

Complaint

IN THE MATTER OF

PASADENA 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 3945. Complaint, Nov. 8, 1939—Decision, Feb. 17, 1943

Where a corporation, engaged in interstate sale and distribution of its "Sal-Ro-Cin" medicinal preparation containing analgesics acetylsalicylic acid and acetphenetidin which give temporary relief from pain associated with such conditions as neuritis, sciatica, arthritis, neuralgia, and headaches; through advertisements in newspapers and periodicals, circulars and other matter, and radio broadcasts—

Failed to reveal facts material with respect to the consequences which might result from the use of said "Sal-Ro-Cin" under prescribed or usual conditions, in that the drug acetphenetidin, when used in excessive doses or over a long period of time, causes tissue suffocation accompanied by toxic manifestations, and may cause damage to such organs as the liver, kidney, and spleen and produce circulatory failure; and persons suffering from pain might take preparation in excessive doses or continuously over long periods with resulting possible injury to health;

With effect of misleading and deceiving a substantial portion of the purchasing public into the mistaken belief that said preparation was not injurious, and of causing its purchase thereof by reason 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 P. Bramhall*, *Mr. Randolph Preston*, and *Mr. Edward E. Reardon*, trial examiners.

Mr. Charles S. Cox and *Mr. Robt. N. McMillen* for the Commission.
Ticknor & Maxwell, of Pasadena, 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 Pasadena Products, Inc., a corporation, hereinafter referred to as respondent, has violated the provisions of the said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, Pasadena Products, Inc., is a corporation, organized and existing and doing business under and by virtue of the laws of the State of California and having its principal office and place of business at 300 North Lake Avenue, Pasadena, Calif.

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The respondent is now, and has been for more than 3 years last past, engaged in the sale and distribution of a medicinal preparation designated "Sal-Ro-Cin" in commerce among and between the various States of the United States and in the District of Columbia. Respondent causes said preparation, when sold, to be transported from his aforesaid place of business in the State of California to purchasers thereof at their respective points of location in various States of the United States other than the State of California, and in the District of Columbia.

Respondent maintains, and at all times mentioned herein has maintained a course of trade in said medicinal preparation in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 2. In the course and conduct of its aforesaid business, the respondent has disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning its said preparation by United States mail, by insertions 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 continuities broadcast from radio stations which have sufficient power to, and do, convey the programs emanating therefrom to listeners located in various States of the United States other than the State in which said broadcasts originate, and by other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of its said preparation; and has disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning its said preparation, by various means, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of its said preparation in commerce as "commerce" is defined in the Federal Trade Commission Act. Among and typical of the false statements and representations contained in said advertisements, disseminated and caused to be disseminated, as aforesaid, are the following:

FOR RHEUMATISM

TRY THIS FREE TEST

Sufferers of Neuritis, Sciatica, Muscular Rheumatism, Lumbago and Neuralgia will welcome Sal-Ro-Cin. This California product contains ingredients which bring quick relief from excruciating pains which accompany these dreaded ailments. If you are suffering and wish to enjoy restful sleep, free from agoniz-

ing pain, go to the ----- and receive A Free Trial package of this amazing preparation. Sal-Ro-Cin sells for 35¢ at all good druggists.

Sal-Ro-Cin tablets will give satisfactory results to those who suffer the pains of rheumatism, neuralgia, and neuritis * * * try Sal-Ro-Cin tablets free of charge, * * *

* * * we will gladly mail you a liberal free sample of SAL-RO-CIN TABLETS,
* * *

FOR NEURITIS PAINS

Make This 25¢ Test

Sufferers of pains associated with Neuritis, Arthritis, Muscular Rheumatism, or Lumbago will welcome SAL-RO-CIN. This California product contains ingredients which aid in bringing relief from the excruciating pains which often accompany these ailments. We suggest, if you are suffering such pains which probably often prevent restful sleep, you go to your druggist and get a 25¢ package of SAL-RO-CIN. Money back if not delighted.

Sal-Ro-Cin is recommended for the relief of MUSCULAR ACHES and PAINS and MUSCULAR LUMBAGO, NEURALGIA, HEADACHES and HEAD COLDS.

PAR. 3. By use of the representations hereinabove set forth in paragraph 2 and other representations similar thereto, not specifically set forth herein, the respondent represents that its medicinal preparation "Sal-Ro-Cin" is a competent and effective treatment for rheumatism, neuritis, sciatica, arthritis, muscular rheumatism, lumbago and neuralgia, headaches and head colds, and that said product will bring relief from pains accompanying these ailments; that the use of said preparation will "free" such person from pain; that the use of said product will enable one to sleep; that respondent will mail anyone requesting a liberal free sample of Sal-Ro-Cin tablets.

PAR. 4. In truth and in fact said preparation is not a competent and effective treatment for rheumatism, neuritis, sciatica, arthritis, muscular rheumatism, lumbago, and neuralgia and headaches, and head colds, and said preparation will at best, bring only palliative relief from pains accompanying these ailments. The use of said preparation will not "free" such persons from pain and the use of said product will not enable one to sleep. Respondent will not mail free a liberal sample of Sal-Ro-Cin tablets or any other quantity of samples of Sal-Ro-Cin tablets to anyone requesting the same, but makes a charge for such samples as are sent.

PAR. 5. The advertisements disseminated by respondent, as aforesaid, are also false in that said advertisements fail to reveal that the use of said preparation under the conditions prescribed in said advertisements, or under such conditions as are customary and usual, may result in serious injury to the health of the user.

By reason of the presence of acetphenetidin, an acetanilid derivative, in respondent's preparation, the indiscriminate use of such

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preparation when continued over long periods may result in chronic acetanilid intoxication of the user, and may cause blood changes principally in the red blood cells, destroying the oxygen-carrying properties and replacing them with methemoglobin and paraamidol-phenol. Continued use of said preparation may result in a visceral degeneration of the liver, spleen, and kidneys with a varied train of symptoms, cyanosis, anemia, and circulatory and respiratory depression.

PAR. 6. The use by the respondent of the foregoing false, deceptive, and misleading advertisements with respect to its preparation disseminated as aforesaid has had, and now has, a capacity and tendency to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that said advertisements are true and that respondent's preparation is not injurious to the health of the user and induces a portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondent's medicinal preparation.

PAR. 7. 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 November 8, 1939, issued and subsequently served its complaint in this proceeding upon the respondent, Pasadena Products, Inc., a corporation, charging it with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondent's answer thereto, testimony and other evidence in support of, and in opposition to, the allegations of said complaint were introduced before trial examiners of the Commission theretofore duly designated by it, and said testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, this proceeding regularly came on for final hearing before the Commission upon said complaint, answer thereto, testimony, and other evidence, report of the trial examiners upon the evidence, and briefs filed in support of the complaint and in opposition thereto (oral argument not having been requested); and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent, Pasadena Products, Inc., is a corporation, organized and existing under and by virtue of the laws of the State of California and having its principal office and place of business at 300 North Lake Avenue, Pasadena, Calif. The respondent is now, and for several years last past has been, engaged in the sale and distribution of a medicinal preparation designated "Sal-Ro-Cin" in commerce among and between the various States of the United States and in the District of Columbia. Respondent causes said product, when sold to be transported from its aforesaid place of business in the State of California, to purchasers thereof located in various other States of the United States. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said medicinal preparation in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 2. In the course and conduct of its aforesaid business, the respondent has disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning its said preparation by United States mail, by insertion in newspapers and periodicals having a general circulation and also in circulars and other printed or written matter, and by continuities broadcast from radio stations having sufficient power to convey the programs emanating therefrom to listeners located in various States of the United States other than the State in which said broadcasts originate, 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 said preparation "Sal-Ro-Cin" by various means for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of said preparation in commerce as "commerce" is defined in the Federal Trade Commission Act.

PAR. 3. The advertisements disseminated and caused to be disseminated as hereinabove set forth are false in that they fail to reveal facts material with respect to the consequences which may result from the use of respondent's preparation, "Sal-Ro-Cin," under the conditions prescribed in said advertisements or under such conditions as are customary or usual.

Respondent's preparation is in tablet form, each tablet containing the following ingredients:

Acetphenetidin	2½ gr.
Acetylsalicylic acid.....	3½ gr.
Caffeine Alkaloid.....	½ gr.

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The ingredients actylsalicylic acid and acetphenetidin are analgesics which give temporary relief from the symptoms of pain associated with such conditions as neuritis, sciatica, arthritis, neuralgia, and headaches. The drug acetphenetidin, when used in excessive doses or over a long period of time, is absorbed into the blood stream and affects the ability of the blood cells to exchange oxygen and carbon dioxide at a normal rate, causing tissue suffocation accompanied by toxic manifestations, and may cause damage to certain organs of the body such as the liver, kidney, and spleen and may produce circulatory failure. Neither the advertising nor the labeling of this product contains any warning against excessive or long-continued use of this preparation. Persons suffering from pain might have a tendency to take this preparation in excessive doses or over long-continued periods of time, which might result in injury to health.

PAR. 4. The use by respondent of the foregoing false advertisements with respect to its preparation disseminated as aforesaid, has had, and now has, a capacity and tendency to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that respondent's preparation is not injurious to the purchasing public and, because of such erroneous and mistaken belief, to purchase respondent's medicinal preparation.

CONCLUSION

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

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiners upon the evidence, and briefs filed in support of the complaint and in opposition thereto; 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, Pasadena Products, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of its preparation known as "Sal-Ro-Cin,"

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 United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act which advertisement fails to reveal that the frequent or continued use of respondent's preparation "Sal-Ro-Cin," may be dangerous and should not be taken in excess of the dosage recommended of one to two tablets two to four times daily: *Provided, however,* That if the directions for use, wherever they appear, on the label, in the labeling, or both on the label, and in the labeling, contain a warning of the potential dangers in the use of said preparation as hereinabove set forth, such advertisement need contain only the precautionary statement, "CAUTION: Use Only as Directed."

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 "Sal-Ro-Cin" which advertisement fails to reveal facts material with respect to the consequences which may result from the use of respondent's preparation as required in paragraph 1 hereof.

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

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IN THE MATTER OF
D. M. ALACHUZOS COMPANY

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

Docket 4051. Complaint, Mar. 7, 1940—Decision, Feb. 17, 1943

Where a corporation, engaged in interstate sale and distribution of sponge and chamois-skin products—

Represented that it was a sponge "producer" and placed said term upon its letterheads, price lists, cards, and other advertising material; when in fact it was not such, but purchased raw sponges from the captains of various sponge-fishing boats and cleaned, graded, and compressed them into bales for sale to the trade;

With tendency and capacity to mislead and deceive a substantial number of purchasers and prospective purchasers as to the nature and extent of its business and thereby cause purchase of its said product:

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* and *Mr. Arthur F. Thomas*, trial examiners.

Mr. Merle P. Lyon and *Mr. Carrel F. Rhodes* for the Commission.

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 D. M. Alachuzos Company, 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, D. M. Alachuzos Co., is a corporation, organized, existing, and doing business under and by virtue of the laws of the State of Pennsylvania, with its principal office and place of business located at 336 South Fourth Street, in the city of Philadelphia, of said State. Respondent now is, and for more than 1 year last past has been, engaged in the business of offering for sale, selling, and distributing sponge and chamois-skin products in commerce among and between the various States of the United States and in the District of Columbia. Respondent has maintained, and maintains, a course of trade in said products in said commerce and has