

IN THE MATTER OF
THE ELECTROVITA SALES COMPANY OF OHIO

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

Docket 4858. Complaint, Oct. 22, 1942—Decision, Aug. 3, 1943

Where an individual, engaged in interstate sale and distribution of an artificial mineral water made by subjection of ordinary tap water from the city water system to a secret electrolytic process, assertedly altering its chemical and mineral composition, and by the addition also thereto of calcium hydroxide; in advertising in circulars and other advertising material, including testimonial letters, and through instructions to salesmen and dealers, the general theme of which was that practically all diseases and disorders are caused by or associated with an acid condition of the stomach and blood—

- (a) Represented that its product was a competent and effective treatment for diseases and conditions due to a calcium deficiency, and would serve as a mineralizing agent where the system had not assimilated the required minerals from ordinary foods; would supply deficiencies where mineral starvation was the basic symptom of any disease or disorder; would supply mineral salts needed to keep the body chemistry in balance; and was an alkalinizing agent which would neutralize the acids of the stomach and blood stream and rid the body of an acid condition, thereby beneficially affecting or overcoming practically all diseases and disorders;

The facts being that while its product might possibly reduce acidity in the stomach slightly, it would have no effect in bringing about a systemic alkalization; diseases and disorders which result solely from a calcium deficiency are rare, and the amount of calcium supplied by its product in the dosage prescribed was insufficient to have any beneficial effect upon any such deficiency; and it had no therapeutic value in supplying minerals which the body had failed to assimilate, would not supply any mineral deficiencies or beneficially affect any disorder or condition resulting therefrom, or supply mineral salts needed to keep the body chemistry in balance;

- (b) Falsely represented that its product activated the kidneys and dissolved the waste material therein, thus allowing the free flow of toxic matter from the system, and that it would purify the blood, remove nerve irritation, rebuild body tissue and cell life, and absorb poisons in the system; and that it acted as an oxidizing agent, burning up waste materials which caused irritation of the vital organs; and

- (c) Falsely represented that its said product was a competent and effective treatment for numerous diseases, including asthma, kidney and bladder trouble, female disorders, arthritis, diabetes, rheumatism, high blood pressure, epilepsy, heart trouble, paralysis, and gangrenous and streptococcal infections; With effect of misleading and deceiving a substantial portion of the purchasing public into the mistaken belief that such representations were true, thereby inducing its purchase of the product in question;

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. Randolph Preston*, trial examiner.

Complaint

Mr. B. G. Wilson for the Commission.

Carpenter & Freeman and *Mr. Guilbert W. Martin*, of Norwalk, Ohio, 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 The Electrovida Sales Co. of Ohio, 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, The Electrovida Sales Co. of Ohio, is a corporation, organized and existing under and by virtue of the laws of the State of Ohio, with its office and principal place of business at East Main Street and Foster Avenue, Norwalk, Ohio.

The respondent is now, and for several years last past has been, engaged in the business of offering for sale, sale and distribution of mineral water designated "Elsaco Mineralized Water" in commerce between and among the various States of the United States and in the District of Columbia.

Respondent causes its said product, when sold, to be shipped from its said place of business in the State of Ohio to dealers located in various other States of the United States and in the District of Columbia. Said dealers in turn sell said product to the general public.

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

PAR. 2. In the course and conduct of its said business and for the purpose of inducing the purchase of its said product, 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 United States mails and by other means in commerce, as "commerce" is defined in the Federal Trade Commission Act; and respondent has also disseminated, and is now causing the dissemination of, false advertisements concerning its said product by various other 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, deceptive and misleading statements and representations contained in said false advertisements dissemin-

Complaint

37 F. T. C.

ated and caused to be disseminated as hereinabove set forth, by United States mails, and by means of circulars and other advertising material, including testimonial letters, are the following:

It activates the kidneys, dilutes poison which continually forms in the blood * * * and assists notably in the removal or neutralization of acids and other toxic products.

There is a secret process involved in the production of Elsaco * * * it has to do with the electrolytic treatment of water. Special tanks and ingenious apparatus produce the electrolytic effects upon the elements of the water, thus producing Elsaco—clear as crystal and full of health-giving qualities, yet there is no active electricity left in it * * * strange and important changes are made in the nature or character of water by electrolysis * * * it is because of Elsaco's alkaline nature, that the water is enabled to neutralize any excess acids which may be present.

In the early days of Elsaco, we believed its effect to be that of restoring the acid-alkaline balance. Gradually, however, we were compelled to admit that there might be other factors to be considered in order to explain the reported genuine systemic effects from Elsaco compared with other alkalizing mediums. * * * it has what can be called an eliminant; that is, it assists in driving out the poisonous substances that accumulate in the blood and tissue. By this action, Elsaco has a direct influence on oxidation—the "burning up" of waste materials that is so essential to health.

When there is indicated a calcium deficiency in the system, we recommend Elsaco to help supply this deficiency.

I consider Elsaco to be one of the greatest foods for the rebuilding of body tissue, cell life and blood that has yet been discovered.

I feel like telling you that your famous Elsaco Water mineralized by electrolysis * * *. I believe the basic principles are very, very scientific and the water has great therapeutic value, being a blood purifier, a cell builder, as well as being a powerful absorber of toxins.

PAR. 3. Through the use of the foregoing statements and representations and others of similar import and meaning not specifically set out herein, respondent represents and has represented, directly and by implication, that poison continually forms in the blood and that the use of its mineral water activates the kidneys, thereby diluting the poison, and materially assists in the removal thereof and the neutralization of acids and toxic products in the body; that the electrolytic treatment of its mineral water is a secret process and because of said treatment unusual therapeutic properties are implanted therein; that it has the capacity to neutralize all excess acids present in the body; that said water restores the acid-alkaline balance in the body and acts as an oxidizing agent in that its use results in the burning up of waste materials in the body through the process of oxidation; that the use of said mineral water will materially assist in supplying a calcium deficiency in the system; that said water is mineralized by electrolysis; that it is a food and its use will result in

rebuilding body tissue, cell life and blood, and will purify the blood and absorb poisons that may be in the system.

PAR. 4. Respondent also furnishes sales manuals to its various dealers for their use in familiarizing themselves with respect to its said product and the alleged therapeutic values thereof and as a basis for sales talks to their prospective customers. Respondent causes said manuals to be transported from its place of business to its various dealers located in States other than that in which such shipments originated. By means of direct statements in said manual and by statements contained in copies of alleged testimonial letters printed therein, respondent represents that its said product is a cure and remedy of and constitutes a competent and effective treatment for the following conditions, diseases and ailments: asthma, kidney and bladder trouble, Bright's disease, boils, jaundice, female disorders, liver and gall bladder trouble, varicose veins, colitis, arthritis, diabetes, prostatitis, hot flashes, headaches, chills, rheumatism, constipation, high blood pressure, influenza, run-down condition, piles, epilepsy, neuritis, stomach ulcers, anemia, dermatitis, heart trouble, iritis, sinusitis, multiglandular conditions, amenorrhea, digestive disturbances, nervousness, gas on stomach, intestinal troubles, kidney stones, impetigo, rheumatic fever, meningitis, facial neuralgia, eczema, toxemia, goiter, cataracts, indurative myocarditis, muscular dystrophy, paralysis, nervous exhaustion, under weight, fevers, ovarian trouble, cirrhosis of the liver, tuberculosis of the skin, pleurisy, leakage of the heart, low blood pressure, appendicitis, gastric acidity, tic douloureux, gangrenous infection, streptococcic infection, dropsy, tumors, and palsy.

PAR. 5. The foregoing statements and representations disseminated by respondent in the manner aforesaid are false, misleading and deceptive. In truth and in fact, poisons do not continually form in the blood and the use of respondent's product will not have such an effect upon the kidneys or other organs of the body as to be of material assistance in diluting, neutralizing or removing any poisons or acids that may be in the body. The electrolytic process used by respondent is not secret and the treatment of respondent's product by such process does not give it any special or unusual therapeutic properties. Respondent's product cannot be depended upon to restore the acid-alkaline balance in the body and it will not neutralize all excess acids present in the body. While it has a mild neutralizing effect on the acid in the stomach, it is of no material value as a neutralizing agent in cases where there is such a degree of hyperacidity as will bring about illness or ill effects and it will have no effect in bringing about systemic alkalinization of the stomach. Said product has no value as

Findings

37 F. T. C.

an oxidizing agent and its use will not result in the burning up of waste materials in the body through the process of oxidation. In cases of calcium deficiency in the system the amount of calcium supplied by respondent's product, when used as directed, will not be of appreciable value in overcoming such deficiency since it will supply only about one-half of the minimum daily nutritional requirement of calcium. The electrolytic process used by respondent does not mineralize the water but such minerals as are found therein are contained in the natural tap water used, or are supplied artificially by respondent in the process of the preparation of its product. Respondent's product is not a food, as such term is ordinarily used and understood, and its use will not result in any significant or appreciable degree in rebuilding body tissue, cell life and blood, nor will it have any significant or appreciable value in purifying the blood or in absorbing poisons that may be in the system. Respondent's said product is not a cure or remedy of, nor does it have any therapeutic value in the treatment of the various diseases, disorders and conditions enumerated in paragraph 4 hereof.

PAR. 6. The use by the respondent of the foregoing false, deceptive and misleading statements, representations and advertisements disseminated as aforesaid with respect to its said product, "Elsaco Mineralized Water," has had and now has the capacity and tendency to and does mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that said statements, representations and advertisements are true, and to induce a substantial portion of the purchasing public, because of such erroneous and mistaken belief, to purchase substantial quantities of respondent's product.

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 October 22, 1942, issued and subsequently served its complaint in this proceeding upon the respondent, The Electrovita Sales Co. of Ohio, 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 a trial examiner 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 examiner upon the evidence and exceptions filed thereto, and briefs in support of and in opposition to the complaint (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, The Electrovida Sales Co. of Ohio, is a corporation, organized and existing under and by virtue of the laws of the State of Ohio, with its office and principal place of business at East Main Street and Foster Avenue, Norwalk, Ohio.

Respondent is now, and for several years last past has been, engaged in the sale and distribution of an artificial mineral water, designated "Elsaco Mineralized Water," in commerce among and between the various States of the United States. Respondent causes said product, when sold, to be transported from its place of business in the State of Ohio 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 product in commerce among and between the various States of the United States.

PAR. 2. The respondent purchases its artificial mineral water, designated "Elsaco," from The Electrovida Co., a corporation located in California. The water, however, is processed at respondent's place of business at Norwalk, Ohio. The method of processing or manufacture is to place ordinary tap water from the Norwalk water system into treatment tanks made of wood. This water is then subjected to a secret process involving an electrolytic treatment, which the respondent claims, in its various descriptive advertising, alters the chemical or mineral composition of the water. After the water has been so treated, it is drawn off into metal storage tanks, and from there bottled by the respondent. This product is sold in 1-gallon bottles, 4 bottles to a case. Respondent's usual method of doing business is to sell this water to so-called agents or dealers at the price of approximately \$4 a case, with a 10-percent discount in 10-case lots. These so-called agents or dealers in turn usually resell said water to

members of the general public at the price of \$8 a case or 2 cases for \$15.

PAR. 3. In the course and conduct of its said business, the respondent has disseminated and has caused the dissemination of false advertisements concerning its said product by United States mails and by other means in commerce, as "commerce" is defined in the Federal Trade Commission Act; and respondent has also disseminated and has caused 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 the various false advertisements disseminated and caused to be disseminated as hereinabove set forth by the United States mails and by means of circulars and other advertising material, including testimonial letters and advertising material in the form of instructions to salesmen and dealers, are the following:

1. That respondent's product is a competent and effective treatment for diseases and conditions due to a calcium deficiency.
2. That respondent's product, Elsaco, is an alkalizing agent which will neutralize the acids of the stomach and blood stream and rid the body of an acid condition.
3. That respondent's mineral water activates the kidneys and dissolves the waste material in that channel of elimination, thus allowing the free flow of toxic matter from the system.
4. That respondent's mineral water will serve as an active mineralizing agent where the system has refused or has not had the opportunity to assimilate the required minerals from ordinary foods; will supply deficiencies where mineral starvation is the basic symptom of any disease or disorder; and will supply essential mineral salts needed by the body in order to keep the body chemistry in balance.
5. That respondent's product, Elsaco, will purify the blood, remove nerve irritation, rebuild body tissue and cell life, and absorb poisons that may be in the system.
6. That respondent's product, Elsaco, acts as an oxidizing agent in that its use results in the burning up of waste materials, which cause irritation of the vital organs, such as the heart, liver, gall bladder, and kidneys.
7. That respondent's product, Elsaco, constitutes a competent and effective treatment for asthma, kidney and bladder trouble, Bright's disease, boils, jaundice, female disorders, liver and gall bladder trouble, varicose veins, colitis, arthritis, diabetes, prostatitis, hot flashes, headaches, chills, rheumatism, constipation, high blood pressure, influenza, run-down condition, piles, epilepsy, neuritis, stomach ulcers, anemia, dermatitis, heart trouble, iritis, sinusitis, multi-glandular conditions, amenorrhea, digestive disturbances, nervousness, gas on stomach, intestinal troubles, kidney stones, impetigo, rheumatic fever, men-

Findings

ingitis, facial neuralgia, eczema, toxemia, goiter, cataracts, indurative myocarditis, muscular dystrophy, paralysis, nervous exhaustion, underweight, fevers, ovarian trouble, cirrhosis of the liver, tuberculosis of the skin, pleurisy, leakage of the heart, low blood pressure, appendicitis, gastric acidity, tic douloureux, gangrenous infection, streptococcal infection, dropsy, tumors, and palsy.

PAR. 4. Based upon analyses of respondent's product, analyses of ordinary tap water, and the testimony of expert witnesses, the Commission finds that the composition of respondent's product is essentially the same as the composition of ordinary tap water, with the exception that respondent's product contains an added amount of calcium hydroxide. The added amount of calcium contained in respondent's preparation cannot be obtained through any electrolytic process but has been physically added during the course of the processing of the water. Diseases and disorders resulting solely from a calcium deficiency are rare, and the amount of calcium supplied by respondent's product in the dosage provided is not sufficient to have any beneficial effect upon any calcium-deficient condition.

In the general theme of respondent's advertising, it is maintained that practically all diseases and disorders are caused by or associated with an acid condition of the stomach and the blood, and that its product acts as a neutralizing agent in the blood and body fluids, as well as in the stomach, thereby beneficially affecting or overcoming practically all diseases and disorders of the human system. The ingestion of respondent's product in the dosage prescribed has no effect upon the acid-alkaline balance in the blood and body fluids. It might possibly reduce acidity in the stomach but would be of very slight effect in neutralizing the acidity that might exist in the individual stomach. It has no effect whatsoever in bringing about a systemic alkalization. The ingestion of respondent's product in the dosage specified could not put enough alkali into the human stomach to change the acid-base balance of the blood and body fluids.

Respondent's product has no therapeutic value in the treatment of any disease or condition. It has no special properties which are beneficial in activating the kidneys or in dissolving the waste materials in the kidneys or affecting the flow of any toxic matter from the system. Its effect upon the kidneys is no more than that of the ingestion of equal amounts of ordinary drinking water.

This product has no therapeutic value in supplying minerals which the body has failed to assimilate and will not supply any mineral deficiencies or beneficially affect any disorder or condition resulting from a mineral deficiency or supply essential mineral salts needed by the body to keep the body chemistry in balance.

Order

37 F. T. C.

Respondent's product will not purify the blood or remove nerve irritation. It has no value in rebuilding body tissue or cell life, and it will not absorb poisons that may be present in the system.

This product has no beneficial value as an oxidizing agent in burning up waste material in the body through oxidation, and it will not prevent or remove irritation of the vital organs, such as the heart, liver, gall bladder, or kidneys.

Respondent's product is not a competent or effective treatment for any of the various specific diseases and conditions enumerated in paragraph 3 hereof and has no therapeutic value whatsoever in the treatment of such diseases and disorders.

PAR. 5. The use by the respondent of the foregoing false, deceptive, and misleading statements and representations contained in advertisements disseminated as aforesaid with respect to its said product, Elsaco Mineralized Water, 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 statements, representations, and advertisements are true and that respondent's product has therapeutic value in the treatment of various ailments, diseases, and conditions of the human body, and as a result of such erroneous and mistaken beliefs, to induce a substantial portion of the purchasing public to purchase respondent's product.

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 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, answer of the respondent, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, and briefs in support of and in opposition to the complaint; 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, The Electrovida Sales Co. of Ohio, a corporation, 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 its artificial mineral water, designated "Elsaco Mineralized Water," or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly,

1. Disseminating or causing to be disseminated any advertisement, by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference,

(a) That the use of respondent's product has any beneficial effect other than a tendency to decrease acidity in the stomach.

(b) That respondent's product will neutralize any acid condition of the blood stream or rid the body of an acid condition.

(c) That respondent's product has any beneficial effect in activating the kidneys other than that obtained from the ingestion of an equal amount of ordinary drinking water.

(d) That respondent's product has any special properties which are effective in dissolving waste material in the kidneys or in removing toxic matter from the system.

(e) That respondent's product will supply mineral deficiencies or supply essential mineral salts needed by the body to keep the body chemistry in balance.

(f) That respondent's product will purify the blood, remove nerve irritation, rebuild body tissue or cell life, or absorb poisons that may be in the system.

(g) That respondent's product acts as an oxidizing agent or that it will be effective in the burning up of any waste materials which might cause irritation of the vital organs, such as the heart, liver, gall bladder, or kidneys.

(h) That respondent's product has any therapeutic value whatsoever in the treatment of asthma, kidney or bladder trouble, Bright's disease, boils, jaundice, female disorders, liver or gall bladder trouble, varicose veins, colitis, arthritis, diabetes, prostatitis, hot flashes, headaches, chills, rheumatism, constipation, high blood pressure, influenza, run-down condition, piles, epilepsy, neuritis, stomach ulcers, anemia, dermatitis, heart trouble, iritis, sinusitis, multiglandular conditions, amenorrhea, digestive disturbances, nervousness, gas on stomach, intestinal troubles, kidney stones, impetigo, rheumatic fever, meningitis, facial neuralgia, eczema, toxemia, goiter, cataracts, indurative myocarditis, muscular dystrophy, paralysis, nervous exhaustion, underweight, fevers, ovarian trouble, cirrhosis of the liver, tuberculosis of the skin, pleurisy, leakage of the heart, low blood pressure,

Order

37 F. T. C.

appendicitis, gastric acidity, tic douloureux, gangrenous infection, streptococcic infection, dropsy, tumors, or palsy.

(i) That respondent's preparation has any significant therapeutic value in the treatment of any disease or disorder of the human system.

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 respondent's product, which advertisement contains any of the representations prohibited in paragraph 1 hereof and the respective subdivisions thereof.

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.

Order

IN THE MATTER OF
SALT PRODUCERS ASSOCIATION, ET AL.

MODIFIED CEASE AND DESIST ORDER

Docket 4320. Order, August 10, 1943

Modified order, pursuant to provisions of section 5 (i) of the Federal Trade Commission Act, and in accordance with decree below referred to, in proceeding in question, in which original order issued on November 10, 1941, 34 F. T. C. 38, and in which Circuit Court of Appeals for the Seventh Circuit on March 8, 1943, in *Salt Producers Association, et al. v. Federal Trade Commission*, 134 F. (2d) 354, 36 F. T. C. 1110, rendered its opinion and on April 20, 1943, issued its decree, modifying said order of the Commission in certain particulars and affirming the same in other particulars;

Requiring respondents, their officers, etc., in connection with offer, etc., in commerce, of salt, to cease and desist from—

Entering into, continuing, or carrying out, or directing, instigating, or cooperating in, any planned common course of action, mutual agreement, combination, or conspiracy, to fix or maintain the prices of salt or curtail, restrict, or regulate the production or sale thereof; and pursuant to any such planned or agreed common course of action, establishing or maintaining uniform prices or terms and conditions for the sale of salt; adhering or promising to adhere to published prices or terms pending the filing of changes with the Association; continuing the delivered price zones heretofore used for making quotations; etc., as in said order in detail set out and specified; and

Doing or performing any of the things forbidden by order in question, or aiding, assisting or cooperating in the performance thereof, on the part of respondent Stevenson, Jordon & Harrison, Inc., and respondents Charles R. Stevenson and D. M. Metzger, as officers thereof, and their agents, etc., all as in detail set out and specified in order in question, and subject to the provisos thereof; and

Subject to further proviso that nothing in such order is to be construed as prohibiting the respondents from entering into such contracts or agreements relating to the maintenance of resale prices as are not prohibited by the provisions of an Act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890 (the Sherman Act), as amended.

MODIFIED ORDER TO CEASE AND DESIST

This proceeding coming on for further hearing before the Federal Trade Commission, and it appearing that on November 10, 1941, the Commission made its findings as to the facts herein and concluded therefrom that respondents had violated the provisions of the Federal Trade Commission Act, and issued and subsequently served upon them its order to cease and desist; and it further appearing that respondents on January 9, 1942, filed in the United States Circuit Court of Appeals for the Seventh Circuit petition to review and set aside the