

Syllabus

IN THE MATTER OF
ULTRA-VIOLET PRODUCTS, INC.COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 4407. Complaint, Dec. 7, 1940—Decision, June 8, 1942*

Where a corporation, engaged in the manufacture and interstate sale and distribution of its "Life Lite" ultraviolet lamp; by means of advertisements in newspaper and periodicals, and other media, directly and by implication—

(a) Represented that its said product was a sun lamp which would afford benefits to the skin and to the general health comparable to those afforded by natural sunlight;

The facts being that sun lamps, as known and designated by physicians and chemists, emit ultraviolet rays within the range of natural sunlight, of from 2,900 to 3,900 angstrom units, while the wave length of 89.2 percent of the rays emitted by said "Life Lite" lamp was approximately 2,540 angstroms, placing it within the category of therapeutic lamps, rays of which are more intense and consequently harsher and more irritating to the skin than those emitted by the sun lamp; and benefits afforded by its said lamp to skin and general health could not be compared with natural sunlight because of said wide variation between the rays emanating from the two sources;

(b) Represented that use of its said lamp constituted a cure or competent treatment for such conditions as barber's itch, ringworm, athlete's foot, acne, eczema, psoriasis, shingles and erysipelas, and for sores and ulcers;

The facts being that while ultraviolet rays of the wave length emitted by said lamp possess bactericidal properties, such properties are effective only where the infection is limited to the surface of the skin, and while the lamp might stimulate healing of sores and ulcers, it would do so only where infection causing the condition was confined to the surface; and the other ailments and conditions above mentioned were due to bacteria or fungi existing below the surface of the skin where said rays were incapable of penetrating;

(c) Represented that its said lamp constituted a cure or competent treatment for asthma, hay fever, bronchitis, colds, sinus trouble, discharges from the ears, and anemia; and that it stimulated the tissues of the skin, built up resistance to disease, produced chemical reaction which kept the blood stream in balance, aided in overcoming a deficiency of either white or red corpuscles, produced a tonic effect upon the blood, and stimulated the endocrine glands;

The facts being it was incapable of building up resistance to disease, produced no chemical reaction with respect to the blood stream, aside from its said irritating effect afforded no stimulation to the skin and other claims above set forth were false; and

(d) Represented that its said lamp quieted and soothed the nerves, particularly the nerve endings in the skin; acted as an antacid by its alkalizing effect upon the body; improved metabolism, making the body strong, increasing vitality, and building new tissues; and improved general tone of the body and mental resistance, toning up the nervous system, inducing sleep, normalizing the chemistry of the body, and relieving pain;

Complaint

34 F. T. C.

The facts being such claims were false; said lamp was incapable of normalizing body chemistry or affecting metabolism except insofar as use thereof might activate cholesterol in the skin, resulting in production of Vitamin D and consequent absorption and deposition of calcium and phosphorus, particularly in the bone tissues; and any building of new tissues was limited to such effect as might result from the production of said vitamins; and

- (e) Failed to reveal facts material in the light of the representations contained in said advertisements, and that use of its said lamp under usual or prescribed conditions might result in serious injury, in that while directions accompanying said products contained cautionary statements with respect to some of the potential dangers in the use thereof, its said advertisements made no reference to potentialities for injury in excessive exposure, need for care due to fact that persons with fair skin and young children are hypersensitive to such rays, nor to fact that certain types of skin disorders are aggravated rather than helped by ultraviolet rays, which are also contraindicated in cases of pellagra, or danger of resulting severe conjunctivitis from use thereof unless suitable goggles are worn;

With tendency and capacity of misleading and deceiving a substantial portion of the purchasing public into the mistaken belief that said lamp possessed therapeutic values which it did not, and was entirely safe for use in all cases, thereby inducing it to purchase lamp in question because of such mistaken beliefs:

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.

Before *Mr. Edward E. Reardon*, trial examiner.

Mr. Merle P. Lyon for the Commission.

Mr. Ernest A. Tolin, of Los Angeles, Calif., 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 Ultra-Violet Products, 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, Ultra-Violet Products, Inc., is a corporation, organized, existing and doing business under and by virtue of the laws of the State of California, with its principal office and place of business located at 6158 Santa Monica Boulevard, in the city of Los Angeles, State of California. It is now, and for more than 2 years last past has been, engaged in the manufacture of a device designated as "Life Lite" and in the sale and distribution of such device in commerce between and among the various States of the

United States and in the District of Columbia. Said device is a quartz lamp of the so-called "cold" type, whereby a mercury arc is burned in quartz. It is sold, designed, and intended for home use by the lay individual as an artificial means of obtaining the ultra-violet rays of natural sunlight, and for the alleged prevention, treatment and alleviation of various ailments, diseases, and abnormal conditions of the human body.

PAR. 2. Respondent, being engaged in business as aforesaid, causes and has caused its said device, "Life Lite," when sold, to be transported from its said place of business in the State of California to purchasers thereof located in States of the United States other than the State of California, and in the District of Columbia. Respondent maintains, and at all the times herein mentioned has maintained, a course of trade in said device in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of its aforesaid business, the respondent has disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning its said product by the United States mails, and by various other means in commerce, as commerce is defined in the Federal Trade Commission Act; and respondent has also disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning its said product, by various means, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of its said product in commerce, as commerce is defined in the Federal Trade Commission Act. Among, and typical of, the false, misleading, and deceptive statements and representations contained in said false advertisements, disseminated and caused to be disseminated, as hereinabove set forth, by the United States mails, by advertisements in newspapers and periodicals, and by other advertising literature, are the following:

Life Lite ultra-violet rays clear up many of the chronic skin disorders which have failed to respond to other methods of treatment * * * Most infections of the skin respond quickly to the germ killing effects of the rays. Furthermore, they stimulate the skin tissue to build a high degree of disease resistance.

Ultra-Violet helps to set up a chemical reaction that keeps the blood stream in balance. It aids in overcoming a deficiency of either white or red blood corpuscles * * * As well as deficiencies of the red coloring matter that is so important as an oxygen carrying agent. Thus, this tonic effect on the blood not only builds direct resistance to infection but also stimulates the endocrine glands that are so vital to health.

The chemical action of ultra-violet rays soothes the nerve endings in the skin and alleviates many internal conditions. The anti-acid or alkalizing effect of ultra-violet rays, plus their ability to increase the general resistance, help to correct many forms of illness.

Complaint

34 F. T. C.

Build Better Health with Life Lite * * * A full quota of sunlight whether obtained from natural or artificial sources means a better functioning of the human body. It helps build resistance against disease, improves metabolism and increases capacity for work or play.

Many disorders of the catarrhal type, such as asthma, hay-fever, bronchitis, colds, sinus trouble, and discharge from the ears, are corrected more rapidly if daily treatment is given with the cold ultra-violet ray lamp.

Many skin diseases, where fungi are present, such as barber's itch, ringworm, and impetigo, also disappear when the proper dosages of the rays are used * * * Great improvement in cases of athlete's foot will quickly be noted.

* * * In acne, eczema, psoriasis, shingles and erysipelas, ultra-violet can often be used with marked benefit. The ultra-violet rays destroy germs and also hasten the growth of new, clean tissue * * *

Life Lite is indispensable for the home treatment of a great many skin diseases and for relieving many types of illness. It is without doubt the finest means of building up the general resistance, overcoming low vitality, and quickening convalescence of any known natural treatment.

Patients with anemia should receive ultra-violet light treatments in addition to dietary changes. The light-ray applications have a tendency to increase both the hemoglobin and red corpuscles of the blood.

You will find our quartz ultra-violet lamps to be the safest and most efficient on the market. The intensity is correctly regulated so that there is no danger of serious over-exposure.

These rays are absolutely necessary to vigorous, normal existence as well as a powerful aid in healing disease. It has been shown that the ultra-violet rays are one of the main factors which produce improved tone, increased resistance and better mental reaction. They tone up the nervous system and induce restful sleep by a regulatory influence on the metabolism in all cases showing a calcium and phosphorus deficiency.

Quartz ultra-violet rays normalize body chemistry! Life Lite rebuilds your resistance to colds, increases vitality and heals most skin diseases.

Skin Diseases, acne, eczema, psoriasis, sores, ulcers, infections, etc. Life Lite quartz ultra-violet lamps heal most skin diseases safely, quickly and easily at home.

Get your quota of sunlight with Life Lite * * * clear up most of your chronic skin disorders * * * build resistance against disease * * * and relieve pain. Sufferers from psoriasis, acne, eczema, ulcers, and impetigo have obtained noticeable improvement after consistent use of Life Lite.

PAR. 4. By the use of the above and similar representations not set out herein respondent has directly and by implication represented to the general public that its said device designated "Life Lite" is a sun lamp; that it is safe for use in the home for self-treatment without the supervision of a qualified physician; and that it will give benefits to the skin and to the general health of the individual comparable to that given by natural sunlight. Respondent has further represented to the general public, as aforesaid, that the use of said device provides a cure, remedy, or competent and adequate treatment for chronic, infectious, and bacterial skin diseases and ailments, as well as those of

fungus origin, asthma, hay-fever, bronchitis, colds, sinus trouble, discharges from the ears, barber's itch, ringworm, impetigo, athlete's foot, acne, eczema, psoriasis, shingles, erysipelas, anemia, sores and ulcers, and that it will give relief in all of such conditions, diseases, and ailments. Respondent has also represented to the general public, as aforesaid, that the use of said device stimulates the tissues of the skin; that it builds up in the body resistance to disease; that it produces a chemical reaction that keeps the blood stream in balance; that it aids in overcoming a deficiency of either white or red corpuscles; that it produces a tonic effect upon the blood; that it builds up the body's resistance to infection; that it stimulates the endocrine glands; that it quiets and soothes the nerves, especially the nerve endings in the skin; that it acts as an antacid and has an alkalizing effect upon the body; that it improves metabolism; that it makes the body strong, increases vitality, and builds new tissues; that it improves the general tone of the body and improves mental reactions; that it tones up the nervous system and induces sleep; that it normalizes body chemistry and that it relieves pain.

PAR. 5. Ultraviolet rays are measured in angstrom units. The ultraviolet rays emitted from natural sunlight range in wave lengths from 2,800 to 3,150 angstrom units. A lamp which emits ultraviolet rays within this range is properly understood and designated by members of the medical profession generally as a sun lamp. Lamps which emit ultraviolet rays of less than 2,800 angstrom units are considered by the medical profession generally as therapeutic lamps rather than as sun lamps for the reason that the rays emitted therefrom possess bactericidal properties and are not comparable to the rays emitted by natural sunlight. Such therapeutic lamps are not suitable for the same type of uses as are sun lamps and are not suitable for home use for therapeutic purposes without the supervision of a trained and skilled operator because of the danger of overexposure and severe burns. Respondent's lamp is in the category of therapeutic lamps by reason of its emission of ultraviolet rays of approximately 2,540 angstrom units.

Respondent's device will not give benefits to the skin and to the general health of the individual comparable to that given by natural sunlight for the reason that the ultraviolet rays emitted therefrom are not, in turn, comparable to the ultraviolet rays emitted by natural sunlight. The therapeutic value of respondent's device is limited to the possible destruction of bacteria when present on the surface of the skin and it would be of no value in the treatment of chronic infections, asthma, hay-fever, bronchitis, colds, sinus trouble, discharges from the

Complaint

34 F. T. C.

ears, barber's itch, ringworm, impetigo, athlete's foot, acne, eczema, psoriasis, shingles, erysipelas, anemia, sores, or ulcers. Said device has little or no value in the treatment of bacterial skin diseases or those of fungus origin because of its inability to penetrate the layers of the skin to reach such germs or organisms which are not found generally on the surface of the skin. Furthermore, the use of said device will not stimulate the tissues in the skin or build up resistance in the body against disease. Said device will not produce a chemical reaction in the body, keep the blood stream in balance, or aid in overcoming a deficiency of the white or red blood corpuscles, nor does it produce a tonic effect on the blood. It does not build up the body's resistance against infection, stimulate the endocrine glands or quiet and soothe the nerves or the nerve endings in the skin. Said device does not act as an antacid or have an alkalizing effect upon the body. The use of said device does not result in an improvement in the process of metabolism nor does it make the body strong or increase vitality or build new tissue. It does not improve the general tone of the body or improve mental reactions. The use of said device does not tone up the nervous system, induce sleep, normalize the body chemistry, or relieve pain.

PAR. 6. In addition to the false and misleading statements hereinabove set forth, the respondent is also engaged in the dissemination of false advertisements as aforesaid in that said advertisements fail to reveal facts material in the light of the representations contained therein and fail to reveal that the unsupervised use of respondent's device for therapeutic purposes by persons not trained in the operation of such device and not skilled in the diagnosis, analysis and methods of treatment of diseases may result in severe burns and other serious and irreparable injury to health.

PAR. 7. The use by the respondent of the foregoing false, deceptive and misleading statements, representations and advertisements disseminated as aforesaid with respect to the therapeutic value of its said device 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 said device.

PAR. 8. The aforesaid acts and practices of the respondent 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 December 7, 1940, issued and subsequently served its complaint in this proceeding upon the respondent, Ultra-Violet Products, Inc., a corporation, charging it with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of that act. After the filing of respondent's answer, testimony, and other evidence in support of the allegations of the complaint were introduced by Merle P. Lyon, attorney for the Commission, and in opposition thereto by Ernest A. Tolin, attorney for the respondent, before Edward E. Reardon, a trial examiner 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, the answer of the respondent, testimony, and other evidence, report of the trial examiner upon the evidence, briefs in support of and in opposition to the complaint, and oral argument, and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts and its conclusion drawn therefrom:

FINDINGS AS TO THE FACTS

PARAGRAPH 1. The respondent, Ultra-Violet Products, Inc., is a corporation, organized, existing, and doing business under and by virtue of the laws of the State of California, with its principal office and place of business located at 5205 Santa Monica Boulevard, Los Angeles, Calif. Respondent is now and for some 10 years last past has been engaged in the manufacture and in the sale and distribution of a certain device known as a therapeutic lamp, used for the radiation of ultraviolet rays. The lamp is sold by respondent under the trade name "Life Lite," and is intended by respondent for use in the treatment of various ailments, diseases, and conditions of the human body.

PAR. 2. The respondent causes and has caused its lamps, when sold, to be transported from its place of business in the State of California to purchasers thereof located in various other States of the United States and in the District of Columbia. Respondent maintains and for some 10 years last past has maintained a course of trade in its lamps in commerce among and between the several States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of its business and for the purpose of promoting the sale of its lamps, the respondent has disseminated and is now disseminating and has caused and is now causing the dissemination of, various advertisements concerning its lamps by the United States mails and by various other means in commerce, as commerce is defined in the Federal Trade Commission Act; and respondent has also disseminated and is now disseminating, and has caused and is now causing the dissemination of, advertisements concerning its lamps by various means for the purpose of inducing and which are likely to induce, directly or indirectly, the purchase of its lamps in commerce, as commerce is defined in the Federal Trade Commission Act.

Among the representations appearing in respondent's advertisements, disseminated and caused to be disseminated as set forth above, by the United States mails, in newspapers and periodicals, and by other media, are the following:

Life Lite ultra-violet rays clear up many of the chronic skin disorders which have failed to respond to other methods of treatment * * * Most infections of the skin respond quickly to the germ killing effects of the rays. Furthermore, they stimulate the skin tissue to build a high degree of disease resistance.

Ultra-Violet helps to set up a chemical reaction that keeps the blood stream in balance. It aids in overcoming a deficiency of either white or red blood corpuscles. * * * As well as deficiencies of the red coloring matter that is so important as an oxygen carrying agent. Thus, this tonic effect on the blood not only builds direct resistance to infection but also stimulates the endocrine glands that are so vital to health.

The chemical action of ultra-violet rays soothes the nerve endings in the skin and alleviates many internal conditions. The anti-acid or alkalizing effect of ultra-violet rays, plus their ability to increase the general resistance, help to correct many forms of illness.

Build Better Health with Life Lite. * * * A full quota of sunlight whether obtained from natural or artificial sources means a better functioning of the human body. It helps build resistance against disease, improve metabolism and increases capacity for work or play.

Many disorders of the catarrhal type, such as asthma, hay-fever, bronchitis, colds, sinus trouble, and discharge from the ears, are corrected more rapidly if daily treatment is given with the cold ultra-violet ray lamp.

Many skin diseases, where fungi are present, such as barber's itch, ringworm, and impetigo, also disappear when the proper dosages of the rays are used. * * * Great improvement in cases of athlete's foot will quickly be noted.

* * * In acne, eczema, psoriasis, shingles and erysipelas, ultra-violet can often be used with marked benefit. The ultra-violet rays destroy germs and also hasten the growth of new, clean tissue. * * *

Life Lite is indispensable for the home treatment of a great many skin diseases and for relieving many types of illness. It is without doubt the finest means of building up the general resistance, overcoming low vitality, and quickening convalescence of any known natural treatment.

Patients with anemia should receive ultra-violet light treatments in addition to dietary changes. The light-ray applications have a tendency to increase both the hemoglobin and red corpuscles of the blood.

You will find our quartz ultra-violet lamps to be the safest and most efficient on the market. The intensity is correctly regulated so that there is no danger of serious over-exposure.

These rays are absolutely necessary to vigorous, normal existence as well as a powerful aid in healing disease. It has been shown that the ultra-violet rays are one of the main factors which produce improved tone, increased resistance and better mental reaction. They tone up the nervous system and induce restful sleep by a regulatory influence on the metabolism in all cases showing a calcium and phosphorus deficiency.

Quartz ultra-violet rays normalize body chemistry! Life Lite rebuilds your resistance to colds, increases vitality and heals most skin diseases.

Skin Diseases, acne, eczema, psoriasis, sores, ulcers, infections, etc. Life Lite quartz ultra-violet lamps heal most skin diseases safely, quickly and easily at home.

"Get your quota of sunlight with Life Lite * * * clear up most of your chronic skin disorders * * * build resistance against disease * * * and relieve pain. Sufferers from psoriasis, acne, eczema, ulcers, and impetigo have obtained noticeable improvement after consistent use of Life Lite.

PAR. 4. Through the use of these representations and others of a similar nature the respondent has represented, directly or by implication, that its lamp is a sun lamp, and that the lamp will afford benefits to the skin and to the general health of the user comparable to those afforded by natural sunlight; that the use of the lamp constitutes a cure or remedy, or a competent and adequate treatment for asthma, hay fever, bronchitis, colds, sinus trouble, discharges from the ears, barber's itch, ringworm, athlete's foot, acne, eczema, psoriasis, shingles, erysipelas, anemia, sores, and ulcers; that it stimulates the tissues of the skin; that it builds up in the body resistance to disease; that it produces a chemical reaction which keeps the blood stream in balance; that it aids in overcoming a deficiency of either white or red corpuscles; that it produces a tonic effect upon the blood; that it builds up the resistance of the body to infection; that it stimulates the endocrine glands; that it quiets and smoothes the nerves, particularly the nerve endings in the skin; that it acts as an antacid and has an alkalizing effect upon the body; that it improves metabolism; that it makes the body strong, increases vitality, and builds new tissues; that it improves the general tone of the body and improves mental reactions; that it tones up the nervous system and induces sleep; that it normalizes the chemistry of the body; and that it relieves pain.

PAR. 5. Respondent's lamp is made in some seven different models, divided generally into hand lamps and stand lamps, that is, lamps which are mounted upon a stand. With the exception of one or two of the models which are intended for use by physicians exclusively, the

Findings

34 F. T. C.

lamps are designed primarily for use by the general public for self-application in the home. The lamps are sold principally through dealers, except in the trade area around Los Angeles, where respondent contacts the purchasing public direct by means of sales agents.

The lamp is of the type known as the cold quartz lamp. The essential part of the device is a quartz tube, which contains a mixture of certain gases, together with a small amount of mercury. The tube is hermetically sealed to prevent the escape of the gases, and to prevent the entrance into the tube of any air from the outside. When the tube is subjected to electric current the ionization of the mercury vapor results in the radiation from the tube of ultraviolet rays. Each lamp is equipped with a time clock for regulating the use of the lamp. This clock may be set for such period of time as the user may desire, and upon the lapse of the fixed period of time the lamp is shut off automatically. The maximum period of time permitted by the clock is 6 minutes.

Along with each lamp sold, respondent supplies to the purchaser a pair of goggles for use while the lamp is in operation. Printed instructions for the use of the lamp are also supplied by respondent to each purchaser, the pertinent portions of such instructions being, in the case of the hand lamp, as follows:

CAUTION: Goggles must be worn to protect the eyes from sunburn all the time the light is on.

* * *

DIRECTIONS FOR USE

Goggles are furnished with every lamp and it is vitally important to wear them as the ultra-violet rays will sunburn unprotected eyes which makes them inflamed and painful but which causes no other harm or injury.

Uncover the portion of the body to be exposed, as the passage of ultra-violet through clothing is very limited.

Best results may be expected if your physician is consulted concerning frequency and length of treatment. This particularly applies to infants and children. Your physician is the proper guardian of your health.

* * *

TREAT THE ABDOMEN

The ultra-violet rays have very slight penetration and for this reason it is desirable to treat that part of the body in which the blood stream is closest to the surface. Best results are obtained by treating the abdomen and chest areas because 70 percent of the blood that goes into the skin capillaries comes to the surface in these areas. It is advisable to take treatments in a warm room, as the blood will be closer to the surface of the body than when exposed to a chilly temperature. Under these conditions it is possible to receive a much better reaction than if the cold air is striking the skin and causing the blood to remain in the deeper tissues.

TYPES OF PEOPLE

Blonds and brunettes react differently to the ultra-violet. A brunette will usually require longer exposures while the fair-skinned blonde generally reacts readily. Age must also be considered; the very old and the very young demanding greater caution. Children up to four or five should be given shorter treatments and it is best to give the treatments in the mornings. Some adults also find it preferable to take treatments in the morning rather than in the evening because of the stimulative effect of the rays.

TREATMENTS

For a general body sunbath: Turn the lamp on for one minute, hold the lamp about one-half inch from the skin and pass the lamp over the chest and stomach. One or two minutes distributed over the chest and stomach is enough for the first treatment. Infants, and young children, or very fair-skinned adults should be started at from one-quarter to one-half of the above exposure times. The time may be increased one minute each day until a light pinkish flush of the skin is obtained, which will show up about six hours after the treatment. Once the desired reaction is established, continue the daily treatments with this same length of time as long as the reddening continues. If the skin becomes accustomed to the rays the time may be increased until the desired effects are obtained.

KEEP THE LIGHT MOVING

Keep it moving slowly over the body all the time. This gives an even distribution of the rays and prevents spot sunburning. Never give a long enough treatment to get an extreme reaction; if you should, allow an interval of three or four days before the next treatment. One person may receive the beneficial effects of the ultra-violet rays in a two-minute or three-minute treatment, while another person will require a six-minute or seven-minute treatment over a selected area, such as the abdomen and chest. It is obvious that it is not the length of time that determines the treatments, but the required reaction through an amount sufficient to produce the slight reddening of the skin.

It is important to use the lamp always at the same distance from the skin; for the intensity is greatly affected by a change in distance because the intensity varies inversely as the square of the distance.

The directions for the use of the stand lamp are identical with those for the hand lamp, except that the portion captioned "Treatments" reads as follows:

For a general body sunbath use the lamp 20 to 24 inches from the body. The tube in this lamp is genuine quartz and the first treatment should be for not more than a one-minute exposure. The greater the distance, the longer the exposure, the ratio of distance and time being approximately proportional according to the inverse square law. Example: 2 minutes at 20 inches equals approximately 4 minutes at 30 inches.

If it is desired to treat small areas of the body the lamp may be placed closer and the treatment time reduced accordingly. Infants and young children, or very fair skinned adults should be started at from one-quarter to one-half of the above exposure time.

Findings

34 F. T. C.

The time may be increased one minute each day until a light pinkish flush of the skin is obtained, which will show up about six hours after the treatment. Once the desired reaction is established, continue the daily treatments with this same length of time as long as the reddening continues. If the skin becomes accustomed to the rays the time may be increased until the desired effects are obtained. Never give a long enough treatment to get an extreme reaction; if you should, allow an interval of three or four days before the next treatment. One person may receive the beneficial effects of the ultra-violet rays in a two-minute or three-minute treatment, while another person will require a six-minute or seven-minute treatment over a selected area, such as the abdomen and chest. It is obvious that it is not the length of time that determines the treatments, but the required reaction through an amount sufficient to produce the slight reddening of the skin.

It is important to use the lamp always at the same distance from the skin for the intensity is greatly affected by a change in distance.

There is attached to each lamp, when sold, a large red tag, which reads as follows:

CAUTION

To be used only by or on the prescription of a physician fully licensed and qualified by training and experience in the use of ultra-violet radiation.

A survey of accepted medical literature indicates that treatment of certain pathological conditions with ultra-violet radiation may be harmful.

In those conditions in which treatment is not contra-indicated, the physician will consider the type and extent of pathology present, and make such modifications of treatment as may be indicated.

Treatment may be contra-indicated in the following conditions:

Active and progressive pulmonary tuberculosis.

Advanced heart disease without compensation or myocarditis in the aged.

Advanced arteriosclerosis.

Gross renal or hepatic insufficiency.

Certain types of generalized dermatitis.

Acute or chronic nephritis.

Diabetes, hyperthyroidism and photosensitization.

DO NOT expose the eyes to the direct light from this lamp. Wear suitable goggles.

PAR. 6. The unit of measurement for the wave length of light rays is the angstrom. The wave lengths of ultra-violet rays emitted from natural sunlight range from 2,900 to 3,900 angstrom units. Lamps which emit ultra-violet rays within this range are known and designated by physicians and chemists as sun lamps, while lamps which emit ultra-violet rays of less than 2,900 angstroms are known and designated as therapeutic lamps. The wave length of 89.2 per cent of the rays emitted by respondent's lamp is approximately 2,540 angstroms, and the lamp therefore is not a sun lamp but falls within the category of therapeutic lamps. The principal difference between the effects produced by the two types of lamp is that the rays emitted

by the therapeutic lamp are more intense and consequently harsher and more irritating to the skin than those emitted by the sun lamp.

The benefits afforded by respondent's lamp to the skin and to the general health cannot properly be compared with those afforded by natural sunlight because of the wide variation between the rays emanating from the two sources. Those emitted from natural sunlight range from 2,900 angstroms in the ultraviolet rays, as pointed out above, to approximately 50,000 angstroms in the infrared rays.

PAR. 7. While ultraviolet rays of the wave length emitted by respondent's lamp possess bactericidal properties, such properties are effective only in those cases where the infection sought to be attacked is limited to the surface of the skin. The rays are incapable of penetrating the surface of the skin and destroying bacteria or fungi present below the surface. The use of respondent's lamp therefore does not constitute a cure or remedy or a competent or adequate treatment for such conditions as barber's itch, ringworm, athlete's foot, acne, eczema, psoriasis, shingles, or erysipelas, all of which are due to causes existing below the surface of the skin. In the case of sores and ulcers, the lamp may possibly stimulate the healing process but only in those instances in which the infection causing the condition is confined to the surface of the skin.

The lamp possesses no therapeutic value in the treatment of asthma, hay fever, bronchitis, colds, sinus trouble, or discharges from the ears. It is likewise ineffectual in the treatment of anemia. It is incapable of building up in the body resistance to disease. It does not produce any chemical reaction with respect to the blood stream, nor is it of any assistance in overcoming a deficiency of either white or red corpuscles. It has no tonic effect upon the blood. It is incapable of building up the body's resistance to infection or stimulating the endocrine glands. Aside from its irritating effect, the lamp affords no stimulation to the tissue of the skin.

The lamp has no therapeutic effect upon the nerves or upon the nerve endings in the skin. It does not act as an antacid and has no alkalizing effect upon the body. It is incapable of improving the general tone of the body, making the body strong, increasing vitality, or improving mental reaction. It does not tone up the nervous system or induce sleep. It does not relieve pain. The lamp is incapable of normalizing body chemistry or affective metabolism, except insofar as its use may activate cholesterol in the skin, resulting in the production of vitamin D and the consequent absorption and disposition of calcium and phosphorus in the tissues, particularly in the bone tissues. Likewise, any effect which the lamp may have with respect

to the building of new tissues is limited to such effect as may result from the production of vitamin D.

The Commission therefore finds that the representations made by respondent with respect to the therapeutic value of its lamp are erroneous and misleading, and constitute false advertisements.

PAR. 8. Unless used with due care, respondent's lamp possesses potentialities for injury to the user, in that excessive exposure to the lamp either with respect to proximity or length of time may result in severe erythema (sunburn). A further need for care in the use of the lamp arises by reason of the fact that certain types of persons are hypersensitive to ultraviolet rays, this being particularly true in the case of fair-skinned persons and young children. Moreover, certain types of skin disorders, particularly lupus erythematosus and some types of eczema, are aggravated rather than helped by ultraviolet rays. Such rays are also contraindicated in the case of pellagra.

Another of the principal dangers in the use of respondent's lamp is that unless suitable goggles are worn to protect the eyes from the ultraviolet rays the use of the lamp may result in severe conjunctivitis.

While the directions for use accompanying respondent's lamp contain certain precautionary statements with respect to some of the potential dangers in the use of the lamp, respondent's advertisements make no reference to any of such dangers, nor do they contain any reference to the cautionary statements appearing in the directions for use. The Commission therefore finds that respondent's advertisements are false for the further reason that they fail to reveal facts material in the light of the representations contained therein, and fail to reveal that the use of respondent's lamp under the conditions prescribed in the advertisements or under such conditions as are customary or usual may result in substantial injury to the user.

PAR. 9. The Commission further finds that the use by the respondent of the false advertisements herein referred to has the tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that respondent's lamp possesses therapeutic values which it does not in fact possess, and that such lamp is entirely safe for use in all cases, when such is not the fact, and the tendency and capacity to cause such portion of the public to purchase such lamp as a result of the erroneous and mistaken belief so engendered.

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

1325

Order

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 respondent, testimony, and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner upon the evidence, briefs in support of and in opposition to the complaint, and oral argument, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, Ultra-Violet Products, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondent's therapeutic lamp designated as "Life Lite," or any other lamp of substantially similar construction, whether sold under the same name or 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 represents, directly or by implication:

(a) That said lamp is a sun lamp, or that it affords benefits to the skin or to the general health of the user comparable to those afforded by natural sunlight.

(b) That said lamp constitutes a cure or remedy or a competent or adequate treatment for barber's itch, ringworm, athlete's foot, acne, eczema, psoriasis, shingles, or erysipelas.

(c) That said lamp constitutes a cure or remedy for sores or ulcers, or that it constitutes a competent treatment therefor except insofar as it may stimulate the healing process in those cases in which the infection causing such conditions is confined to the surface of the skin.

(d) That said lamp possesses any therapeutic value in the treatment of asthma, hay fever, bronchitis, colds, sinus trouble, or discharge from the ears.

(e) That said lamp possesses any therapeutic value in the treatment of anemia.

(f) That said lamp builds up in the body resistance to disease.

(g) That said lamp has any tonic effect upon the blood, that it

produces any chemical reaction with respect to the blood stream, or that it is of any assistance in overcoming a deficiency of white or red corpuscles.

(h) That said lamp builds up the resistance of the body to infection, or that it stimulates the endocrine glands.

(i) That said lamp affords any stimulation to the tissues of the skin in excess of such stimulation as may result from its irritating effect.

(j) That said lamp quiets or soothes the nerves or the nerve endings in the skin.

(k) That said lamp acts as an antacid or has any alkalizing effect upon the body.

(l) That said lamp improves the general tone of the body, makes the body strong, increases vitality, or improves mental reaction.

(m) That said lamp tones up the nervous system, induces sleep, or relieves pain.

(n) That said lamp normalizes the chemistry of the body, improves metabolism, or builds new tissues, except insofar as its use may result in the production of vitamin D.

2. 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 fails to reveal that excessive exposure to said lamp either with respect to proximity or length of time may result in injury to the user; that said lamp should not be used in the case of pellagra, lupus erythematosus, or certain types of eczema; and that said lamp should never be used unless goggles are worn to protect the eyes; provided, however, that such advertisement need contain only the statement, "Caution: Use only as directed," if and when the directions for use, wherever they appear on the label, in the labeling, or both on the label and in labeling, contain a warning to the above effect.

3. 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 lamp, which contains any representation prohibited in paragraph 1 hereof, or which fails to comply with the affirmative requirements set forth in paragraph 2 hereof.

It is further ordered, That the respondent shall, within 60 days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

Complaint

IN THE MATTER OF
WEBSTER ELECTRIC COMPANYCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 4456. Complaint, Feb. 1 1941—Decision, June 8, 1942*

Where a corporation, engaged in the manufacture and interstate sale and distribution to oil burner manufacturers of fuel units for oil burners—

Falsely represented, through letters and circulars and advertisements in periodicals of general circulation, that its fuel unit was the only device of its kind which had the outboard bearing outside of the seal, and that it had the largest capacity of any on the market;

With effect of misleading and deceiving the purchasing public in such respects and thereby inducing it to purchase, in preference to others, such fuel units and oil burners equipped therewith;

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. James A. Purcell*, trial examiner.

Mr. D. E. Hoopingarner for the Commission.

Fischel, Kahn & Heart, of Chicago, Ill., 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 Webster Electric Co., 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 to the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. The respondent, Webster Electric Co., is a corporation, organized and existing under and by virtue of the laws of the State of Delaware, with its principal office, factory, and place of business at DeKoven Avenue and Clark Street, Racine, Wis.

For more than 2 years last past respondent has been, and is now, engaged in the manufacture, sale, and distribution of fuel units for oil burners. Fuel units are purchased by oil burner manufacturers who take such units and the various other units or parts making up an oil burner, and assemble them into oil burners, and thereupon sell the completed oil burners to dealers and consumers. In the course and conduct of its said business, respondent has been and is now caus-