

Syllabus

IN THE MATTER OF
SOAP LAKE PRODUCTS CORPORATION¹COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 2823. Complaint, May 27, 1936—Decision, Aug. 19, 1941*

Where a corporation engaged in preparation and competitive interstate sale and distribution of packaged mineral salts obtained from Soap Lake, Washington, which (1) were composed of about 20 percent sodium sulphate or Glauber's salts, 54 percent sodium carbonate or washing soda, and 25 percent sodium chloride and potassium chloride or ordinary table salt; and (2) included (a) "Mother Nature Soap Lake Salts" consisting of the unadulterated residue of the natural lake water after evaporation, (b) "Mother Nature Soap Lake Spirit" consisting of the liquid concentrate bottled before evaporation was complete, and (c) "Mother Nature Soap Lake Seltzer," consisting of 60 percent "Salts" and 40 percent citric and tartaric acid salts, added for effervescence and palatability;

In advertising its said packaged mineral salts through booklets, folders, pamphlets, and other advertising literature distributed to members of the purchasing public in the various States and furnished to customers for distribution to members of said public, and through newspapers and magazines of general interstate circulation, and radio broadcasts, in all of which it featured its corporate name—

Falsely represented, directly or by implication, that said various products would prevent and cure and were beneficial in the treatment of many of the diseases, ailments, and conditions of the body, including rheumatism, arthritis, neuritis, eczema, athlete's foot, ulcers of the stomach, poison oak and ivy, gangrene, body and scalp sores, Buerger's disease, hyperacidity, lumbago, trench mouth, and pyorrhea;

Facts being the therapeutic benefits, if any, obtained from use of said products, were limited to those resulting from the laxative diuretic, and cleansing properties of their ingredients and the products did not accomplish the results claimed in the diseases and conditions set forth;

With tendency and capacity to mislead and deceive a substantial portion of purchasing public into the erroneous belief that said representations were true, and with result, as direct consequence of such beliefs, that a number of the consuming public purchased a substantial volume of said products and trade in commerce was unfairly diverted to it from its competitors, many of whom truthfully represent the effectiveness of their respective products, to the injury of competition in commerce:

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.

Before *Mr. Henry M. White, Mr. Charles P. Vicini, and Mr. Miles J. Furnas*, trial examiners.

Mr. R. A. McOuat for the Commission.

¹ For original findings and order in this matter, set aside by the Commission on Aug. 5, 1939, by order reopening the proceeding, *see* 28 F. T. C. 1377.

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Hyland, Elvidge & Alvord, of Seattle, Wash., for respondent.

Copass & Hall, of Seattle, Wash., for International Chemical Co., successors to Soap Lake Products Corp.

Honorable Clarence D. Martin, Governor of the State of Washington, and *Honorable W. A. Toner*, Assistant Attorney General for the State of Washington, of Olympia, Wash., for State of Washington, amicus curiae.

COMPLAINT

Pursuant to the provisions of an act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," the Federal Trade Commission, having reason to believe that Soap Lake Products Corporation, a corporation, hereinafter referred to as respondent, has been and now is using unfair methods of competition in commerce as "commerce" is defined in 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, Soap Lake Products Corporation, is a corporation, organized, existing, and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 2013 Fourth Avenue, in the city of Seattle, State of Washington. Respondent is now, and has been for more than 1 year last past, engaged in the business of preparing, distributing, and selling, in commerce as herein set out, certain packaged mineral salts designated as "Mother Nature Soap Lake Salts" and packaged kindred products designated as "Mother Nature Soap Lake Seltzer" and "Mother Nature Soap Lake Spirit," obtained from Soap Lake located in the State of Washington.

PAR. 2. Said respondent, being engaged in business as aforesaid, causes said salts and kindred products, when sold, to be transported from its office and place of business in the State of Washington to purchasers thereof located at various points in other States of the United States and in the District of Columbia. There is now, and has been at all times since the organization of respondent corporation, a constant current of trade and commerce in said products so prepared, distributed, and sold by the respondent, 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 is now, and has been, in substantial competition with other corporations, and with firms and individuals likewise engaged in the

business of manufacturing, distributing, and selling mineral salts or other products designed, intended, and sold for the same purposes for which respondent's products are sold, in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 4. In the course of the operation of said business, and for the purpose of inducing individuals, firms, and corporations to purchase said salts and kindred products, respondent has caused advertisements to be inserted in newspapers, periodicals, and trade journals of general circulation throughout the United States, has printed and circulated throughout the several States to customers and prospective customers, through the United States mails and otherwise, advertising folders, letters and literature, and has made use of radio broadcasts over stations of sufficient power to convey the programs emanating therefrom into the various States of the United States; in all of which advertisements, respondent has caused its corporate name to be prominently and conspicuously displayed, together with the following statements:

* * * Ask almost anyone who has been there (Soap Lake) and who faithfully took the treatments for such ills as rheumatism, neuritis, arthritis, eczema, athlete's foot, ulcers of the stomach, poison oak or ivy, gangrene, infections, or body and scalp sores. In many cases you will be told stories of complete and prompt recovery so astonishing as to be almost unbelievable.

No longer need you journey far and expensively to prove the virtue of Soap Lake minerals. They are now easily and inexpensively available to you through your druggist under the name of Mother Nature Soap Lake Products—Mother Nature Soap Lake Salts for the bath; Mother Nature Soap Lake Seltzer—pleasantly effervescent—for internal use, and Mother Nature Soap Lake Spirit for external application—all natural products from Nature's own laboratory.

The answer to all such arguments are the thousands and thousands of cases of neuritis, arthritis, rheumatism, insomnia, Buerger's Disease, gangrene, infections, etc., that have been benefited by Soap Lake baths alone.

You will find that Mother Nature Soap Lake baths are a wonderful aid to Nature in correcting certain forms of eczema, itch, poison oak and ivy, athlete's foot and disorders resulting from hyperacidity.

For rheumatic swellings and congestion, sore muscles, lumbago, etc., poulticing is recommended.

ULCERS OF THE STOMACH. Soap Lake water has proven wonderfully beneficial in aiding Nature to correct this distressing trouble. No one should submit to an operation for ulcers without first having given Mother Nature Soap Lake Seltzer a trial.

ORAL HYGIENE: TRENCH MOUTH—PYORRHEA. * * * Wonderful aid to Nature in Pyorrhea and Trench Mouth.

All of said statements, together with many similar statements appearing in respondent's advertising literature purport to be descriptive of respondent's products and their effectiveness in treating

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or curing many of the diseases, ailments, afflictions, and conditions of the human body. In all of its advertising literature, respondent represents, through the statements and representations herein set out and other statements of similar import and effect, that its various packaged products to wit: Mother Nature Soap Lake Salts, Mother Nature Soap Lake Seltzer and Mother Nature Soap Lake Spirit, will prevent and cure, or are beneficial in the treatment of, many of the diseases, ailments, afflictions and conditions which may be present or exist in the human body.

Among the diseases, ailments, afflictions, and conditions named by the respondent in said radio broadcasts and advertising literature as diseases, ailments, afflictions, and conditions which the use of said above-named products will prevent and cure, or are beneficial in the treatment of, are the following: rheumatism, neuritis, arthritis, eczema, athlete's foot, ulcers of the stomach, poison oak or ivy, gangrene, body or scalp sores, Buerger's Disease, hyperacidity, lumbago, trench mouth, and pyorrhea.

PAR. 5. The representations made by the respondent with respect to the nature and effect of its products when used are grossly exaggerated, false, misleading, and untrue. In truth and in fact, the use of respondent's packaged products will not prevent and cure, nor is it beneficial in the treatment of all, or any of, the diseases, ailments, afflictions, and conditions hereinabove named. The beneficial properties, if any, of said products are limited to laxative and diuretic action. Said packaged products have no therapeutic value in the treatment of the diseases, ailments, afflictions, and conditions above named.

PAR. 6. There are among respondent's competitors many who manufacture, distribute, and sell various products designed, intended and sold for the purpose of curing, relieving, or treating the various diseases, ailments, afflictions, and conditions of the human body hereinabove named and who do not, in any way, misrepresent the quality or character of their respective products or their effectiveness when used.

PAR. 7. Each and all of the false and misleading statements and representations made by the respondent in designating or describing its products and the effectiveness of said products for curing, treating or relieving the diseases, ailments, afflictions, and conditions of the human body herein named, in offering for sale and selling its said products was, and is, calculated to, and had, and now has, a tendency and capacity to mislead a substantial portion of the purchasing public into the erroneous belief that all of said representations are true and that said products will, in truth, accomplish the results claimed. Further, as a direct consequence of the mistaken and erroneous be-

liefs, induced by the acts and representations of the respondent, as hereinabove detailed, a number of the consuming public has purchased a substantial volume of respondent's products with the result that trade has been unfairly diverted to the respondent from competitors likewise engaged in the business of distributing and selling similar products or other products designed, intended and sold for use in the cure, relief, or treatment of the various diseases, ailments, afflictions, and conditions named herein, and who truthfully represent the effectiveness of their respective products. As a result thereof, injury has been, and is now being, done by respondent to competition in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 8. The above and foregoing acts, practices, and representations of the respondent have been, and are, all to the prejudice of the public and respondent's competitors as aforesaid, and have been, and are, unfair methods of competition within the meaning and intent of section 5 of an act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes."

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on the 27th day of May 1936, issued and subsequently served its complaint in this proceeding upon the respondent, Soap Lake Products Corporation, charging it with the use of unfair methods of competition in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of an answer thereto by the respondent, testimony and other evidence in support of the allegations of the complaint were introduced by attorneys for the Commission, and in opposition thereto by the attorney for the respondent, 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 the said complaint, the answer thereto, the testimony and other evidence, and briefs in support of the complaint and in opposition thereto; and the Commission, having duly considered the matter and being fully advised in the premises, on April 10, 1939, made its findings as to the facts and its conclusions drawn therefrom, and issued its order requiring the respondent to cease and desist from the use of said unfair methods of competition.

Subsequently, the State of Washington, appearing as *amicus curiae*, filed a petition alleging that the findings of the Commission reflected adversely upon the therapeutic properties of the water of Soap Lake, Washington, and requesting that the proceeding be reopened for the taking of further testimony. Upon consideration of said petition, the Commission, on August 5, 1939, entered its order directing that the proceeding be reopened for the purpose of taking further testimony and other evidence in support of and in opposition to certain allegations of the complaint, the Commission thereby setting aside its original findings as to the facts and order to cease and desist. Pursuant to such order, supplemental hearings were held at which additional testimony and other evidence were introduced in support of and in opposition to said allegations of the complaint. Thereafter the proceeding regularly came on for final hearing before the Commission upon the complaint, answer, testimony and other evidence introduced in both the original and supplemental hearings, original briefs of counsel for the Commission and for the respondent, and supplemental brief of counsel for the Commission (no supplemental briefs having been filed by either the respondent or the State of Washington, and oral argument not having been requested); and the Commission, having duly considered the matter and being 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, Soap Lake Products Corporation, is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Washington, with its office and principal place of business located at 2013 Fourth Avenue, in the city of Seattle, in said State. Respondent is now, and for more than 6 years last past has been, engaged in the business of preparing, selling, and distributing in commerce, certain packaged mineral salts designated as "Mother Nature Soap Lake Salts," "Mother Nature Soap Lake Seltzer," and "Mother Nature Soap Lake Spirit." The salt ingredients which go to make up these products are obtained by respondent from a body of water called "Soap Lake," which is situated in the State of Washington.

PAR. 2. Respondent causes its products, when sold, to be transported from its place of business in Seattle, in the State of Washington, to purchasers thereof located at various points in other States of the United States. There is now and has been for more

than 6 years last past a course of trade by the respondent in its products in commerce among and between various States of the United States.

PAR. 3. The respondent, in the course of the operation of its business, is in competition with other corporations and with individuals and firms also engaged in the business of preparing, selling, and distributing mineral salt products or other products intended and sold for the same purposes as those for which respondent's products are sold, in commerce among and between various States of the United States.

PAR. 4. In the course of the operation of its business and for the purpose of inducing individuals, firms, and corporations to purchase its said packaged mineral salts, the respondent has made use of booklets, folders, pamphlets, and other advertising literature, some of which it distributes to members of the purchasing public located in the various States of the United States, and some of which it furnishes to its customers to be by them placed in the hands of the members of the purchasing public. It has also made use of advertisements inserted in newspapers and magazines having a general circulation throughout the various States of the United States. It has also made use of radio broadcasts over stations of sufficient power to convey the programs emanating therefrom into the various States of the United States. In all of its said advertisements, respondent has caused its corporate name to be prominently and conspicuously displayed in connection with the trade names of its products, "Mother Nature Soap Lake Salts," "Mother Nature Soap Lake Seltzer," and "Mother Nature Soap Lake Spirit," together with the following statements:

A JOYOUS BLESSING FOR THE AFFICTED

* * * * *

ALMOST UNBELIEVABLE—BUT TRUE!

THE FAME of Soap Lake has become nationwide. More than 30,000 visitors last summer! They came with aches and pains—rheumatism, neuritis, arthritis * * * with skin irritations—eczema, itch, psoriasis, athlete's foot, poison oak, poison ivy, gangrene and lingering infections; with stomach, gall, intestine, kidney, bladder and other functional disorders—and left happy.

The Government sends its Buerger's disease patients to Soap Lake * * *.

Not all, however, who are afflicted can afford the time and money to visit Soap Lake. So the Soap Lake Products Corporation, under the brand name, MOTHER NATURE, is making available the virtues of SOAP LAKE to the public everywhere. Through modern concentrating and evaporating methods, three products have been produced, viz: MOTHER NATURE SOAP LAKE SALTS for the bath; MOTHER NATURE SOAP LAKE SELTZER for internal use, and MOTHER NATURE SOAP LAKE SPIRIT for external application.

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Stop at the nearest drug store—get the **MOTHER NATURE Soap Lake** product for your particular affliction. Through its use—*more complete relief* than ever dreamed possible! * * *

The trade name, **MOTHER NATURE**, is your protection. *Insist on the genuine—MOTHER NATURE SOAP LAKE PRODUCTS*—and get the gratifying results you expect. At drug stores everywhere. Samples free—send us your name and address at once on a postcard.

Make sure—demand natural, Genuine **MOTHER NATURE Soap Lake** products. Demonstrate, without cost, their anti-acid value in correcting ills caused by hyperacidity.

They neutralize acid wherever contacted.

Ask almost anyone who has been there and who faithfully took the treatments for such ills as rheumatism * * * ulcers of the stomach, gangrene, body or scalp sores. In many cases you will be told stories of complete and prompt recovery so astonishing as to be almost unbelievable. * * *

No longer need you journey far and expensively to prove the virtue of **Soap Lake minerals**. They are now easily and inexpensively available to you through your druggist * * * from Nature's own laboratory.

No one should submit to an operation for ulcers without first having given **Mother Nature Soap Lake Seltzer** a trial.

ORAL HYGIENE: TRENCH MOUTH—PYORRHEA. * * * Wonderful aid to Nature in Pyorrhea and Trench Mouth * * * Hold in mouth in contact with sore places as long as possible. Wonderful results.

Through the use of said statements and other statements of similar import and meaning used in its radio broadcasts and advertising literature, respondent represents directly or by implication that "**Mother Nature Soap Lake Salts**," "**Mother Nature Soap Lake Seltzer**," and "**Mother Nature Soap Lake Spirit**," will prevent and cure, and are beneficial in the treatment of, many of the diseases, afflictions, ailments, and conditions which may be present or exist in the human body. Among the diseases, ailments, afflictions, and conditions named by respondent in its radio broadcasts and advertising literature as diseases, ailments, afflictions, and conditions which the use of the said products will benefit, prevent and cure, are the following: Rheumatism, arthritis, neuritis, eczema, athlete's foot, ulcers of the stomach, poison oak and ivy, gangrene, body or scalp sores, Buerger's disease, hyperacidity, lumbago, trench mouth, and pyorrhea.

PAR. 5. In truth and in fact, the use of respondent's packaged mineral salts alone, either externally or internally, will not prevent or cure, and are not beneficial in the treatment of rheumatism, arthritis, neuritis, eczema, athlete's foot, ulcers of the stomach, poison oak and ivy, gangrene, body or scalp sores, Buerger's disease, hyperacidity, lumbago, trench mouth, pyorrhea, or any other disease, affliction, ailment, or condition which may be present or exist in the human body, as represented in respondent's radio broadcasts and other advertisements and advertising literature.

Respondent obtains its above-named products by evaporation of the waters of Soap Lake. Respondent's "Salts" are the unadulterated residue after evaporation is complete, and its "Spirit" is the liquid concentrate bottled before evaporation is complete. Its "Seltzer" is 60 percent "Salts" and 40 percent citric and tartaric acid salts, which are added solely for effervescence and palatability.

"Mother Nature Soap Lake Salts" contain:

Sodium Chloride	18.19%
Potassium Chloride	6.57%
Sodium Sulphate	21.38%
Sodium Carbonate	53.72%
Calcium Carbonate	.07%

Negligible traces of silica, phosphorus, iron, alumina, magnesium, iodine and lithium.

No merit is claimed for the calcium carbonate or for the negligible traces of silica, phosphorus, iron, alumina, magnesium, iodine, and lithium.

Sodium sulphate, or Glauber's salts, a well known purgative, accounts for a trifle more than one-fifth of the total solid content. Concentrated Glauber's salts give a laxative effect. The effect of the Glauber's salts in respondent's products, however, is so minimized by its combination with the other ingredients therein as to require increased dosage and the ingestion of a very large amount of water, in order to have the same effect as that given by a concentrated laxative requiring a much less amount of water. Physicians prefer to prescribe a laxative in concentrated form, in order that the patient be not required to drink more water than he would normally consume.

More than one-half of the content of the "Salts" is sodium carbonate, a caustic alkali known as washing soda. For the purpose of temporarily neutralizing acid in cases where ulcers or a condition of hyperacidity exists, an alkali is sometimes prescribed by physicians. One of the elements usually prescribed for temporarily overcoming hyperacidity is sodium bicarbonate which is less caustic and more readily decomposed by the hydrochloric acidity of the stomach than sodium carbonate. While the respondent's products, because of the sodium carbonate therein, do have an alkalizing effect, they are not a proper treatment for ulcers or hyperacidity because of their extremely caustic effect.

Of the total content, 24.76 percent is sodium chloride and potassium chloride. Potassium chloride is ordinary table salt. The medicinal properties of potassium chloride and sodium chloride are practically the same. The normal diet contains an adequate supply of salt and other chlorides for all purposes.

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During the course of the supplemental hearings testimony was introduced by respondent to the effect that in addition to the ingredients listed above, respondent's preparations contain an ingredient designated as ichthammol homologue. The weight of the expert testimony shows, however, and the Commission finds, that this ingredient is not present in the preparations in sufficient quantity to have any effect upon the therapeutic value of the preparations.

In the treatment of neuritis, arthritis, or lumbago, which are types of rheumatism, and kidney trouble, the use of chlorides is restricted by physicians because an excess of chloride irritates and aggravates the pathological processes in the kidneys. The internal use of respondent's products by persons afflicted with any type of rheumatism causes additional aggravation and irritation of the kidneys. Frequently, the conditions prevalent when the patient is suffering from so-called rheumatism are associated with some degree of kidney involvement, and the use of respondent's products is distinctly harmful. When taken internally the respondent's products act as a mild and indefinite diuretic and laxative. There are many well known harmless laxatives, diuretics, and neutralizers of hyperacidity which do not aggravate the pathological processes of the organs of the patient. Many of these other preparations will react definitely as prescribed by physicians.

Bathing in hypertonic salt solutions will promote dehydration through the skin and thus eliminate to a certain extent toxic products circulating in the blood. This effect is increased when baths are taken hot. Hot baths with or without salts of this character are very useful in giving temporary relief to internal pains, especially those associated with the joints, arising from neuritis, arthritis, lumbago, rheumatism, gangrene, or Buerger's disease. The dehydrating effect of the hypertonic salt solution very probably results in the lessening of congestion in and about swollen joints or other afflicted parts and thus temporarily relieves pain. While respondent's products have a slight hypertonic effect, there are many other hypertonic salts which likewise furnish temporary relief when mixed with hot bath water.

Eczema and other similar diseases are generally considered of systemic origin and are manifested by skin lesions. When sodium carbonate is applied to this diseased skin, it acts as a counterirritant and temporarily relieves the itching and discomfort. Respondent's products, however, are not effective in curing or preventing these skin diseases.

Athlete's foot is a fungoid infection deeply embedded in the layers of the skin. While some of the ingredients of respondent's products

might cleanse the diseased tissue, there are no antiseptic properties in respondent's product which will prevent or cure athlete's foot.

Poison oak and poison ivy are skin diseases which spread rapidly unless properly checked. The rapidity with which the infection is spread over the body is greatly accentuated by the use of liquid solutions. External applications of respondent's products are harmful to a person suffering from this affliction.

Body and scalp sores are commonly treated with medicines having astringent qualities. It is also necessary to keep the afflicted parts clean. Respondent's products have no astringent properties whatever. The beneficial effect following the use of these products on sores is limited to the cleansing properties thereof.

Trench mouth is caused by a germ which is not affected in any way by respondent's products. The only benefit which a person afflicted with trench mouth or pyorrhea could derive from respondent's products would be through their use as a mouth wash. When so used the effect would be similar to that of table salt.

Hot and cold baths are beneficial in temporarily relieving the pain incidental to Buerger's disease and gangrene. Gangrene is sometimes due to diabetes. In that event, respondent's products may be soothing when mixed with bath water. However, respondent's products, when administered in any form, are not competent treatments for gangrene or Buerger's disease.

The therapeutic benefits, if any, generally obtained from the use of any or all of respondent's products are limited to those resulting from the laxative, diuretic and cleansing properties of the various ingredients thereof. Additional expert testimony introduced at the instance of the Commission during the supplemental hearings corroborated the testimony taken during the original hearings with respect to the therapeutic properties of respondent's products.

PAR. 6. Testimony adduced at the instance of the State of Washington during the supplemental hearings shows that in 1938 the State established, and has since maintained, a hospital at Soap Lake for the study and treatment of Buerger's disease, the hospital being primarily for the benefit of American veterans of the World War. Up to the present time some 25 to 30 patients have received treatment at the hospital. The usual treatment includes rest in bed, cessation from smoking, and the use of the lake water as a bath and for soaking the feet. The testimony of the head of the institution is to the effect that while substantial progress appears to have been made in certain cases, it is too early to form any definite conclusions as to the effectiveness of the treatment or as to the therapeutic properties of Soap Lake water.

Neither the effectiveness of the hospital's method of treatment nor the therapeutic properties of the natural waters of Soap Lake is involved in this proceeding. The proceeding has to do only with the representations made by respondent with respect to its own packaged products.

PAR. 7. The use by the respondent of each and all of the false and misleading statements and representations in its advertising circulars, pamphlets, radio continuities and other advertising media, in connection with the offering for sale and selling of its products in commerce, has the tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous belief that said representations are true. As a direct result of these erroneous and mistaken beliefs induced by the acts and representations of the respondent, as hereinabove enumerated, a number of the consuming public have purchased a substantial volume of respondent's products, with the result that trade in commerce has been diverted unfairly to the respondent from its said competitors, many of whom truthfully represent the effectiveness of their respective products, to the injury of competition in commerce among and between the various states of the United States.

CONCLUSION

The aforesaid acts and practices of the respondent as herein found are all to the prejudice and injury of the public and of respondent's competitors, and constitute unfair methods of competition 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 introduced in both the original and supplemental hearings before trial examiners of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of the complaint, original briefs of counsel for the Commission and for the respondent, and supplemental brief of counsel for the Commission (no supplemental brief having been filed by the respondent and 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, Soap Lake Products Corporation, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of its packaged mineral salts now designated as "Mother Nature Soap Lake Salts," "Mother Nature Soap Lake Seltzer," and "Mother Nature Soap Lake Spirit," or any other products of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from representing:

1. That said mineral salt preparations will cure eczema or similar skin diseases of systemic origin, or have any beneficial effect in the treatment thereof other than temporarily relieving the itching and discomfort incidental to said diseases.

2. That said mineral salt preparations will cure athlete's foot or any body or scalp sores or have any beneficial value in the treatment thereof other than cleansing effect upon surface lesions.

3. That said mineral salt preparations will cure poison oak or poison ivy or have any beneficial value in the treatment thereof.

4. That said mineral salt preparations will cure pyorrhea or trench mouth or have any beneficial value in the treatment thereof other than as a cleansing agent.

5. That said mineral salt preparations will cure ulcers of the stomach or hyperacidity, or constitute a competent and proper treatment therefor, or have any beneficial value in the treatment thereof other than temporarily relieving the pain and discomfort incident thereto by temporarily neutralizing excess acid.

6. That said mineral salt preparations, when taken internally, will prevent or cure rheumatism, neuritis, arthritis, lumbago, gangrene, or Buerger's disease, or constitute a proper treatment therefor or have any beneficial value in the treatment thereof.

7. That said mineral salt preparations, when used externally, will prevent or cure rheumatism, neuritis, arthritis, lumbago, gangrene, or Buerger's disease, or have any beneficial effect in the treatment thereof other than temporarily relieving pain and congestion in the afflicted parts.

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
**ROXIE THORSON, TRADING AS THORSON'S SOAP LAKE
PRODUCTS COMPANY**¹

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

Docket 2832. Complaint, June 3, 1936—Decision, Aug. 19, 1941

Where an individual engaged in the preparation and competitive interstate sale and distribution of packaged mineral salts, salt ingredients of which were obtained from Soap Lake in State of Washington, including salts, effervescent salts, "Linament," "Skin-Aid Soap Lake Ointment," "Shampoo," and "Skin-Aid Soap Lake Soap"; in advertising her said products through letters, pamphlets, and other material circulated through various States, and through radio broadcasts—

Falsely represented, featuring her trade name "Soap Lake Products Company," and making such statements as "A Short Cut to Health through Nature," "Health Through the Skin," "The World's Greatest Healing Spot," " * * * contain all the qualities of the lake itself," and "Bringing a great Health Resort to your Home," etc., in connection with references to said Soap Lake and Soap Lake salts, that her aforesaid products would prevent and cure, or be beneficial in the treatment of, a large number of diseases, ailments, and afflictions, including stomach, liver, bowel, and kidney troubles, rheumatism, diabetes, diseases of the skin and blood, high blood pressure, arthritis, and neuritis;

Facts being the therapeutic benefits, if any, obtained from use of her said products, were limited to those resulting from the laxative, diuretic, and cleansing properties thereof, and her said representations were grossly exaggerated, misleading, and untrue;

With tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous belief that all of said representations were true, and with result, as direct consequence thereof, that a number of the consuming public bought a substantial volume of her said products and trade was unfairly diverted to her from her said competitors, many of whom truthfully represent the effectiveness of their respective products; to the substantial injury of competition in commerce;

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

Before *Mr. Henry M. White* and *Mr. Miles J. Furnas*, trial examiners.

Mr. R. A. McQuat for the Commission.

Mr. William M. Clapp, of Ephrata, Wash., for respondent.

Honorable Clarence D. Martin, Governor of the State of Washington, and *Honorable W. A. Toner*, Assistant Attorney General for

¹For original findings and order in this matter, set aside by the Commission on Aug. 5, 1939, by order reopening the proceeding, *see* 28 F. T. C. 82.