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sential minerals and vitamins, and these minerals and vitamins cannot be supplied by Vi-Min-Ex and Mi-Vit-Ine in adequately sufficient amounts. The diseases and ailments hereinbefore named are not caused by a deficiency of Vitamin B1 in American dietaries, and Vi-Min-Ex and Mi-Vit-Ine do not contain sufficient amounts of Vitamin B1 to serve as adequate treatments or effective remedies for clinically recognizable Vitamin B1 deficiencies. Vi-Min-Ex and Mi-Vit-Ine do not supply all the essential vitamins and minerals required by the body and are not the best available source for a supply of such vitamins and minerals. Mi-Vit-Ine and Vi-Min-Ex will not bring about a marked improvement in the general health and well-being or make a person eat better, sleep better, or feel better in every way. Mi-Vit-Ine is not a food concentrate and is not an absolutely different kind of wheat germ.

Mi-Vit-Ine and Vi-Min-Ex are not dietary correctives and have no value in stimulating the appetite, improving the digestion and general health, and will not cause one to feel and act like a new person, to be full of pep, or to have radiant health. Mi-Vit-Ine is not the easy, drugless way to restore lost energy and vitality, and it will not restore strength, energy or vitality, Muriel Joan Beautifier will not beautify or transform the face, make the face bloom with beauty, cause skin blemishes, pimples, and blackheads to disappear and vanish instantly, or bring about a beautiful complexion.

PAR. 6. The use of the aforesaid false and misleading statements, representations and advertisements by the respondent in designating or describing its said products, Vi-Min-Ex, Mi-Vit-Ine and Muriel Joan Beautifier, and their effectiveness in use, in offering for sale and in selling its said products, had, and now has, a tendency and capacity to mislead a substantial portion of the purchasing public into the erroneous and mistaken belief that all of said representations are true, and that said products possess the properties represented and will in truth accomplish the results claimed.

PAR. 7. As a direct consequence of the mistaken and erroneous beliefs induced by the acts and representations of the respondent, as hereinabove detailed, a number of the purchasing public has purchased a substantial volume of respondent's said products, Vi-Min-Ex, Mi-Vit-Ine and Muriel Joan Beautifier.

PAR. 8. The aforesaid acts and practices of the respondent as herein alleged are all to the prejudice 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 September 12, A. D., 1939, issued and subsequently served its complaint in this proceeding upon the respondent, Fink & Co., Inc., a corporation, charging it with the use of 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 Merle P. Lyon, attorney for the Commission, and in opposition to the allegations of the complaint by Joseph Schultz, attorney for the respondent, before examiners 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 said complaint, the answer thereto, testimony and other evidence, briefs in support of the complaint and in opposition thereto (oral argument not having been requested); 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. The respondent, Fink & Co., Inc., is a corporation organized, existing, and doing business under the laws of the State of New York, with its office and principal place of business located at 151 West 40th Street, New York City, N. Y. Respondent, for more than 1 year last past, has been engaged in the sale and distribution in commerce among and between the various States of the United States of certain vitamin preparations designated "Mi-Vit-Ine" and "Vi-Min-Ex," and of a cosmetic preparation designated as "Muriel Joan Beautifier." Respondent causes said preparations, when sold, to be transported from its place of business in the State of New York to purchasers thereof located in various 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 preparations in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 2. In the course and conduct of its aforesaid business, the respondent has disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concern-

ing its said preparations by United States mails and by various other means in commerce as "commerce" is defined in the Federal Trade Commission Act; and respondent has also disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning its said preparations by various means for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of its said preparations 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, by advertisements in newspapers and periodicals having a general circulation, and by circulars and other advertising literature, are the following:

Vigor—Vitality—Health for Folks Past 40. Lowered vigor and vitality, constipation, colitis, stomach disorders, neuritis, nerve disorders are frequently caused by deficiency of Vitamin B in your diet: To replace this deficiency and enjoy better health try **MI-VIT-INE**, the tasty food concentrate, made from heart of wheat—Richest Natural Source of Vitamin B.

Try **Mi-Vit-Ine**. Others have found **Mi-Vit-Ine** just the proper dietary corrective they needed to stimulate the appetite, improve digestion, make bowels function normally, calm their nerves, free them from neuritis and colitis, make them gain in vigor and vitality. You Feel and Act Like a New Person.

This sensational seller, **Mi-Vit-Ine**, is an **ABSOLUTELY DIFFERENT** kind of wheat germ.

Vitamin B Aids Alcohol Victims.

Vitamin B₁ Found Neuritis Remedy.

Vitamin B Diet Shows Gain in Brain Power.

Authorities say that many of our foods are deficient in essential vitamins and minerals—that's why we fall heir to such nutritional ailments as: Frequent Colds, Constipation, Spastic Colitis, Digestive Disorders, Neuritis, Nerve Disorders, Anemia, Loss of Appetite and Weight, Lowered Vigor and Vitality, Tooth Decay. If you are the victim of any of these ailments, due to vitamin and mineral deficiency, you need **VI-MIN-EX**. For **VI-MIN-EX** supplies all the essential vitamins and minerals your body requires.

You will find that **VI-MIN-EX** supplies you with those vital and essential elements that your food has been lacking—the indispensable minerals and vitamins. We know of no better source for the supply of these minerals and vitamins, so necessary for good health.

Colitis, constipation, digestive disorders, loss of vigor and vitality, frequent colds, neuritis, nervous disorders, are frequently traced to lack of essential vitamins and minerals in your food. To get relief, try **Vi-Min-Ex**. **Vi-Min-Ex** supplies the deficiencies by giving you, in pleasant, easy-to-take capsules, an abundance of the essential vitamins A, B, C, D, G and minerals Calcium, Iron, Iodine, Manganese, Magnesium, Copper, Zinc.

New Beautifier Amazes Thousands. Transforms the Face in 60 seconds. You simply apply this cream with a piece of wet cotton and instantly it

makes your face bloom with beauty. Not only do pimples, blackheads and blemishes disappear—they soon clear up. Blackheads, pimples vanish. No waiting for results. Simply apply MURIEL JOAN BEAUTIFIER with a wet sponge. Instantly blotches and blemishes disappear, and soon clear up. The complexion becomes BEAUTIFUL. No more shiny skin.

25¢ May Make you a Real Beauty. Amazing New Beautifier Thrills Thousands. Girls and women who never before knew they could be beautiful now stand before a mirror in amazement since using Muriel Joan Beautifier. It is New York's sensational new beauty discovery—a cream applied with a wet sponge. Instantly skin faults disappear and soon clear up. Complexion BLOOMS with beauty.

PAR. 3. The Commission finds that through the use of the statements and representations hereinabove set forth and others similar thereto not specifically set out herein, the respondent represents, directly and by implication:

1. That respondent's preparation Mi-Vit-Ine is a cure or remedy for lowered vigor and vitality, constipation, colitis, stomach disorders, neuritis, and nerve disorders caused by a deficiency of vitamin B in the diet, and that this preparation constitutes a competent treatment for such diseases and conditions; that the use of said preparation will stimulate the appetite, improve digestion, make the bowels function normally, and cause the user to gain in vigor and vitality; and that said preparation is a different kind of wheat germ which constitutes a proper dietary corrective and is effective in the treatment of alcoholism.

2. That respondent's preparation Vi-Min-Ex is a cure or remedy for colds, constipation, spastic colitis, digestive disorders, neuritis, nerve disorders, anemia, loss of appetite and weight, lowered vigor and vitality, and tooth decay due to vitamin deficiency, and that the use of said preparation constitutes a competent treatment in such diseases and conditions; that said preparation supplies all the essential vitamins and minerals required by the human body and that there is no better source for the supply of such minerals and vitamins.

3. That respondent's preparation Muriel Joan Beautifier will beautify and transform the face, make the face bloom with beauty, cause skin blemishes, pimples, and blackheads to disappear, and bring about a beautiful complexion.

PAR. 4. The Commission finds that the foregoing statements and representations made by the respondent with respect to the nature, properties, and therapeutic value of its said preparations are grossly exaggerated, false and misleading.

Respondent's preparation Mi-Vit-Ine is a defatted, dehydrated, wheat germ preparation containing not less than 1,000 International units of vitamin B per 100 grams. This preparation is not a cure or remedy for lowered vigor and vitality, constipation, colitis, stomach disorders, neuritis, and nerve disorders, and does not constitute a competent treatment for such conditions and disorders. Constipation, low vitality, underweight, indigestion, tiredness, loss of appetite, and some forms of neuritis and nerve disorders may be symptoms of a deficiency of vitamin B₁, particularly when the disease condition amounts to beriberi, but under ordinary conditions such symptoms in an individual are due to many different causes. Vitamin B deficiency is very difficult to determine and in the event such deficiency has reached the stage where a curative dose of vitamin B₁ is required, the user would have to take approximately 5 times the average preventative dose of 300 International units of vitamin B₁, or approximately 1,500 units. The dosage of 1 tablespoonful per day recommended by the respondent amounts to approximately 150 International units of vitamin B₁, and to take the necessary amount required as a curative dosage it would be necessary to take approximately 10 tablespoonsful of respondent's preparation per day. A vitamin deficiency resulting in the symptomatic conditions above mentioned would be very unlikely to occur in the locality where the respondent normally sells its product, and even where such condition does exist respondent's preparation, under conditions of use, has little or no therapeutic value in excess of stimulating the appetite and acting as a mild replacement therapy where only a mild deficiency of vitamin B₁ exists.

The Commission further finds that by reason of the conditions under which constipation, low vitality, underweight, indigestion, tiredness, loss of appetite, and some forms of neuritis and nerve disorders are symptomatic of vitamin B₁ deficiency and by reason of the conditions of use of respondent's preparation, it is misleading to the general public to represent that this preparation has any therapeutic value in the treatment of constipation, low vitality, underweight, indigestion, tiredness, loss of appetite, and some forms of neuritis and nerve disorders, even though the therapeutic value is limited to such conditions when due to a vitamin B₁ deficiency.

The Commission further finds that respondent's preparation is not a different kind of wheat germ, but simply that the wheat germ has been defatted and dehydrated to prevent it becoming rancid. Respondent's preparation is not a dietary corrective, as its only value in this respect would be to stimulate the appetite.

The Commission further finds that respondent's preparation has no therapeutic value in the treatment of alcoholism, as such, and that its value is limited entirely to a stimulation of the appetite which may have been affected by reason of overindulgence.

Respondent's preparation Vi-Min-Ex consists of 2 forms of capsules, a vitamin capsule and a mineral capsule, with a daily dose indicated of 1 each of such capsules. The vitamin capsule contains 10,000 vitamin A U. S. P. units, 50 vitamin B₁ Sherman Chase units, 200 vitamin C International units, and 950 vitamin D U. S. P. units, and 10 vitamin G B₂ Sherman-Bourquin units. The mineral capsules each contain calcium, 7.5 milligrams; iron, 11.5 milligrams; iodine, 0.5 milligram; manganese, 5.0 milligrams; magnesium, 4.9 milligrams; copper, 2.0 milligrams; and zinc, 1.0 milligrams. This preparation is not a cure or remedy for colds, constipation, spastic colitis, digestive disorders, neuritis, nerve disorders, anemia, loss of appetite and weight, lowered vigor and vitality, or tooth decay, and does not constitute a competent treatment for such conditions and disorders. The vitamins contained in this preparation would be effective in improving conditions of vitamin deficiency if taken in sufficient amounts, but in the dosage recommended this preparation has little or no beneficial value and would not supply all essential vitamins and minerals required by the human body and is not the best source for the supply of such minerals and vitamins.

Respondent's preparation Muriel Joan Beautifier contains glycerine, Italian talcum, zinc oxide, mineral oil, water, and a small percentage of perfume oil. This preparation will not beautify or transform the face, or cause skin blemishes, pimples, or blackheads to disappear, or bring about a beautiful complexion. This product is sold in the form of a moist paste which is allowed to dry upon the face. To this extent, it might serve as a powder or powder base and, as such, cover up various blemishes, pimples, or blackheads, but has no properties which would cause such blemishes or other skin conditions to disappear or have any other permanent effect upon the condition of the skin.

PAR. 5. The Commission further finds that the use by the respondent of the foregoing false, deceptive, and misleading statements and representations has had, and now has, the capacity and tendency to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such false statements, representations, and advertisements are true,

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and induces a portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondent's preparations.

CONCLUSION

The aforesaid acts and practices of the 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, the answer of the respondent, testimony and other evidence taken before examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and briefs filed herein (oral argument not having been requested), 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, Fink & Co., Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its vitamin preparations designated "Mi-Vit-Ine" and "Vi-Min-Ex," and its cosmetic preparation designated "Muriel Joan Beautifier," or any other preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same 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 advertisements by means of the United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisements represent, directly or through inference:

(a) That respondent's preparation Mi-Vit-Ine is a cure or remedy for lowered vigor and vitality, constipation, colitis, stomach disorders, neuritis, or nerve disorders, or that it constitutes a competent treatment for such conditions and disorders; that this preparation is a dietary corrective or that it is composed of a different kind of wheat germ; or that this preparation has any therapeutic value in the treatment of alcoholism in excess of stimulating the appetite, which may have been affected by reason of overindulgence.

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(b) That respondent's preparation Vi-Min-Ex is a cure or remedy for colds, constipation, spastic colitis, digestive disorders, neuritis, nerve disorders, anemia, loss of appetite and weight, lowered vigor and vitality, or tooth decay, or that it constitutes a competent treatment for such conditions and disorders; or that this preparation, under conditions of use, will supply all the essential vitamins and minerals required by the human body, or that this preparation constitutes the best source for the supply of such minerals and vitamins.

(c) That respondent's preparation Muriel Joan Beautifier will beautify or transform the face, cause skin blemishes, pimples, or blackheads to disappear, or bring about a beautiful complexion, or that this preparation has any properties which would cause blemishes or other skin conditions to disappear, or have any other permanent effect upon any condition of the skin.

2. Disseminating or causing to be disseminated any advertisements by any means, for the purpose of inducing or which are likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said vitamin preparations designated "Mi-Vit-Ine" and "Vi-Min-Ex" and said cosmetic preparation designated "Muriel Joan Beautifier," which advertisements contain any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within 60 days after service upon 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
PETERSON CORE OIL & MFG. CO., AND HENRY S. PETER-
SON AND HAROLD A. PETERSON

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

Docket 3989. Complaint, Jan. 4, 1940—Decision, Apr. 3, 1941

Where a corporation and an individual, who was its president, treasurer, and principal stockholder and managed, controlled, and directed its policies and operation, and a second individual, who was sales manager of said corporation and, as such, participated in its management and operation, engaged in manufacture of core oil for foundry use and in interstate sale and distribution thereof—

- (a) Falsely represented, on letterheads, that offices or branches were owned, maintained or operated in St. Louis, Buffalo, Philadelphia, and Detroit, and in Hamilton, Ontario, facts being it did not own, maintain or operate offices or branches in cities named or elsewhere; and
- (b) Falsely thus represented that corporation's place of business was substantially larger than was the fact, through including in depictions on such letterheads of its purported place of business buildings in no way connected therewith;

With capacity and tendency to mislead and deceive purchasers or prospective purchasers, of whom many are unfamiliar with precise composition of product and depend upon responsibility of seller as guarantee of quality and serviceability thereof for use intended, and to whom representations as to size of plant and scope of business operations are frequently of importance as indicative of resources, permanence and stability of seller, and unfairly to divert to themselves trade from substantial competitors:

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

Before *Mr. Miles J. Furnas*, trial examiner.

Mr. R. P. Bellinger for the Commission.

Eckert & Peterson, 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 Peterson Core Oil & Mfg. Co., a corporation, and H. S. Peterson and H. A. Peterson, individuals, 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,