

IN THE MATTER OF

MILTON IRWIN, DR. WALTER G. BERG, AND DR. DAVID
W. MILLS, TRADING AS ASSOCIATED LABORATORIESCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 20, 1914*Docket 4722. Complaint, Mar. 6, 1942—Decision, Apr. 30, 1943*

Where three individuals, engaged in the manufacture and interstate sale and distribution of their "Gordon Detoxifier" which (1) was designed for cleansing the intestines, converting ordinary hydrant water into a temperature and pressure that might be safely introduced into the body; (2) included provisions for the mixing of air with water and the addition of ozone if desired; and (3) included arrangements by which the waste matter might be observed and specimens subjected to detailed examination; selling such device usually only to chiropractors and osteopaths, though directing part of their advertising to the public to cause it to visit chiropractor purchasers for treatment, and also supplying purchasers with advertising for distribution to the public; by means of advertisements in periodicals, booklets, pamphlets, circulars, and other advertising material, directly and by implication—

- (a) Represented that their device would thoroughly and harmlessly cleanse both the large and small intestines and massage and strengthen their tissues; that the injection of oxygen into the intestinal tract by means of such device would destroy the anaerobic germs; and that it would purify the blood stream, reduce high blood pressure, and reveal to the patient which foods should be avoided in order to insure maximum efficiency in digestion;
- (b) Represented that the device served to lessen the burden borne by the liver and kidneys; relieved sinus and antrum complications; that its use resulted in the reestablishment of a normal peristalsis or natural muscular activity of the intestines and assisted in preventing hardening of the arteries; that most ailments originate in the small intestines; and that the introduction of ozone into the body by means of said device accelerated the healing process and stimulated recovery; and
- (c) Represented that constipation, headache, and a large number of other specified ailments and conditions, including appendicitis, asthma, excessive fatigue, high and low blood pressure, kidney, bladder and liver complications, lumbago, nervousness, rheumatism, sinus trouble, and ulcers of the stomach and bowels were almost invariably caused by intestinal toxemia, and that their device constituted an effective treatment therefor;

The facts being that their device, notwithstanding certain refinements and conveniences, had no therapeutic value in excess of that possessed by the ordinary enema; neither their device nor any enema, by reason of the body physiology, is capable of cleansing the small intestine; and forced regurgitation from the large to the small bowel, if possible, would be inadvisable because of the dangerous potentialities; injection of oxygen would not ordinarily destroy the anaerobic germs, which, in any event, it is not always desirable to do; introduction of ozone—having no therapeutic value under such conditions and possibly irritating—would not accelerate healing or

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stimulate recovery; statements that most ailments originate in the small intestine, and that appendicitis and the numerous other ailments specified were almost invariably caused by intestinal toxemia, were erroneous and misleading, being essentially based upon the now generally rejected theory of auto-intoxication; and their device did not constitute an effective treatment for any of the conditions set forth, excepting constipation and headaches due thereto, in which temporary relief might be obtained through its use; and it would not, in other respects, accomplish results claimed; and

- (d) Falsely implied, through use of incorrect and misleading term "hydro-surgery," unknown in medical science, in describing their device and the results obtained through use thereof, that said results were similar to those accomplished by surgery; and
- (e) Falsely represented or implied, through use of word "Detoxifier" to designate their said device, that it would rid the body of toxins which it was incapable of doing;

With tendency and capacity to mislead and deceive a substantial number of the public into the mistaken belief that said device possessed therapeutic properties which it did not, thereby causing such members of the public to undergo treatment therewith:

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. R. P. Bellinger, for the Commission.

Mr. Frank A. Whiteley, of Minneapolis, Minn., 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 Milton Irwin, Dr. Walter G. Berg, and Dr. David W. Miles, individuals, trading as Associated Laboratories, 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. Respondents, Milton Irwin, Dr. Walter G. Berg and Dr. David W. Miles, individuals, trading as Associated Laboratories, have their principal place of business located at 4609 Nicollet Avenue, Minneapolis, Minn. The individual addresses of each of the three respondents are respectively as follows: Milton Irwin, 4609 Nicollet Avenue S., Minneapolis, Minn.; Dr. Walter G. Berg, 330 Kresge Building, Minneapolis, Minn.; Dr. David W. Miles, 2044 Richmond Avenue, Houston, Tex.

PAR. 2. The respondents are now and for several years last past have been engaged in the manufacture, sale and distribution of a device

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designated as Gordon Detoxifier, a rectal irrigator designed for cleansing the bowels and intestines.

In the course and conduct of their said business respondents cause said device, when sold, to be transported from their place of business in the State of Minnesota to purchasers thereof located in various other States of the United States and in the District of Columbia.

Respondents maintain, and at all times mentioned herein have 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 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 device by the United States mails and by various 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 said device; and respondents have also disseminated and are now disseminating, and have caused and are now causing the dissemination of, false advertisements concerning their said device by various means for the purpose of inducing and which are likely to induce, directly or indirectly, the purchase of their said device 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 aforesaid, are the following:

This natural and drugless therapy performs as follows:

Cleanses both large and small bowel, thoroughly and in a harmless manner.

Massages the bowel and gives necessary tone to tissues involved.

Its employment of oxygen destroys the anaerobic germs, which can not live in this medium.

Purifies the blood stream; proved by microscopic examination after treatments.

Relieves rheumatic, arthritic and neuritic pain, often in one treatment.

Reduces hypertension or high blood pressure, thus easing the work of the heart and freeing the walls of its cells, and the brain, from undue strain.

Indicates to patients what foods to avoid, to insure maximum efficiency in digestion.

Lessens the burden thrown on the liver and kidneys.

Improves sinus—and untrum complications in a few treatments.

Re-establishes a normal peristalsis, or natural muscular activity of the intestines.

Assists in preventing the hardening of the arteries by minimizing the deposits of calcium and magnesium salts on the walls.

A pulsating stream of water and air bubbles is introduced into the bowels in a scientifically controlled manner. This pulsating stream penetrates readily into the SMALL intestine, hitherto inaccessible to any other method of treatment. Most ailments are found to originate in the small intestine.

Ozone is especially beneficial in cases of ulcers, colitis, bowel inflammation and toxemia.

Ozone destroys bacteria on contact yet it is not a drug and is nontoxic and nonirritating. It promotes healing and stimulates recovery.

Specializing in Cases of Intestinal Toxemia

The Cause of Most Human Illness

* * *

The following symptoms and ailments are almost invariably caused by Intestinal Toxemia. They can now be successfully treated.

Appendicitis	Lumbago
Arthritis	Menopause Disturbances
Asthma	Muddy or Pimply Complexion
Colitis	Migrain
Constipation	Nervousness
Excessive Fatigue	Pruritus Ani
Foul Breath	Rheumatism
Headache	Sinus Trouble
Gall Bladder Complications	Run Down Condition
High and Low Blood Pressure	Short of Breath
Indigestion	Sleeplessness
Irregular Heart	Ulcers of Stomach and Bowels
Kidney and Bladder Complications	Ulcerative Colitis
Liver Complications	

PAR. 4. By the use of the representations hereinabove set forth and others similar thereto not specifically set out herein, respondents represent directly and by implication that the use of the device, designated as "Gordon's Detoxifier" will thoroughly and harmlessly cleanse both the large and the small intestine; that its use will massage and strengthen both the large and small intestine and strengthen the tissues of the intestinal tract; that the injection of oxygen into the intestinal tract by said device will destroy the anaerobic germ; that its use will purify the blood stream; that its use, often in one treatment, will relieve the pain of rheumatism, arthritis, and of neuritis; that its use will reduce hypertension or high blood pressure with resulting relief of strain on the heart and on the brain; that its use will reveal to the patient himself, what foods to avoid in order to insure maximum efficiency in digestion; that its use will result in lessening the burden thrown on the liver and kidneys; that its use, in a few treatments, will relieve sinus and antrum complications; that its use will result in the reestablishing of a normal peristalsis or the natural muscular activity of the intestines; that its use will assist by minimizing deposits of calcium and magnesium salts on the walls of the arteries, in preventing their hardening; that said device will

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send, in a scientifically controlled manner, a pulsating stream of water and air bubbles into the bowels and into the otherwise inaccessible small intestine; that most ailments originate in the small intestine; that the use of ozone in said device accelerates the healing process and stimulates recovery; and that ailments and conditions such as appendicitis, arthritis, asthma, colitis, constipation, excessive fatigue, foul breath, headache, gall-bladder complications, high and low blood pressure, indigestion, irregular heart, kidney and bladder complications, liver complications, lumbago, menopause disturbances, muddy or pimply complexion, migraine, nervousness, pruritus ani, rheumatism, sinus trouble, rundown condition, shortness of breath, sleeplessness, ulcers of the stomach and bowels, and ulcerated colitis, are almost invariably caused by intestinal toxemia or toxins in the intestinal tract, and that such diseases or conditions can be successfully treated by respondents' said device.

PAR. 5. The aforesaid representations and advertisements used and disseminated by the respondents as hereinabove described are grossly exaggerated, false, and misleading.

In truth and in fact, the use of respondents' said "Gordon's Detoxifier" will not thoroughly and harmlessly cleanse both the large and small intestines. In fact, the frequent and repetitious use of said device may seriously interfere with the normal functioning of the lower bowels and may produce distinct harm by the removal of the normal protective mucous which should always be present on the surface of the mucosa of the lower bowels, thereby producing irritation. The use of said device will not massage and strengthen both the large and small intestines or any part of the intestinal tract. The injection by said device of oxygen into the intestinal tract will not destroy the anaerobic germ. The use of said device will not purify the blood stream and it will not relieve the pain caused by rheumatism, arthritis, and neuritis. The use of said device will not reduce hypertension or high blood pressure and will have no effect on relieving strain on the heart or the brain. The use of said device will not reveal to the patient what foods to avoid in order to insure maximum efficiency in digestion. Its use will not lessen the burden thrown on the liver or the kidneys. Its use will not, in either a few treatments or in many treatments, relieve sinus and antrum complications. Its use will not result in the reestablishing of a normal peristalsis or the natural muscular activity of the intestine. Its use will not in any manner prevent the hardening of the arteries. Said device will not send a pulsating stream of water and air bubbles, in a scientifically controlled manner, into the small intestine. Furthermore, if water from said device should enter the small intestine

the result of such penetration would not have a favorable effect on any disease or condition of the body, but might result in harmful or serious consequences. Most ailments do not originate in the small intestines. The use of ozone in said device will not accelerate the healing process and stimulate recovery, and if a significant amount of ozone is injected into the intestinal tract, serious injury to health may follow. The ailments and conditions such as appendicitis, arthritis, asthma, colitis, constipation, excessive fatigue, foul breath, headache, gall-bladder complications, high and low blood pressure, indigestion, irregular heart, kidney and bladder complications, liver complications, lumbago, menopause disturbances, muddy or pimply complexion, migraine, nervousness, pruritus ani, rheumatism, sinus trouble, rundown condition, shortness of breath, sleeplessness, ulcers of the stomach and bowels, and ulcerated colitis, are not almost invariably caused by intestinal toxemia or by the presence of toxins in the intestinal tract and such diseases or conditions cannot be successfully treated by the use of respondents' said device. Furthermore, the effect of said device is limited to an injection of liquid into the lower intestinal tract and its therapeutic value is correspondingly limited to that of an ordinary enema.

PAR. 6. Respondents' use of the term "hydro-surgery" in describing said device or the effects thereof in the treatment of diseases or conditions of the human body, is false and misleading in that said term falsely indicates that the use of said device accomplishes results similar to results accomplished by surgery.

Furthermore, respondents' use of the name "Gordon's Detoxifier" is false and misleading in that the use of the word "detoxifier" falsely indicates that respondents' said device will remove or destroy toxins in the human system.

PAR. 7. The use by the respondents of the foregoing false, deceptive, and misleading statements and advertisements with respect to their said device disseminated as aforesaid, has had, and now has, the capacity and tendency to, and does, mislead and deceive a substantial number of the purchasing public into the erroneous and mistaken belief that such statements, representations, and advertisements are true, and induces a number of the purchasing public, because of said erroneous and mistaken belief, to purchase respondents' said device, and also because of said mistaken belief induces a substantial number of the public, to patronize persons owning or operating said device.

PAR. 8. The aforesaid acts and practices of the respondents as herein alleged are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on March 6, 1942, issued and subsequently served its complaint in this proceeding upon the respondents, Milton Irwin, Dr. Walter G. Berg, and Dr. David W. Miles, individuals, trading as Associated Laboratories, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of that act. After the filing of respondents' answer, testimony and other evidence in support of the allegations of the complaint were introduced by the attorney for the Commission, and in opposition thereto by the attorney for the respondents, before 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 thereto, testimony and other evidence, report of the trial examiner upon the evidence, 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. The respondents, Milton Irwin, Dr. Walter G. Berg, and Dr. David W. Miles, are individuals, trading as Associated Laboratories, with their principal office and place of business located at 4609 Nicollet Avenue, Minneapolis, Minn. The individual mailing addresses of the respondents are as follows: Milton Irwin, 4609 Nicollet Avenue, Minneapolis, Minn.; Dr. Walter G. Berg, 330 Kresge Building, Minneapolis, Minn.; Dr. David W. Miles, 2044 Richmond Avenue, Houston, Tex.

Respondents are now, and for a number of years last past have been engaged in the manufacture, sale, and distribution of a medicinal device designated by them as the "Gordon Detoxifier" and designed for cleansing the intestines.

PAR. 2. Respondents cause and have caused their device, when sold, to be transported from their principal place of business in the State of Minnesota, to purchasers thereof located in various other States of the United States and in the District of Columbia. Respondents maintain and have maintained a course of trade in their device in com-

merce among and between the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of their business and for the purpose of inducing the purchase of their device, respondents have disseminated and are now disseminating, and have caused and are now causing the dissemination of, advertisements concerning their device by the United States mails and by various other means in commerce, as "commerce" is defined in the Federal Trade Commission Act; and respondents have also disseminated and are now disseminating, and have caused and are now causing the dissemination of, advertisements concerning their device by various means for the purpose of inducing and which are likely to induce, directly or indirectly, the purchase of their device in commerce, as "commerce" is defined in the Federal Trade Commission Act. Among and typical of the statements and representations contained in such advertisements disseminated and caused to be disseminated, as set forth above, by insertion in periodicals and by booklets, pamphlets, circulars, letters, and other advertising material, are the following:

This natural and drugless therapy performs as follows:

1. Cleanses both large and small bowel, thoroughly and in a harmless manner.
2. Massages the bowel and gives necessary tone to tissues involved.
3. Its employment of oxygen destroys the anaerobic germs, which can not live in this medium.
4. Purifies the blood stream; proved by microscopic examination after treatments.

* * *

6. Reduces hypertension or high blood pressure, thus easing the work of the heart and freeing the walls of its cells, and the brain, from undue strain.
7. Indicates to patients what foods to avoid, to insure maximum efficiency in digestion.

8. Lessens the burden thrown on the liver and kidneys.
9. Improves sinus—and antrum complications in a few treatments.
10. Reestablishes a normal peristalsis, or natural muscular activity of the intestines.

* * *

12. Assists in preventing the hardening of the arteries, by minimizing the deposits of calcium and magnesium salts on the walls (Com. Ex. No. 8).

A pulsating stream of water and air bubbles is introduced into the bowels in a scientifically controlled manner. This pulsating stream penetrates readily into the SMALL intestine, hitherto inaccessible to any other method of treatment. Most ailments are found to originate in the small intestine (Com. Ex. No. 8).

Ozone is especially beneficial in cases of ulcers, colitis, bowel inflammation and toxemia.

Ozone destroys bacteria on contact yet it is not a drug and is non-toxic and non-irritating. It promotes healing and stimulates (Com. Ex. No. 3).

Findings

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Specializing in Cases of Intestinal Toxemia
The Cause of Most Human Illness

The following symptoms and ailments are almost invariably caused by Intestinal Toxemia. They can now be successfully treated.

Appendicitis	Lumbago
* * *	Menopause Disturbances
Asthma	Muddy or Pimply Complexion
Colitis	Migrain
Constipation	Nervousness
Excess Fatigue	Pruritus Ani
Foul Breath	Rheumatism
Headache	Sinus Trouble
Gall Bladder Complications	Run Down Condition
High and Low Blood Pressure	Short of Breath
Indigestion	Sleeplessness
Irregular Heart	Ulcers of Stomach and Bowels
Kidney and Bladder Complications	Ulcerative Colitis (Com. Ex. No. 10).
Liver Complications	

PAR. 4. Through the use of these statements and representations and others of a similar nature, respondents have represented, directly or by implication, that their device will thoroughly and harmlessly cleanse both the large and small intestines; that it will massage and strengthen both large and small intestines and strengthen the tissues of the intestinal tract; that the injection of oxygen into the intestinal tract by means of such device will destroy the anaerobic germs; that the device will purify the blood stream; that it reduces high blood pressure; that it reveals to the patient which foods should be avoided in order to insure maximum efficiency in digestion; that it serves to lessen the burden borne by the liver and kidneys; that it relieves sinus and antrum complications; that its use results in the reestablishing of a normal peristalsis or natural muscular activity of the intestines; that it assists in preventing hardening of the arteries; that most ailments originate in the small intestine; that the introduction of ozone into the body by means of respondent's device accelerates the healing process and stimulates recovery; that appendicitis, asthma, colitis, constipation, excessive fatigue, foul breath, headache, gall-bladder complications, high and low blood pressure, indigestion, irregular heart, kidney and bladder complications, liver complications, lumbago, menopause disturbances, muddy or pimply complexion, migrain, nervousness, pruritus ani, rheumatism, sinus trouble, run-down condition, shortness of breath, sleeplessness, ulcers of the stomach and bowels, and ulcerative colitis are almost invariably caused by intestinal toxemia; and that respondents' device constitutes an effective treatment for such conditions.

PAR. 5. Respondents' product may be defined as an intestinal irrigator, being designed to introduce water into the intestines via the rectum. When installed the device connects with the city-water supply, and its purpose is to convert ordinary hydrant water into such a condition of temperature and pressure that such water may safely be introduced into the human body. Provision is made for the mixing of air with the water, and also for the use of ozone in the water if desired. The mechanism also includes an "out-flow" arrangement whereby the waste matter of excrement from the bowels is removed and made to flow into the sewer. Before leaving the apparatus the waste matter is caused to pass through glass tubes and may be observed by the patient and the operator of the machine. Specimens of the excrement may, if desired, be removed from the tubes and subjected to more detailed examination.

While a small number (possibly 5) of the machines have been sold by respondents to medical doctors, they are usually sold only to chiropractors and osteopaths. They are not ordinarily sold to the lay public, although part of respondents' advertising is directed to the public for the purpose of causing the public to visit chiropractors who have purchased the machine and undergo treatment. Respondents also supply to purchasers of their machine advertising to be distributed by such purchasers to the public.

PAR. 6. The expert testimony in the record discloses that respondents' device possesses no therapeutic value in excess of that possessed by the ordinary enema. While the device has certain refinements and conveniences, such as the more efficient regulation of the temperature and pressure of the water and the facilities for disposing of the excrement from the bowels, these features add nothing to the therapeutic value of the device. Neither respondents' device nor any enema is capable of cleansing the small intestine. The principal reason for this is that the ileo-cecal valve at the junction of the large and small intestines permits the passage of food, water, or other substances in only one direction, that is, from the small intestine into the large intestine. Except in isolated and unusual cases, matter is not regurgitated or thrown back from the large bowel into the small bowel. While it may be possible, through the exertion of strong pressure, to cause regurgitation from the large to the small bowel, this is inadvisable and possesses dangerous potentialities in that such process would result in the abnormal dilation of the intestines, possibly with serious consequences.

The use of respondents' device does not result in the massaging or strengthening of the intestines, nor in the strengthening of the

tissues of the intestinal tract. The injection of oxygen into the intestinal tract by means of the device will not ordinarily destroy the anaerobic germs, and, in fact, it is not always desirable to destroy the anaerobic germs, as they perform useful functions in the body. Respondents' device is incapable of purifying the blood stream or reducing high blood pressure. It is likewise incapable of revealing to the patient which foods should be avoided in order to insure maximum efficiency in digestion. It does not serve to lessen the burden upon the liver and kidneys. The device has no effect upon sinus or antrum complications. It is impossible through the use of the device to bring about a normal peristalsis, that is, the natural muscular activity of the intestines. The device is of no assistance in preventing hardening of the arteries. The introduction of ozone into the body by means of respondents' device does not result in any acceleration of the healing process or the stimulation of recovery, as ozone is without therapeutic value under such conditions of use and may be irritating.

Respondents' statements that most ailments originate in the small intestine, and that appendicitis, asthma, colitis, constipation, excessive fatigue, foul breath, headache, gall-bladder complications, high and low blood pressure, indigestion, irregular heart, kidney and bladder complications, liver complications, lumbago, menopause disturbances, muddy or pimply complexion, migraine, nervousness, pruritus ani, rheumatism, sinus trouble, run-down condition, shortness of breath, sleeplessness, ulcers of the stomach and bowels, and ulcerative colitis are almost invariably caused by intestinal toxemia, are erroneous and misleading. Essentially these statements are based upon the theory of auto-intoxication, which is now rejected by the consensus of medical and scientific opinion. Respondents' device does not constitute an effective treatment for any of these conditions except in the case of constipation, where it serves temporarily to irrigate or flush the lower bowel. Also, in those instances where headaches are due to constipation, temporary relief may be obtained through the use of the device.

PAR. 7. The Commission therefore finds that the statements and representations made by respondents with respect to their device, as set forth in paragraphs 3 and 4 hereof, are erroneous and misleading and constitute false advertisements.

PAR. 8. In their advertisements respondents have also made use of the term "hydro-surgery" in describing their device and the results obtained through the use of the device. The evidence shows that this term is unknown in medical science and that it is incorrect and misleading, as implying that the results obtained through the use of the device are similar to those accomplished by surgery, when such is not the fact.

The Commission is of the further opinion and finds that the word "Detoxifier," used by respondents in their advertisements to designate or describe their device, is likewise erroneous and misleading in that the term represents or implies that the device will rid the body of toxins. The device is in fact incapable of effecting such result.

PAR. 9. The use by respondents of the false advertisements herein referred to, including the use of the terms "hydro-surgery" and "Detoxifier," has the tendency and capacity to mislead and deceive a substantial portion of the public into the erroneous and mistaken belief that respondents' device possesses therapeutic properties which it does not in fact possess, and the tendency and capacity to cause such members of the public to undergo treatment with the device 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 the respondents, testimony and other evidence in support of the allegations of the complaint and in opposition thereto taken before a trial examiner of the Commission theretofore duly designated by it, the report of the trial examiner upon the evidence, 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, Milton Irwin, Dr. Walter G. Berg, and Dr. David W. Miles, individually, and trading as Associated Laboratories, or trading under any other name, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondents' device designated "Gordon Detoxifier," or any other device of substantially similar character, 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

(a) uses the term "hydro-surgery," or any other term which includes the word "surgery," to describe respondents' device or the results obtained through the use of said device, or which otherwise represents or implies that the results obtained through the use of said device are comparable with those accomplished by surgery;

(b) uses the word "Detoxifier," or any other word of similar import, to designate or describe respondents' device, or which otherwise represents or implies that said device will rid the body of toxins;

or which advertisement represents, directly or by implication,

(c) that respondents' device will cleanse the small intestine;

(d) that said device will massage or strengthen the large or small intestine, or strengthen the tissues of the intestinal tract;

(e) that the injection of oxygen into the intestinal tract by means of said device will destroy the anaerobic germs;

(f) that said device will purify the blood stream;

(g) that said device reduces high blood pressure;

(h) that said device reveals to the patient which foods should be avoided in order to insure maximum efficiency in digestion;

(i) that said device serves to lessen the burden upon the liver or kidneys;

(j) that said device relieves sinus or antrum complications;

(k) that the use of said device results in the reestablishing of a normal peristalsis or natural muscular activity of the intestines;

(l) that said device assists in preventing hardening of the arteries;

(m) that most ailments originate in the small intestine;

(n) that the introduction of ozone into the body by means of said device accelerates the healing process or stimulates recovery;

(o) that appendicitis, asthma, colitis, constipation, excessive fatigue, foul breath, headache, gall-bladder complications, high or low blood pressure, indigestion, irregular heart, kidney or bladder complications, liver complications, lumbago, menopause disturbances, muddy or pimply complexion, migraine, nervousness, pruritus ani, rheumatism, sinus trouble, run-down condition, shortness of breath, sleeplessness, ulcers of the stomach or bowels, or ulcerative colitis are almost invariably caused by intestinal toxemia;

(p) that said device constitutes an effective treatment for appendicitis, asthma, colitis, excessive fatigue, foul breath, gall-bladder complications, high or low blood pressure, indigestion, irregular heart, kidney or bladder complications, liver complications, lumbago, menopause disturbances, muddy or pimply complexion, migraine, nervousness, pruritus ani, rheumatism, sinus trouble, run-down condition,

shortness of breath, sleeplessness, ulcers of the stomach or bowels, or ulcerative colitis;

(q) that said device constitutes an effective treatment for constipation, except insofar as it may afford temporary relief by the irrigation or flushing of the lower bowel;

(r) that said device constitutes an effective treatment for headache, except insofar as it may afford temporary relief in those cases where such condition is due to constipation; or

(s) that said device possesses any therapeutic value in excess of that possessed by the ordinary enema.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' device, which advertisement contains any representation prohibited in paragraph 1 hereof.

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

IN THE MATTER OF

SAMUEL H. MOSS, INC.

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF SEC. 2(A) OF AN ACT OF CONGRESS APPROVED OCT. 15, 1914, AS AMENDED BY ACT OF JUNE 19, 1936

Docket 4405. Complaint, Dec. 6, 1940—Decision, May 1, 1943

Where a corporation, engaged in competitive interstate sale and distribution of made-to-order straight-line rubber stamps, sold by it to a large extent directly to the consuming public—

- (a) Discriminated in price through selling some customers rubber stamps 3 inches or less in length and $\frac{3}{8}$ -inch or less in height at 4 cents per line, while charging other customers for the same type of products 5 cents, 7 cents, 8 cents, 15 cents, 20 cents, or 30 cents per line, plus in each instance an additional sum for each additional line or fraction thereof; and
- (b) Discriminated in price through selling at approximately the same time rubber stamps of like grade and quality at price of 4 cents, 5 cents, and 15 cents per line 2 inches or less in length and $\frac{3}{8}$ -inch or less in height, plus an additional sum for each added line or fraction;

With result that said lower prices had a substantially injurious effect upon competition in products in question; competitors in some instances could not meet such unjustified lower prices and one competitor was forced out of business; and with tendency and capacity to induce purchase of its said products and to divert trade to it from its competitors:

Held, That effect of price differences concerned might be substantially to lessen, destroy, or prevent competition in sale and distribution of rubber stamps; and that said acts and practices constituted discriminations in price between different purchasers of said products of like grade and quality, resulted in substantial injury to its competitors, hindered and obstructed competition with it and created a monopoly in it in sale and distribution of said products in commerce, and constituted violation of subsection (a) of section 2 of the Clayton Act as amended.

Before *Mr. Lewis C. Russell* and *Mr. Andrew Duvall*, trial examiners.

Mr. John T. Haslett for the Commission.

Brookhart & Sawyer, of Washington, D. C., and *Lewis, Marks & Kanter*, of Brooklyn, N. Y., for respondent.

COMPLAINT

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has been and is now violating the provisions of subsection (a) of section 2 of the Clayton Act (U. S. C. title 15, sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint stating its charges with respect thereto as follows: