

Syllabus

IN THE MATTER OF

WESTERN CHEMICALS, INC., MAFFETT SALES CORPORATION, BARTELL DRUG COMPANY, AND FRANK L. WILSON, N. B. WILSON, AND REUEL K. YOUNT

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

Docket 3735. Complaint, Mar. 9, 1939—Decision, Mar. 2, 1942

Where two corporations, engaged in interstate sale and distribution of their "Alcoban" treatment for alcoholism, to be given in alcoholic drinks or other liquids, or in soft foods; three individuals who were their controlling officers, directors and stockholders; and a third corporation, engaged in the retail drug business; by advertisements of said product, through the mails and in newspapers and periodicals of wide circulation—

- (a) Represented, directly and by implication, that their said "Alcoban" constituted a competent and effective treatment for alcoholism which might be used with safety and without danger of ill effects, through such statements, among others, as "Has aided thousands addicted to the excess use of alcohol," "A doctor's prescription used for years for those addicted to the excessive use of alcohol * * * now offered to the public as Alcoban * * *. Aids the sufferer to overcome the craving for liquor and to build up his resistance," "Contains no narcotics or habit-forming drugs," "* * * leaves no ill effects upon any organ of the body," and "Can be given secretly in alcoholic liquors, other liquids or food * * *";

The facts being that, while nausea induced thereby may cause patient to lose his taste for alcohol, the effect is only temporary; correct treatment of alcoholism, according to the medical consensus, is directed to ascertainment and removal of causes responsible for individual's resort to alcohol and building up his general condition and powers of resistance; active ingredients of product possess substantial capacities for harm in that emetine, used in substantial quantities, produces toxic effects, while ephedrine, in older people, may increase blood pressure sufficiently to injure cerebral vessels, and pilocarpine, in repeated doses, may affect heart action to a marked extent and result in edema of the lungs; and unsupervised use thereof in dosage and over period of time prescribed is dangerous, particularly so in view of the usually low level of physical resistance of alcoholics; and

- (b) Failed to reveal that use of their said product under usual or prescribed conditions might result in serious injury to health, as above indicated;

With tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous belief that said representations were true, and into the purchase of substantial quantities of said preparation because of such mistaken belief:

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

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As respects the question as to whether or not the toxic properties of certain drugs contained in a preparation offered for the treatment of alcoholism to a certain extent off-set or neutralize one another by their respective counteraction, as asserted, for example, in the action of the stimulant ephedrine in counterbalancing the depressant effects of pilocarpine: any such neutralizing effect was only temporary, and the substantial preponderance of the expert testimony, contrary to sellers' contention, was to the effect that the harmful potentialities of the various ingredients contained therein were not materially affected by their combination into one preparation.

In regard to the evidential value of experiments performed on rats, cats and monkeys, for their bearing on possible toxic and dangerous properties of a preparation offered for alcoholism: it appeared that the experiments were conducted primarily for the purpose of ascertaining the lethal dose rather than the effect of the preparation on the various organs, such as the heart and lungs; results tended to substantiate testimony to the effect that preparation did possess toxic and dangerous properties, and were insufficient to meet expert testimony supporting conclusion that preparation did indeed have such properties.

Before *Mr. John J. Keenan, Mr. Randolph Preston, Mr. Charles A. Vilas and Mr. Miles J. Furnas*, trial examiners.

Mr. Gerard A. Rault and Mr. DeWitt T. Puckett for the Commission.

Rosen, Francis & Cleveland, 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 Western Chemicals, Inc., Maffett Sales Corporation, Bartell Drug Co., corporations, and Frank L. Wilson, N. B. Wilson, and Reuel K. Yount, individuals, 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, Western Chemicals, Inc., is a corporation organized and created under the laws of the State of Washington, with its office and principal place of business located at 1417 Fourth Avenue, Seattle, Wash.

Respondent, Maffett Sales Corporation, is a corporation organized and created under the laws of the State of Washington, with its office and principal place of business located at 1417 Fourth Avenue, Seattle, Wash.

Respondent, Bartell Drug Co., is a corporation organized and created under the laws of the State of Washington, with its principal

office and place of business located at 1906 Boren Avenue, Seattle, Wash.

Respondent, Frank L. Wilson, is an individual and is president of corporate respondents, Western Chemicals, Inc., and Maffett Sales Corporation. His principal office and place of business is located at 1417 Fourth Avenue, Seattle, Wash.

Respondent, N. B. Wilson is an individual and is vice president of corporate respondent, Western Chemicals, Inc., and Maffett Sales Corporation. Her office and principal place of business is located at 1417 Fourth Avenue, Seattle, Wash.

Respondent, Reuel K. Yount, is an individual and is secretary-treasurer of the corporate respondents. His office and principal place of business is located at 1417 Fourth Avenue, Seattle, Wash.

PAR. 2. Respondent, Western Chemicals, Inc., is engaged in the business of distributing a medical preparation sold under the trade name of "Alcoba" between and among various States of the United States and the District of Columbia.

Respondent, Maffett Sales Corporation, is engaged in the business of selling said medical preparation, Alcoba, to retail dealers located in various States of the United States and the District of Columbia.

Respondent, Bartell Drug Co., is engaged in the retail drug business in the city of Seattle, Wash., and sells, among other drugs, the preparation known as Alcoba.

PAR. 3. The corporate respondents and the individual respondents hereinabove named have acted together and in cooperation with each other in carrying out the acts and practices herein alleged.

PAR. 4. In the course and conduct of their aforesaid business, the respondents have disseminated and are now disseminating, and have caused and are now causing the dissemination of false advertisements concerning their said drug, 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 their said drug; and have disseminated and are now disseminating, and have caused and are now causing the dissemination of, false advertisements concerning their said drug, by various means, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of their said drug in commerce, as commerce is defined in the Federal Trade Commission Act.

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Among, and typical of the false statements and representations contained in said advertisements, disseminated and caused to be disseminated, as aforesaid, are the following:

Excessive drinking—try Alcoban. Alcoban has aided thousands addicted to the excess use of alcohol * * *.

A doctor's prescription used for years for those addicted to the excessive use of alcohol. It is now offered to the public as Alcoban * * *. Aids the sufferer to overcome the craving for liquor and to build up his resistance.

Alcoban contains no narcotics or habit-forming drugs. It leaves no ill effects upon any organ of the body.

The representations hereinbefore set out and other representations similar thereto but not set out herein appearing in respondents' advertisements are false, misleading and untrue. This preparation is not a competent, safe, nor scientific treatment for alcoholism. Its use may have ill effects upon the human body. Said advertisements of respondents are also false in that they fail to reveal that the use of this product, under the conditions prescribed in said advertisements, and under such conditions as are customary and usual, may result in the serious illness and in some cases the death of the user.

The true facts are that the preparation Alcoban contains the following active ingredients:

Emetine hydrochloride.

Ephedrine hydrochloride.

Plilocarpine hydrochloride.

Each of these drugs is in itself potent and harmful, and when combined with the others as in this preparation results in a compound which may have marked toxic, and in some cases fatal, effects upon the human system.

PAR. 5. The use by the respondents of the foregoing false, deceptive and misleading statements and representations with respect to the product Alcoban, disseminated as aforesaid, has had, and now has, the capacity and tendency to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that said statements and representations are true, and induces a portion of the purchasing public, because of such erroneous and mistaken belief to purchase respondents' preparation containing injurious drugs.

PAR. 6. 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.

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REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on March 9, 1939, issued and thereafter served its complaint in this proceeding upon the respondents, Western Chemicals, Inc., a corporation; Maffett Sales Corporation, a corporation; Bartell Drug Co., a corporation; and Frank L. Wilson, N. B. Wilson, and Reuel K. Yount, individuals, 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 the complaint and the filing of respondents' answer thereto, testimony and other evidence in support of the allegations of the complaint were introduced by attorneys for the Commission, and in opposition thereto by attorneys for the respondents, before trial examiners of the Commission theretofore duly designated by it, and such 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 complaint, answer, testimony and other evidence, report of the trial examiners upon the evidence and the exceptions to such report, and brief in support of the complaint (no brief having been filed by respondents and 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. Respondent, Western Chemicals, Inc., is a corporation organized and existing under the laws of the State of Washington. While the corporation has not been legally dissolved, it ceased active business operations in January 1939, having previously transferred all of its assets to respondent Maffett Sales Corporation. During the period of its business activities it maintained its office and principal place of business at 1417 Fourth Avenue, Seattle, Wash.

Respondent, Maffett Sales Corporation, is a corporation organized and existing under the laws of the State of Washington, with its office and principal place of business located at 1417 Fourth Avenue, Seattle, Wash.

Respondent, Bartell Drug Co., is a corporation organized and existing under the laws of the State of Washington, with its office and

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principal place of business located at 1906 Boren Avenue, Seattle, Wash.

Respondent, Frank L. Wilson, an individual, is president of respondents, Western Chemicals, Inc., and Maffett Sales Corporation, his office being located at 1417 Fourth Avenue, Seattle, Wash.

Respondent, N. B. Wilson, an individual, is vice president of respondents, Western Chemicals, Inc., and Maffett Sales Corporation, her office being located at 1417 Fourth Avenue, Seattle, Wash.

Respondent, Reuel K. Yount, an individual, is secretary-treasurer of respondents, Western Chemicals, Inc., and Maffett Sales Corporation, his office being located at 1417 Fourth Avenue, Seattle, Wash.

The individual respondents are also directors and stockholders of respondents, Western Chemicals, Inc., and Maffett Sales Corporation, and formulate the policies and direct and control the business practices and methods of the two corporations.

PAR. 2. For several years immediately preceding January 1939 respondent, Western Chemicals, Inc., was engaged in the sale and distribution in commerce among and between the several States of the United States and in the District of Columbia, of a medicinal preparation known as Alcoban and intended as a treatment for alcoholism.

Respondent, Maffett Sales Corporation, is now, and for more than 3 years last past has been, engaged in the sale and distribution, in commerce among and between the several States of the United States and in the District of Columbia, of this same medicinal preparation.

Both of these respondents maintain or have maintained a course of trade in their medicinal preparation in commerce among and between the several States of the United States and in the District of Columbia.

Respondent, Bartell Drug Co., is engaged in the retail drug business in the city of Seattle, Wash., and sells the preparation Alcoban as well as numerous other drugs.

PAR. 3. In the course and conduct of their businesses the respondents, acting in cooperation with each other, have advertised their preparation Alcoban through the United States mails, and by means of advertisements inserted in newspapers and periodicals having wide circulation among and between numerous States of the United States and in the District of Columbia. All of these advertisements were for the purpose of inducing or were likely to induce, directly or indirectly, the purchase of respondents' preparation in commerce, as commerce is defined in the Federal Trade Commission Act.

Among the statements and representations appearing in advertisements disseminated and caused to be disseminated in this manner by

respondents, Western Chemicals, Inc., and Maffett Sales Corporation, were the following:

Excessive drinking—try Alcoban. Alcoban has aided thousands addicted to the excess use of alcohol * * *.

A doctor's prescription used for years for those addicted to the excessive use of alcohol. It is now offered to the public as Alcoban * * *. Aids the sufferer to overcome the craving for liquor and the build up his resistance.

Alcoban contains no narcotics or habit-forming drugs. It leaves no ill effects upon any organ of the body.

Respondent Bartell Drug Co. has disseminated, in addition to the first advertisement quoted above, the following advertisements:

Liquor Habit—Alcoban has aided thousands; a doctor's prescription used for years. The nationally advertised aid for excessive drinking.

Liquor Habit. Alcoban has aided many addicted to the excessive use of alcohol. It can be given secretly in alcoholic liquors, other liquids or food. Praised from coast to coast.

PAR. 4. Through the use of these advertisements and others of a similar nature the respondents have represented, directly or by implication, that their preparation Alcoban constitutes a competent and effective treatment for alcoholism, and that it may be used with safety and without danger of ill effects upon the body.

PAR. 5. The preparation Alcoban is sold in capsules and each capsule contains:

Emetine hydrochloride, $\frac{1}{8}$ grain.

Ephedrine hydrochloride, $\frac{1}{8}$ grain.

Pilocarpine hydrochloride, $\frac{1}{8}$ grain.

Milk sugar in quantity sufficient to complete a No. 3 capsule.

The preparation is intended to be given in alcoholic drinks or in other liquids such as coffee, tea, soup, milk, or water, or in soft food. The pertinent portions of respondents' directions for the use of the preparation are as follows:

A. When ALCOBAN can be given in separate Alcoholic Drinks:

1. Open 1 capsule and empty contents into one drink of alcoholic liquor. Repeat every 10 minutes until 3 capsules have been given. By this time you should see desired results, which are sweating or vomiting, or both.

2. This shows ALCOBAN is starting to do its work, and from then on you should expect vomiting to occur in from 5 to 15 minutes after each drink containing ALCOBAN.

3. After taking from two to four capsules in the manner described above, it is to be expected that the drinker will not be able to retain the liquor he has drunk, but, if possible, persuade him to have another drink and another, each containing Alcoban, until he cannot take another drink.

4. IMPORTANT. If you do not see either sweating or vomiting within one-half hour, after the 3rd capsule is given, then continue the treatment and

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give the contents of 2 capsules in each drink, 10 minutes apart, until 3 doses have been given. When person drinks again, repeat the treatment as directed above.

5. The more freely alcoholic drinks are taken when ALCOBAN is being given, the more effect the treatment should have.

B. When ALCOBAN can be put into the bottle of Alcoholic Liquor:

6. Let the drinker drink from the bottle as freely as he wishes.

7. Table of MINIMUM amounts to be put into bottle: In 1 pint of beer put the powder of 2 capsules. In 1 quart of beer put the powder of 4 capsules. In 1 pint of wine or "hard" liquor put powder of 6 capsules. In 1 quart of wine or "hard" liquor put powder of 12 capsules.

8. If this is not enough ALCOBAN to cause sweating and vomiting in 15 or 20 minutes, then double the amount of ALCOBAN when you continue the treatment.

(Giving ALCOBAN according to paragraphs A or B should give best and quickest results.)

C. When ALCOBAN cannot be given in Alcoholic Liquor but can be given when Person is intoxicated; or even near the Time when he will drink Alcohol:

(This means 15 minutes before drinking alcoholic liquor or one-half hour after.)

9. In this case give the contents of 1 capsule of ALCOBAN in coffee, tea, soup, milk, water, or soft food and repeat if possible 10 minutes apart until 3 capsules have been given.

10. Then wait one-half hour for proper results. If vomiting does not occur, then double the dose, and give the contents of 2 capsules in each cup of liquid, until 3 doses are given. Repeat this program with single or double dose, as necessary, each time possible when person is intoxicated.

PAR. 6. Emetine, as the name implies, is an emetic. It induces nausea and causes emesis or vomiting. It is a gastrointestinal irritant and when used in substantial quantities produces toxic effects in the system.

Ephedrine is frequently used in the treatment of respiratory disorders. It has a stimulating effect upon the heart and the circulation as well as the nervous system and tends to produce a nervous excitability. In the case of older persons the drug may increase the blood pressure sufficiently to injure the cerebral vessels.

Pilocarpine acts as a depressant on the heart and circulation as well as on the respiratory system. When given in repeated doses and retained in the body it may affect the heart action to a marked extent. It is occasionally used by physicians to produce sweating and also to stimulate the kidneys and increase the flow of urine. One of the principal dangers from the use of pilocarpine is that it may result in edema of the lungs.

PAR. 7. The theory upon which respondents assert the effectiveness of their preparation as a treatment for alcoholism is that the nausea and vomiting caused by the preparation have a psychological

effect upon the patient and cause him to form an aversion toward alcohol. Respondents urge that if the preparation is used over a substantial period of time this aversion to alcoholic beverages becomes so strong that the very thought of drinking such beverages causes a sensation of nausea, with the result that the patient comes to abstain from the use of alcohol. A further value asserted by the respondents for the preparation is that the pilocarpine content causes sweating and that thus a portion of the alcohol in the system is removed.

A number of outstanding authorities in the field of medicine and pharmacology were introduced as witnesses at the instance of the Commission, and these witnesses were a unit in their opinion that Alcoban is not a competent or effective treatment for alcoholism. The nausea induced by the preparation may cause the user to lose his taste for alcohol, but the effect is only temporary. There is no basis upon which to assume that the patient will abstain from the use of alcohol after the feeling of nausea has passed.

Neither the preparation Alcoban nor any of its ingredients is recognized by the medical profession as a treatment for the liquor habit. The consensus among physicians is that the treatment of alcoholism must be approached primarily from the psychological angle. The causes which prompt an individual to resort to alcohol must be ascertained and these causes must, if possible, be removed. The fundamental objective is to create in the individual a genuine desire and determination to abstain from the excessive use of liquor. Attention is also given by physicians to the general physical condition of the user, and an effort is made through the regulation of the diet and otherwise to build up the patient's general condition and powers of resistance.

The expert testimony further shows that respondents' preparation is not safe for use by the lay public. As indicated above, the active ingredients of the preparation are recognized by physicians and pharmacologists as possessing substantial capacities for harm to various organs of the body, and these drugs are administered by physicians with caution. The unsupervised use of the drugs by the public in the dosage and over the period of time prescribed by respondents is dangerous, and this is particularly true in view of the fact that the general physical resistance of persons addicted to the excessive use of alcohol is usually at a low level.

The expert testimony introduced by respondents recognizes in the main that each of the drugs contained in the preparation possesses toxic properties, but it is insisted that as a result of combining the

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drugs into one preparation the toxic properties of each drug are to a substantial measure offset or neutralized by the counteraction of the other ingredients. For example, it is contended that the ephedrine in the preparation, by reason of its properties as a stimulant, has the effect of counterbalancing the depressant effects of the pilocarpine. The record shows, however, that any neutralizing effect which the ephedrine may have upon the pilocarpine is only temporary. The substantial preponderance of the expert testimony in the record is to the effect that the harmful potentialities of the various ingredients in the preparation are not materially affected by combining the ingredients into one preparation.

In addition to the testimony of expert witnesses the respondents also offered in evidence the results of certain experiments performed on animals—rats, cats, and monkeys, some of which had been given alcohol until they were intoxicated. While the amounts of the preparation required to cause death to the animals were substantially larger than the amounts which ordinarily would be consumed by a user of the preparation, the results of the experiments tend to substantiate the testimony offered by the Commission to the effect that the preparation possesses toxic and dangerous properties. Moreover, the experiments were conducted primarily for the purpose of ascertaining the lethal dose, rather than the effect of the preparation on the various organs of the body such as the heart and lungs. After giving full consideration to all of the evidence offered by respondents, including the expert testimony and the results of the experiments, the Commission is of the opinion that the evidence is insufficient to meet the expert testimony introduced at the instance of the Commission.

PAR. 8. The Commission therefore finds that respondents' preparation does not constitute a competent or effective treatment for alcoholism; that it cannot be used with safety and without danger of ill effects upon the body; and that the representations made by the respondents, as set forth in paragraphs 3 and 4 hereof, are misleading and deceptive and constitute false advertisements. Respondents' advertisements are false for the further reason that they fail to reveal that the use of respondents' preparation under the conditions prescribed in the advertisements or under such conditions as are customary or usual may result in serious injury to the health of the user.

PAR. 9. The Commission further finds that the use by the respondents of these false advertisements has the tendency and capacity to mislead and deceive a substantial portion of the purchasing public

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into the erroneous and mistaken belief that respondents' preparation possesses therapeutic properties which it does not in fact possess, and that the preparation is safe for use, when such is not the fact, and the tendency and capacity to cause such portion of the public to purchase substantial quantities of respondents' preparation as a result of such erroneous and mistaken belief.

CONCLUSION

The acts and practices of the respondents as herein found 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.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of the complaint, report of the trial examiners upon the evidence and the exceptions to such report, and brief in support of the complaint (no brief having been filed by respondents and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondents, Western Chemicals, Inc., a corporation; Maffett Sales Corporation, a corporation; Bartell Drug Co., a corporation; and their officers, and Frank L. Wilson, N. B. Wilson, and Reuel K. Yount, individuals, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of respondents' preparation "Alcoban" or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, 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 by implication, that said preparation constitutes a competent or effective treatment for alcoholism; or that said preparation may be used with safety or without danger

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of ill effects upon the body; or which advertisement fails to reveal that the use of said preparation may produce toxic conditions in the body, and may result in serious injury to the nerves, heart and lungs.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof, or which fails to reveal that the use of said preparation may produce toxic conditions in the body, and may result in serious injury to the nerves, heart, and lungs.

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

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IN THE MATTER OF
PARFUMS RONNI, INC.

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

Docket 4569. Complaint, Aug. 14, 1941—Decision, Mar. 2, 1942

Where a corporation, engaged in interstate sale and distribution of a cosmetic preparation for the eyelashes variously designated as "Ronni Mascara," "Ronni Cream Mascara," "Mascara by Ronni," and "Mascara"; by advertisements disseminated through the mails and otherwise—

Falsely represented, directly and by implication, that its said product would not smudge or run, and was waterproof and tearproof;

With capacity and tendency to mislead and deceive a substantial portion of the purchasing public into the erroneous belief that said representations were true, and into the purchase of substantial quantities of said preparation because of such mistaken 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. John W. Addison*, trial examiner.

Mr. R. P. Bellinger for the Commission.

Berlin & Hellman, 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 Parfums Ronni, Inc., a corporation, hereinafter referred to as respondent, has violated the provisions of said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, Parfums Ronni, Inc., is a corporation organized and existing under and by virtue of the laws of the State of New York, with its principal place of business at 18 West Twentieth Street, New York, N. Y.

PAR. 2. Respondent is now and for more than one year last past has been engaged in the business of selling and distributing a cosmetic preparation variously designated as "Ronni Mascara," "Ronni Cream Mascara," "Mascara by Ronni" and "Mascara."

Respondent causes said preparation, when sold, to be transported from its place of business in the State of New York to purchasers