

Syllabus

IN THE MATTER OF

WITOL, INC., WITOL BEAUTY LABORATORIES, INC.,
AND WILLIAM WITOL, ANN FELIX AND HATTIE
BLANKFELDCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 3934. Complaint, Oct. 24, 1939—Decision, May 23, 1941*

Where two corporations, business operations of one of which were subsequently discontinued, together with the individual, who was president, treasurer, and principal stockholder of both and formulated and controlled their practices and policies, engaged respectively in interstate sale and distribution of cosmetic preparation known as "Witol's New Liquid Skin Peel" and "Take-Off," as treatments for pimples, blackheads, and other skin blemishes; by means of advertisements disseminated through the mails, newspapers and periodicals, and circulars and other printed or written matter—

- (a) Represented, directly and indirectly, that their aforesaid preparations were effective in removing the outer layer of skin and giving user a new, fresh surface skin, and in treatment and removal of pimples, blackheads, whiteheads, freckles, and superficial skin blemishes, and would cause large pores and fine lines to diminish; facts being said preparations would not do any of such things; and
- (b) Represented that they were making a special offer of \$10.85 worth of merchandise for the price of 98 cents, and that such offer was limited, through such typical statements as "This *Special Introductory Offer* made to you * * * is for a limited time only," and "Notice—There is only a limited number of these *Special Introductory Offer* sets—no more can be promised—Don't delay—First Come, First Served. ONLY ONE SET TO A PERSON," facts being such offer was not special but constituted the usual and customary method of distribution used by them in the ordinary and usual course of business, and as many sets as were desired were sold to any one person without limitation;

With effect of misleading and deceiving a substantial portion of the purchasing public into the erroneous belief that such false representations were true, and of inducing it, because of said belief, to purchase their cosmetic preparations:

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. Miles J. Furnas* and *Mr. John W. Addison*, trial examiners.

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

Mr. John A. Bolles, of New York City, for respondents.

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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 Witol, Inc., Witol Beauty Laboratories, Inc., corporations, and William Witol, Ann Felix, and Hattie Blankfeld, individually and as officers of Witol, Inc., and Witol Beauty Laboratories, Inc., hereinafter referred to as respondents, have 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, William Witol, is an individual and is engaged in the sale and distribution of the preparations hereinafter described. Respondent, William Witol, conducts his business in connection with the sale and distribution of such preparations through various and sundry corporate instrumentalities. In this and in doing the acts and things hereinafter alleged, William Witol is aided and assisted by the respondents Ann Felix and Hattie Blankfeld who, with said respondent William Witol, serve as officers of such corporations. Respondent William Witol is presently using the corporate respondents Witol, Inc., and Witol Beauty Laboratories, Inc., in conducting said business and in doing the acts and things hereinafter alleged, and he has heretofore used the corporations Dermolav Laboratories, Inc. and Marvo Beauty Laboratories, Inc., for said purposes.

PAR. 2. Respondent Witol, Inc., and Witol Beauty Laboratories, Inc., are corporations organized and doing business under and by virtue of the laws of the State of New York.

Respondent William Witol is president and treasurer of the respondents Witol, Inc., and Witol Beauty Laboratories, Inc., respondent Ann Felix is an individual and is vice president of respondents Witol, Inc., and Witol Beauty Laboratories, Inc.; and respondent Hattie Blankfeld is an individual and is secretary of respondents Witol, Inc., and Witol Beauty Laboratories, Inc. All of said respondents have their office and principal place of business at 1700 Broadway, New York, N. Y.

Respondent William Witol is the principal stockholder in, and formulates, controls, and dominates the practices and policies of, the respondent corporations Witol, Inc., and Witol Beauty Laboratories, Inc. All of the said respondents have acted together and in cooperation with each other in carrying out the acts, practices, and methods hereinafter alleged.

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PAR. 3. Said respondents are now, and for more than 1 year last past have been, engaged in the sale and distribution of certain cosmetic preparations known as and sold under the name "TAKE-OFF" and "WITOL'S NEW LIQUID SKIN PEEL," which are offered for sale and sold as treatments for pimples, blackheads, whiteheads, coarse pores, freckles and other conditions of the skin which might be said to blemish the complexion.

PAR. 4. In the course and conduct of their business, respondents cause said preparations, when sold, to be transported from their place of business in the State of New York to the purchasers thereof located in States of the United States other than the State of New York and in the District of Columbia. Respondents maintain, and at all times mentioned herein have 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. 5. In the course and conduct of their aforesaid business respondents have disseminated and are now disseminating, and have caused and are now causing the dissemination of, false statements concerning their said products by United States mails and 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 in the District of Columbia, 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 their said products; and have disseminated and are now disseminating, and have caused and are now causing the dissemination of, false advertisements concerning their said products by various means for the purpose of inducing and which are likely to induce, directly or indirectly, the purchase of their 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 and circulars disseminated and caused to be disseminated as aforesaid are the following:

Now you can get a
CLEAR NEW SKIN

(Picture of Girl)

Read This Free Offer

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and know how such Pimples, Blackheads, Freckles and superficial Blemishes as are wholly in outer skin are now quickly removed. When your old outer layer of skin is flaked away, you have a new, fresh surface skin. Large pores and fine lines diminish and you look younger, more lovable! DO IT YOURSELF AT HOME—QUICKLY! "This new home method is all explained and free Treatise is being mailed free to readers of this magazine. So, worry no more over your humiliating, superficial blemishes or signs of aging in your outer skin. Get this new Treatise now. Simply send post card or letter to WITOL BEAUTY LABORATORIES, INC., Dept. 367, No. 1700 Broadway, New York, and you will receive it in plain wrapper, postpaid and absolutely FREE. If pleased tell friends.

Not only will my new liquid skin peel clear your old outer skin of ugly superficial pimples, blackheads, whiteheads, coarse pores, outer freckles, and other annoying superficial blemishes, but it will do its work in a few days. You know, perhaps, how often one is told in regard to a complexion treatment that they must "persist." Likely enough they "persist" for months only to discover after such a waste of time and money that no good has been accomplished.

PAR. 6. Through the use of the statements hereinabove set forth and others similar thereto not specifically set out herein, all of which purport to be descriptive of the remedial or therapeutic properties of respondents' preparations, respondents have represented and do now represent, directly or indirectly, that

(1). Their preparation "TAKE-OFF" is an effective preparation for the treatment of pimples, blackheads, whiteheads, freckles, and superficial blemishes of the human skin, and that its use will cause large pores and fine lines to diminish.

(2). Their preparation "TAKE-OFF" is an effective preparation for the treatment of pimples, blackheads, whiteheads, coarse pores, outer freckles, and other annoying superficial blemishes;

(3). Their preparation "TAKE-OFF" is an effective preparation for the removal of the outer layer of the human skin and that its use will give one a new, fresh surface skin.

The respondent further, through the use of the statements above set out and others similar thereto not specifically set out herein, all of which purport to be descriptive of the remedial or therapeutic properties of respondents' preparation, have represented and do now represent, directly and indirectly, that their preparation "WITOL'S NEW LIQUID SKIN PEEL":

1. Is an effective preparation for the removal of the outer layer of the skin.

2. Is an effective preparation for the removal of blackheads, whiteheads, coarse pores, outer freckles, superficial pimples, and annoying superficial blemishes, and that only a few days' use will be required to effect such result.

The aforesaid representations, statements and advertisements used and disseminated by the respondents as hereinabove described are

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grossly exaggerated, misleading and untrue. In truth and in fact, the preparation "TAKE-OFF" is not an effective treatment for pimples, blackheads, whiteheads, freckles, and superficial blemishes of the human skin, nor will its use cause large pores and fine lines to diminish. Said preparation is not an effective treatment for the removal of the outer layer of the human skin and its use will not give the user a new, fresh surface skin. Respondents' preparation "WITOL'S NEW LIQUID SKIN PEEL" is not an effective treatment for the removal of the outer layer of the skin, nor will its use remove blackheads, whiteheads, coarse pores, outer freckles, superficial pimples, or annoying superficial blemishes within a few days or any other length of time.

PAR. 7. In the course and conduct of their said business, the respondents have represented, through the use of advertising circulars and newspaper advertisements, that they were making to the purchasing and consuming public a special offer of \$10.85 worth of merchandise for the price of 98 cents. The following are representative of the representations made by the respondents in this special offer:

This *Special Introductory Offer* made to you by Witol, Inc., of Broadway, is for a limited time only.

By this special offer we hope to make many new friends and constant users of Witol's Best Grade Preparations. Please notice that there are no sample or trial size packages in this offer—every article is illustrated in full exact size—some are even large (except Lip Paste, which is only slightly smaller), but all are stamped full sizes, and at our regular list prices total \$10.85.

Notice—There is only a limited number of these Special Introductory Offer sets—no more can be promised—Don't delay—First Come, First Served.

ONLY ONE SET TO A PERSON

SUPPLY LIMITED—NO MORE CAN BE PROMISED—ACT QUICKLY!

The respondents, through the advertisement above set out in part represent that purchasers and prospective purchasers are being made a special offer; that the regular list prices of the articles included in the special offer total \$10.85; that there is only a limited number of the special introductory offer sets; that only one set will be sold to a person, and that the price of 98 cents is a special price.

In truth and in fact, the offer is not a special offer; the regular list prices of the articles included in the purported special offer do not total \$10.85; there is no limitation on the number of special introductory offers, the respondents hold forth continuously this offer to the public; as many sets as desired will be sold to any one person; the supply is not limited; and the price of 98 cents is the regular price of the respondents' products.

PAR. 8. The use by the respondents of the foregoing false, deceptive, and misleading statements, representations, and advertisements disseminated as aforesaid with respect to said cosmetic preparations has had, and now has, the capacity and tendency to, and does, mislead and deceive a substantial part of the purchasing public into the erroneous and mistaken belief that such false statements, representations, and advertisements are true, and the use thereof induces, or is likely to induce, directly or indirectly, the purchase by the public of respondents' said preparations.

Through the use by respondents of the word "Laboratory" in the name of respondent Witol Beauty Laboratories, Inc., and in the names of the corporations heretofore used, the respondents have represented and implied, and do represent and imply, that such preparations were and are developed in or emanate from a laboratory within the common and usual meaning of the word which signifies an establishment approximately equipped with scientific apparatus, manned by trained technicians, for the scientific and experimental study of such preparations and their use in the treatment of diseases, ailments and disorders of the skin.

In truth and in fact respondents do not own, operate or directly or indirectly control a laboratory wherein scientific and experimental studies of such preparations and their effect on the skin are pursued and such preparations are not developed in nor do they emanate from a laboratory.

PAR. 9. The use by the respondents of the foregoing false, deceptive, and misleading statements and representations and advertisements, disseminated as aforesaid, with respect to said preparations, the source thereof and their effectiveness in use, has had and now has the capacity and tendency to and does mislead and deceive a substantial part of the purchasing public into the erroneous and mistaken belief that such false statements and representations and advertisements are true, and the use thereof induces or is likely to induce, directly or indirectly, the purchase by the public of respondents' said preparation.

PAR. 10. The aforesaid acts and practices of the respondents as herein alleged are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on October 24, 1939, issued and subsequently served its complaint in this proceeding upon the respondents, Witol, Inc., Witol Beauty Laboratories, Inc., corporations, and Wil-

liam Witol, Ann Felix, and Hattie Blankfeld, individually and as officers of Witol, Inc., and Witol Beauty Laboratories, Inc., charging them 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 respondents' answer thereto, testimony and other evidence in support of the allegations of the complaint, including a stipulation of the facts upon the record, were introduced before trial 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, report of the trial examiners upon the evidence and brief in support of the complaint (no brief having been filed by the respondents or oral argument 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. Respondent Witol, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of New York.

Witol Beauty Laboratories, Inc., is a corporation organized and existing under and by virtue of the laws of the State of New York. Respondent Witol Beauty Laboratories, Inc., ceased business operations on January 6, 1939, but has not been legally dissolved.

Respondent Ann Felix is an individual and was vice president of respondent Witol, Inc., and Witol Beauty Laboratories, Inc.

Respondent Hattie Blankfeld was secretary of respondent Witol Beauty Laboratories, Inc.

All of the respondents have their office and principal place of business at 1700 Broadway, New York City, N. Y. The individual respondents Hattie Blankfeld and Ann Felix are not now officers of either Witol, Inc., or Witol Beauty Laboratories, Inc.

Respondent William Witol is an individual and is president and treasurer of respondent Witol, Inc., and was president and treasurer of Witol Beauty Laboratories, Inc., and is the principal stockholder of both of said respondent corporations. Said respondent William Witol formulates, controls, and dominates the practices and policies of the respondent corporation Witol, Inc., and, during the time of its operation, formulated, controlled, and dominated the practices and policies of respondent Witol Beauty Laboratories, Inc. All of the respondents,

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with the exception of Ann Felix and Hattie Blankfeld have acted together and in cooperation with each other in carrying out the acts and practices and methods hereinafter set forth.

PAR. 2. The respondents William Witol and Witol Beauty Laboratories, Inc., were engaged in the sale and distribution of a cosmetic preparation known as, and sold under the name of "Witol's New Liquid Skin Peel." Respondents William Witol and Witol, Inc., are engaged in the sale and distribution of a cosmetic preparation known as, and sold under the name of "Take-Off." These products are offered and have been offered for sale and sold as treatments for pimples, whiteheads, coarse pores, freckles, and other conditions of the skin which blemish the complexion.

PAR. 3. In the course and conduct of their business the said respondents have caused their products, when sold, to be transported from their 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. The respondents have, at all times mentioned herein, 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. 4. In the course and conduct of their aforesaid business the respondents William Witol, Witol, Inc., and Witol Beauty Laboratories, Inc., have disseminated false statements concerning their products by United States mail, by insertion in newspapers and periodicals having general circulation, and also in circulars and other printed or written matter, all of which were distributed in commerce among and between various States of the United States and in the District of Columbia, and by other means in commerce as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of their said products, and have disseminated false advertisements concerning their said products by various means for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of 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 advertisements and circulars disseminated and caused to be disseminated as above set forth, are the following:

Now you can get a CLEAR NEW SKIN

(Picture of Girl)

Read this Free Offer

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and know how such Pimples, Blackheads, Freckles, and superficial Blemishes as are wholly in outer skin are now quickly removed. When your old outer layer of skin is flaked away, you have a new, fresh surface skin. Large pores and fine lines diminish and you look younger, more lovable!

DO IT YOURSELF AT HOME—QUICKLY!

This new home method is all explained and free Treatise is being mailed free to readers of this magazine. So, worry no more over your humiliating, superficial blemishes or signs of aging in your outer skin. Get this new Treatise now. Simply send post card or letter to WITOL BEAUTY LABORATORIES, INC., Dept. 367, No. 1700 Broadway, New York, and you will receive it in plain wrapper, postpaid and absolutely FREE. If pleased tell friends.

Not only will my new liquid skin peel clear your old outer skin of ugly superficial pimples, blackheads, whiteheads, coarse pores, outer freckles, and other annoying superficial blemishes, but it will do its work in a few days. You know, perhaps, how often one is told in regard to a complexion treatment that they must "persist." Likely enough they "persist" for months only to discover after such a waste of time and money that no good has been accomplished.

PAR. 5. Through the use of the statements and representations hereinabove set forth and others similar thereto not specifically set out herein, the respondents William Witol, Witol Beauty Laboratories, Inc., and Witol, Inc., respectively, have represented, directly and indirectly, that their preparations "Witol's New Liquid Skin Peel" and "Take-Off" are effective in removing the outer layer of the human skin, giving the user a new, fresh surface skin and that said preparations are effective in the treatment of, and the removal of, pimples, blackheads, whiteheads, freckles, and superficial blemishes of the human skin and will cause large pores and fine lines to diminish.

PAR. 6. The aforesaid representations, statements, and advertisements used and disseminated by the respondents as hereinabove described are grossly exaggerated, misleading and untrue. Respondents' preparations "Witol's New Liquid Skin Peel" and "Take-Off" will not remove the outer layer of the human skin or give the user a new, fresh surface skin, and said preparations are not effective in the treatment of, or the removal of, pimples, blackheads, whiteheads, freckles, or superficial blemishes of the skin and will not cause large pores and fine lines to diminish.

PAR. 7. In the course and conduct of their business respondents William Witol and Witol, Inc., prior to November 5, 1939, have represented, through the use of advertisements disseminated as hereinabove described, that they are making a special offer of \$10.85 worth of merchandise for the price of 98¢ and that such offer is limited. The following is typical of the representations made by the respondents in this special offer:

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This *Special Introductory Offer* made to you by Witol, Inc., of Broadway, is for a limited time only.

By this special offer we hope to make many new friends and constant users of Witol's Best Grade Preparations. Please notice that there are no sample or trial size packages in this offer—every article is illustrated in full exact size—some are even large (except Lip Paste, which is only slightly smaller), but all are standard full sizes, and at our regular list prices total \$10.85.

Notice—There is only a limited number of these Special Introductory Offer sets—no more can be promised—Don't delay—First Come, First Served.

ONLY ONE SET TO A PERSON

SUPPLY LIMITED—NO MORE CAN BE PROMISED—ACT QUICKLY!

The offer so represented was not a special offer, but, instead, constituted the usual and customary method of distribution used by the respondents in the ordinary and usual course of business, and as many sets as were desired were sold to any one person without limitation.

PAR. 8. The use by the respondents of the false, deceptive, and misleading statements, representations, and advertisements disseminated as hereinabove set forth with respect to respondents' cosmetic preparations and their effectiveness in use, 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, and induces a portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondents' cosmetic preparations.

CONCLUSION

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

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondents, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of the allegations of the complaint, report of the trial examiners upon the evidence, and brief in support of the complaint (no brief having been filed by respondents or oral argument requested), and the Commission having made its findings as to the facts and its conclusion that said respondents Witol, Inc., a corporation, Witol Beauty Laboratories, Inc., a corporation, and William Witol, an individual and as

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officer of Witol, Inc., and Witol Beauty Laboratories, Inc., have violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent Witol, Inc., a corporation, and Witol Beauty Laboratories, Inc., a corporation, their officers, representatives, agents, and employees, and respondent William Witol, an individual, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their cosmetic preparations known as "Witol's New Liquid Skin Peel" and "Take-Off" or any other preparations of substantially similar compositions or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from directly or indirectly

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference:

(a) That respondents' preparations "Witol's New Liquid Skin Peel," or "Take-Off" will remove the outer layer of the human skin and give the user a new, fresh surface skin; or

(b) That respondents' said preparations are effective in the treatment of pimples, blackheads, whiteheads, freckles, or superficial blemishes of the skin; or

(c) That the use of said preparations will cause large pores and fine lines to diminish; or

(d) That said preparations are sold by means of a special or limited offer when the method of distribution is the usual and customary method used by the respondents in the usual and customary course of business, and when there is no limitation of the sale of such products.

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 respondents' cosmetic preparations "Witol's New Liquid Skin Peel" or "Take-Off," which advertisement contains any of the representations prohibited in paragraph 1 hereof and respective subdivisions thereof.

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 the complaint be dismissed as to the respondents Ann Felix and Hattie Blankfeld.

IN THE MATTER OF

FONG POY, ALSO KNOWN AS FONG WAN; FONG KWONG-GII, YEE NUN YET, CHAN WOON SHEUNG, AND LEE BING LIM, COPARTNERS, OPERATING UNDER THE FIRM NAME OF FONG WAN

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

Docket 3964. Complaint, Dec. 7, 1939—Decision, May 24, 1941

Where five partners engaged in interstate sale and distribution of Chinese herbs as treatments for various diseases and disorders, under a plan by which suffering members of the public were urged in their advertising to contact them, for diagnosis by the partners and prescription of the proper herbs to cure or relieve the particular disorders by Fong Poy, also known as Fong Wan, who undertook from statements of prospective purchasers calling at the partnership's place of business, and brief observation to determine the nature of the ailment and prescribe herbs therefor, placing particular emphasis upon the nature and sound of the patient's voice, and, in numerous instances, made purported diagnosis upon the basis of such information as could thus be obtained from prospect by mail, without any personal observation, and selected and mailed herbs to purchaser; by means of advertisements disseminated through the mails, newspapers, and periodicals, and circulars and other printed or written matter, including numerous purported testimonial letters containing representations with respect to benefits allegedly received through use of their herbs—

Represented directly or through implication that their herbs constituted a cure or remedy for, and possessed substantial therapeutic value in, the treatment of, numerous diseases and disorders including cancer, tuberculosis, ulcers, tumors, diabetes, Bright's disease, kidney, bladder and prostate gland troubles, paralysis, rheumatism, and arthritis, high and low blood pressure, asthma, influenza, coughs and colds, varicose veins, cross-eyes, neuritis, heart trouble, blood disorders, pyorrhea, stomach troubles, dysentery, pains, dizziness, hardening of the arteries, goiter, bronchial trouble, sinus trouble, liver and gall bladder troubles, nervous attacks and disorders, obesity, headaches, and piles; that their herbs built up the body, purified the blood, renewed strength, stopped pain, and washed away diseases from the body, and that said Fong Poy had the ability to diagnose numerous diseases and ailments and prescribe remedies therefor;

The facts being—

(1) It is impossible to diagnose human ailments or disorders through methods employed by said partners which are based upon doctrines of historical interest only, and have been without scientific acceptance for several centuries, and there is no factual or scientific basis for theory that ailments can be diagnosed by listening to the voice; Chinese drugs of therapeutic value are known to the medical profession and are in use in various forms, though, in many cases with the useful chemicals extracted by modern medicine employed in preference to the crude drugs