

Complaint

IN THE MATTER OF

GEORGE VON NIEDA, ET AL., TRADING AS
VON DRUG CO., ET AL.COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 4704. Complaint, Feb. 6, 1942—Decision, Jan. 26, 1944*

Where three individuals, owners of a formula for "Von's Pink Tablets," which contained bismuth subnitrate, magnesium oxide and sodium bicarbonate, and which they caused to be manufactured in tablet form and transported in bulk from the place of manufacture to nine distributing concerns at their respective places of business in other states, to be bottled, labeled and sold by them to the purchasing public and to dealers in the various states; and said concerns; acting in cooperation with each other in advertising the same—

Represented falsely that they constituted a remarkable and effective treatment for stomach ulcers including those caused by hyperacidity; that use thereof brought prompt relief to long standing cases of stomach ulcers, which might be satisfactorily and easily thus treated at home, and restored the stomach content to a more correct chemical balance, tending to prevent acid ulcers from forming, helping those suffering therefrom to enjoy hearty eating; and would result in coating stomach ulcers or denuded surfaces of the stomach with a protective film of metallic powder;

With tendency and capacity to mislead a substantial portion of the purchasing public into the erroneous belief that such advertisements were true, and thereby induce it to purchase preparation in question:

Held, That said acts and practices were all to the prejudice and injury of the public and constituted unfair and deceptive acts and practices.

Mr. S. F. Rose for the Commission.

Mr. David E. Bronson, of Minneapolis, Minn., for G. B. McGlenn and C. A. Revell.

COMPLAINT ¹

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 Com-

¹ Complaint is published as amended by order of Jan. 22, 1944 which, after reciting that —

Whereas, the complaint in this matter named George Von Nieda, an individual, trading as Von Drug Company, as the sole owner of the said Von Drug Company; and

Whereas, in the answer filed by the respondents it is stated that Sadie Von Nieda and Florence Beebe, individuals, not named as respondents, are copartners with the said respondent, George Von Nieda, trading as Von Drug Company and it appearing that the said Sadie Von Nieda and Florence Beebe, in a stipulation signed by them and all of the respondents named in the complaint, have stipulated that they are proper parties to this proceeding as copartners with George Von Nieda, operating as Von Drug Company and have agreed that any order issued by the Commission would be as binding on them as if they had been named in the complaint and served with a copy thereof, and the Commission having duly considered the answer and such stipulated facts, and the record herein, and being now fully advised in the premises.

Orders that the complaint be "amended by joining as respondents therein the said Sadie Von Nieda and Florence Beebe along with the respondent George Von Nieda, as copartners trading under the trade name, Von Drug Company"; that the proceeding be styled accordingly, as set forth in said amended order; and that the first sub-paragraph of paragraph 1 of the complaint and par. 2 of the complaint, be amended to read as set forth in said order, and as published herein.

mission having reason to believe that the firms and individuals named in the caption hereof have violated the provisions of said act, and it appearing to the Commission that a proceeding by it in that respect would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondents, George Von Nieda, Sadie Von Nieda and Florence Beebe, are copartners, trading and doing business under the name Von Drug Company with their office and principal place of business located at Miami Beach, Fla.

Respondent, Wallace G. Firth, is an individual, trading and doing business under the name of Omaha Von Company, with his office and principal place of business located in the Keeline Building, Omaha, Neb.

The respondents, F. J. Foersterling and Virginia G. Pachaly, are copartners, trading and doing business under the names of Philadelphia Von Company and Chicago Von Company, their respective addresses being 948 East 81st Street, Chicago, Ill., and 8022 Ingleside Avenue, Chicago, Ill.

Respondent, W. A. Egan, is an individual, trading and doing business under the name of Boston Von Company, with his office and principal place of business located at 128A Tremont Street, Boston, Mass.

Respondent, E. W. Downs, is an individual, trading and doing business under the names of Los Angeles Von Company and San Francisco Von Company, with his office and principal places of business being located at 403 West 8th Street, Los Angeles, Calif., and 821 Market Street, San Francisco, Calif.

Respondent, C. M. LeRoux, is an individual, trading and doing business under the name of Atlanta Von Company, with his office and principal place of business located at 709 Walton Building, Atlanta, Ga.

Respondent, Clarence A. Paulson, is an individual, trading and doing business under the name of Twin City Von Company, with his office and principal place of business located at 2938 Pillsbury Avenue, Minneapolis, Minn.

Respondent, Lottie Johnston, is an individual, trading and doing business under the name of Indianapolis Von Company, with her office and principal place of business located at 2161 North Meridian Street, Indianapolis, Ind.

Respondent, M. T. Sughrue, is an individual, trading and doing business under the name of Seattle Von Company, with his office and principal place of business located at 903 Republic Building, Seattle, Wash.

Respondents, G. B. McGlenn and C. A. Revell, are copartners, trading and doing business under the names of Cleveland Von Company and Detroit Von Company, with their principal offices and places of business being located at 238 Old Arcade Building, Cleveland, Ohio, and 310 Stott Building, Detroit, Mich.

Respondent, E. C. Beebe, is an individual, trading and doing business under the name of New York Von Company, with his principal place of business being located at 391 East 149th Street, New York, N. Y., and with his principal mailing address being 1655 Drexel Avenue, Miami Beach, Fla.

PAR. 2. The respondents, George Von Nieda, Sadie Von Nieda and Florence Beebe, are now and for more than one year last past have been, the owners of a medicinal formula for a medicine known as "Von's Pink Tablets" which they cause to be manufactured in tablet form and trans-

ported in bulk from the place where manufactured in the State of Minnesota to the other named respondents at their respective places of business in States other than the State of Minnesota. Said other named respondents are each under similar contracts with the respondents, George Von Nieda, Sadie Von Nieda and Florence Beebe as sales agents or distributors and, upon receipt of said tablets, bottle, label and sell same to the purchasing public and to dealers located throughout the several States of the United States and in the District of Columbia. Respondents have acted in concert with each other in the acts and practices herein set out.

PAR. 3. Respondents in the course and conduct of their business aforesaid have disseminated and are disseminating and have caused and are now causing the dissemination of false advertisements concerning said medicinal preparation designated "Von's Pink Tablets" by the United States mail and by various means in commerce as commerce is defined by the Federal Trade Commission Act, which are likely to induce, directly or indirectly, the purchase of said medicinal preparation. The respondents have also disseminated and are now disseminating, and have caused and are now causing the dissemination of, false advertisements concerning said medicinal preparation 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 by the Federal Trade Commission Act.

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

A remarkable treatment for stomach ulcers due to gastric hyperacidity.

Use of the famous Von's Tablets is bringing prompt relief in thousands of really severe long standing excess acid stomach ulcer cases everywhere for many who thought they might never be better again.

There is hope for sufferers from stomach ulcers due to excess stomach acid.

Stomach ulcers caused by gastric hyperacidity are now being satisfactorily and easily treated at home through the use of Von's Pink Tablets * * * Especially designed to relieve Stomach Ulcers caused by gastric hyperacidity * * * and without operation * * *

Have you found the key to relief from an over-acid stomach?

They tend to neutralize the acidity in the stomach and thus restore a more correct chemical balance.

Von's Pink Tablets Famous For relief in obstinate cases of gastritis and ulcers caused by gastric hyperacidity.

Do Von's Pink Tablets tend to prevent acid-stomach ulcers from forming when one is suffering from gastric hyperacidity? Yes, if taken in time.

Do the food instructions require a liquid or a rigid diet? - No. On the contrary a substantial quantity of food is allowed to build up body strength which should aid in desired relief. How can one who has not been able to eat hardly anything start right in eating some hearty foods? * * * Von's Pink Tablets helps to make this possible * * *

Importance of coating ulcers and of still higher importance, there should be added to the proper kind of an acid neutralizer, a fine metallic powder of unabsorbable nature as will upon being taken into the stomach, cling to the stomach irritations, thus coating any open surfaces on the stomach lining, so giving such open places needed protection.

PAR. 4. Through the use of the statements and representations hereinabove set forth, and other statements and representations similar thereto,

not set forth herein, all of which purport to be descriptive of the therapeutic properties of respondents' preparation, "Von's Pink Tablets," respondents represent, directly and by implication, that said preparation is a remarkable treatment for stomach ulcers and stomach ulcers caused by gastric hyperacidity; that its use brings prompt relief to longstanding cases of stomach ulcer; that stomach ulcers may be satisfactorily and easily treated at home by the use of said preparation; that the use of said preparation restores the stomach content to a more correct chemical balance; that the use of said preparation tends to prevent acid stomach ulcers from forming; that the use of said preparation helps one suffering from stomach ulcer to enjoy hearty eating; and that said preparation when taken will coat stomach ulcers or denuded surfaces in the stomach with a protective metallic powder.

PAR. 5. The aforesaid statements and representations of the respondents are grossly exaggerated, false and misleading. In truth and in fact respondents' preparation designated "Von's Pink Tablets" is not a remarkable treatment or an effective treatment for stomach ulcers or stomach ulcers caused by gastric hyperacidity. The use of said preparation will not bring prompt relief to one suffering from a long-standing case of stomach ulcers. Stomach ulcers may not be satisfactorily and easily treated at home by the use of Von's Pink Tablets. The use of said preparation will not restore the stomach content to a more correct chemical balance but will in fact neutralize all or part of the hydrochloric acid content of the stomach, and to the extent that such acid is neutralized, destroy the digestive function of said acid and will also interfere with or destroy the medium necessary to the proper action of pepsin and proper digestion. The use of said preparation will not prevent or tend to prevent stomach ulcers from forming. The taking of said preparation will not make it safe for one suffering from stomach ulcers to eat heartily. The taking of said preparation will not effectively coat stomach ulcers or denuded surfaces of the stomach with any protective film or powder.

PAR. 6. The use by the respondents of the foregoing false and misleading statements and representations, and others of similar nature, disseminated as aforesaid, has had, and now has, the tendency and capacity to, and does, mislead a substantial portion of the purchasing public into the erroneous and mistaken belief that such false statements, representations and advertisements are true, and to induce a substantial portion of the purchasing public, because of such mistaken and erroneous belief, to purchase respondents' said preparation.

PAR. 7. 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 the 6th day of February, A. D., 1942, issued and served its complaint in this proceeding upon the respondents, George Von Nieda, an individual, trading as Von Drug Company, and Wallace G. Firth, an individual, trading as Omaha Von Company; F. J. Foersterling and Virginia G. Pachaly, copartners, trading as Philadelphia Von Company and as Chicago Von Company; W. A. Egan, an individual, trading

as Boston Von Company; E. W. Downs, an individual, trading as Los Angeles Von Company and as San Francisco Von Company; C. M. LeRoux, an individual, trading as Atlanta Von Company; Clarence A. Paulson, an individual, trading as Twin City Von Company; Lottie Johnston, an individual, trading as Indianapolis Von Company; M. T. Sughrue, an individual, trading as Seattle Von Company; G. B. McGlenn and C. A. Revell, copartners, trading as Detroit Von Company and as Cleveland Von Company; E. C. Beebe, an individual, trading as New York Von Company; charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. On March 16, 1942, the foregoing named respondents, joined by Sadie Von Nieda and Florence Beebe, filed their answer in this proceeding. Thereafter, a stipulation was entered into whereby it was stipulated and agreed that a statement of facts signed and executed by the respondents and by Sadie Von Nieda and Florence Beebe, as copartners with George Von Nieda, trading as Von Drug Company, and Richard P. Whiteley, Assistant Chief Counsel for the Federal Trade Commission, subject to the approval of the Commission, may be taken as the facts in this proceeding and in lieu of testimony in support of the charges stated in the complaint, or in opposition thereto, and that the said Commission may proceed upon said statement of facts to make its report, stating its findings as to the facts and its conclusion based thereon and enter its order disposing of the proceeding without the presentation of argument or the filing of briefs. Thereafter, pursuant to the terms of the answer and stipulation, the complaint was by order of the Commission amended whereby Sadie Von Nieda and Florence Beebe were joined as respondents as copartners with George Von Nieda trading as Von Drug Company, and this proceeding regularly came on for final hearing before the Commission on said complaint, as amended, answer and stipulation, said stipulation having been approved, accepted and filed, and the Commission having duly considered the same and now being fully advised in the premises, finds that this proceeding is in the interest of the public and makes its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. The respondent, George Von Nieda, is an individual, and during the times herein mentioned, has been engaged in business with Sadie Von Nieda and Florence Beebe, individuals, trading and doing business as copartners under the name Von Drug Company, with their office and place of business located at Miami Beach, Fla. The said Sadie Von Nieda and Florence Beebe, not named as respondents in the complaint, voluntarily joined with the other respondents in answering the complaint and have stipulated and agreed that any order made by the Commission in this matter shall be as effective, insofar as they are concerned, as if they had been named in the complaint and served with a copy thereof.

Respondent, Wallace G. Firth, is an individual, trading and doing business under the name of Omaha Von Company, with his office and principal place of business located in the Keeline Building, Omaha, Nebr.

The respondents, F. J. Foersterling and Virginia G. Pachaly, are copartners, trading and doing business under the names of Philadelphia Von Company and Chicago Von Company, their respective addresses being 948 East 81st Street, Chicago, Ill., and 8022 Ingleside Avenue, Chicago, Ill.

Respondent, W. A. Egan, is an individual, trading and doing business under the name of Boston Von Company, with his office and principal place of business located at 128A Tremont Street, Boston, Mass.

Respondent, E. W. Downs, is an individual, trading and doing business under the names of Los Angeles Von Company and San Francisco Von Company, with his office and principal places of business being located at 403 West 8th Street, Los Angeles, Calif. and 821 Market Street, San Francisco, Calif.

Respondent, C. M. LeRoux, is an individual, trading and doing business under the name of Atlanta Von Company, with his office and principal place of business located at 709 Walton Building, Atlanta, Ga.

Respondent, Clarence A. Paulson, is an individual, trading and doing business under the name of Twin City Von Company, with his office and principal place of business located at 2938 Pillsbury Avenue, Minneapolis, Minn.

Respondent, Lottie Johnston, is an individual, trading and doing business under the name of Indianapolis Von Company, with her office and principal place of business located at 2161 North Meridian Street, Indianapolis, Ind.

Respondent, M. T. Sughrue, is an individual, trading and doing business under the name of Seattle Von Company, with his office and principal place of business located at 903 Republic Building, Seattle, Wash.

Respondents, G. B. McGlenn and C. A. Revell, are copartners, trading and doing business under the names of Cleveland Von Company and Detroit Von Company, with their principal offices and places of business being located at 238 Old Arcade Building, Cleveland, Ohio, and 310 Stott Building, Detroit, Mich.

Respondent, E. C. Beebe, is an individual, trading and doing business under the name of New York Von Company, with his principal place of business being located at 391 East 149th Street, New York, N. Y., and with his principal mailing address being 1655 Drexel Avenue, Miami Beach, Fla.

PAR. 2. The respondent, George Von Nieda, together with Sadie Von Nieda and Florence Beebe, trading as Von Drug Company, are now, and for more than one year prior to the issuance of the complaint in this proceeding have been, the owners of a medicinal formula for a medicine known as "Von's Pink Tablets," containing bismuth subnitrate, magnesium oxide, and sodium bicarbonate which they caused to be manufactured in tablet form and transported in bulk from the place where manufactured in the State of Minnesota to the other named respondents at their respective places of business in States other than the State of Minnesota. Said other named respondents are each under similar contracts with the said George Von Nieda, Sadie Von Nieda, and Florence Beebe as sales agents or distributors, and upon receipt of said tablets, bottle, label, and sell same to the purchasing public and to dealers located throughout the several States of the United States and in the District of Columbia. Said respondents have acted in cooperation with each other in the acts and practices set out in the complaint.

PAR. 3. Respondents in the course and conduct of their business aforesaid have disseminated and are disseminating, and have caused and are now causing the dissemination of advertisements concerning said medicinal preparation designated "Von's Pink Tablets" by the United States mail and by various means in commerce, as commerce is defined by the

Federal Trade Commission Act, which are likely to induce, directly or indirectly, the purchase of said medicinal preparation. The respondents have also disseminated and are now disseminating, and have caused and are now causing the dissemination of, advertisements concerning said medicinal preparation 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 by the Federal Trade Commission Act.

Among and typical of the representations contained in said advertisement disseminated and caused to be disseminated by the respondents, as aforesaid, are the following:

A remarkable treatment for stomach ulcers due to gastric hyperacidity.

Use of the famous Von's Tablets is bringing prompt relief in thousands of really severe long standing excess acid stomach ulcer cases everywhere for many who thought they might never be better again.

There is hope for sufferers from stomach ulcers due to excess stomach acid.

Stomach ulcers caused by gastric hyperacidity are now being satisfactorily and easily treated at home through the use of Von's Pink Tablets * * * Especially designed to relieve Stomach Ulcers caused by gastric hyperacidity * * * and without operation * * *.

Have you found the key to relief from an over-acid stomach?

They tend to neutralize the acidity in the stomach and thus restore a more correct chemical balance.

Von's Pink Tablets Famous For Relief in Obstinate cases of gastritis and ulcers caused by gastric hyperacidity.

Do Von's Pink Tablets tend to prevent acid-stomach ulcers from forming when one is suffering from gastric hyperacidity? Yes, if taken in time.

Do the food instructions require a liquid or a rigid diet? No. On the contrary a substantial quantity of food is allowed to build up body strength which should aid in desired relief. How can one who has not been able to eat hardly anything start right in eating some hearty foods? * * * Von's Pink Tablets helps to make this possible * * *.

Importance of coating ulcers and of still higher importance, there should be added to the proper kind of an acid neutralizer, a fine metallic powder of unabsorbable nature as will upon being taken into the stomach, cling to the stomach irritations, thus coating any open surfaces on the stomach lining, so giving such open places needed protection.

PAR. 4. Through the use of the statements and representations hereinabove set forth, and other statements and representations similar thereto, not set forth herein, all of which purport to be descriptive of the therapeutic properties of respondents' preparation, "Von's Pink Tablets," respondents have represented, directly and by implication, that said preparation is a remarkable and effective treatment for stomach ulcers and stomach ulcers caused by gastric hyperacidity; that its use brings prompt relief to long-standing cases of stomach ulcers; that stomach ulcers may be satisfactorily and easily treated at home by the use of Von's Pink Tablets; that the use of said preparation restores the stomach content to a more correct chemical balance; that the use of said preparation tends to prevent acid stomach ulcers from forming; that the use of said preparation helps one suffering from stomach ulcers to enjoy hearty eating; and that said preparation when taken will coat stomach ulcers or denuded surfaces in the stomach with a protective metallic powder.

PAR. 5. The aforesaid statements and representations of the respondents are grossly exaggerated, false and misleading. In truth and in fact

respondents' preparation designated "Von's Pink Tablets" is not a remarkable treatment or an effective treatment for stomach ulcers or stomach ulcers caused by gastric hyperacidity. The use of said preparation will not bring prompt relief to one suffering from a long-standing case of stomach ulcers. Stomach ulcers may not be satisfactorily and easily treated at home by the use of Von's Pink Tablets. The use of said preparation will not restore the stomach content to a more correct chemical balance. The use of said preparation will not prevent or tend to prevent stomach ulcers from forming. The taking of said preparation will not make it safe for one suffering from stomach ulcers to eat heartily. The taking of said preparation will not effectively coat stomach ulcers or denuded surfaces of the stomach with any protective film or powder.

PAR. 6. The use by the respondents of the foregoing false and misleading statements and representations and others of similar nature, disseminated as aforesaid, has had, and now has, the tendency and capacity to, and does, mislead a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements, representations and advertisements are true, and to induce a substantial portion of the purchasing public, because of such mistaken and erroneous belief, to purchase respondents' said preparation.

CONCLUSION

The aforesaid acts and practices of the respondents, as herein found, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices 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 and a stipulation as to the facts entered into between counsel for the respondents herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the said Commission may proceed upon said statement of facts to make its report, stating its findings as to the facts and its conclusion based thereon and enter its order disposing of the proceeding; and the Commission having made its findings as to the facts and conclusion that the respondents have violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondents, George Von Nieda, Sadie Von Nieda and Florence Beebe, copartners, trading as Von Drug Company; Wallace G. Firth, an individual, trading as Omaha Von Company; F. J. Foersterling and Virginia G. Pachaly, copartners, trading as Philadelphia Von Company and as Chicago Von Company; W. A. Egan, an individual, trading as Boston Von Company; E. W. Downs, an individual, trading as Los Angeles Von Company and as San Francisco Von Company; C. M. LeRoux, an individual, trading as Atlanta Von Company; Clarence A. Paulson, an individual, trading as Twin City Von Company; Lottie Johnston, an individual, trading as Indianapolis Von Company; M. T. Sughroue, an individual, trading as Seattle Von Company; G. B. McGlenn and C. A. Revell, copartners, trading as Detroit Von Company

and E. C. Beebe, an individual, trading as New York Von Company, or trading under any other name or names, their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their preparation, "Von's Pink Tablets," or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly:

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

(a) Is an effective treatment for stomach ulcers or stomach ulcers caused by gastric hyperacidity.

(b) Will afford prompt relief to a person suffering from a long-standing case of stomach ulcers.

(c) Is an effective and competent home treatment for stomach ulcers.

(d) Will restore the stomach content to a more correct chemical balance.

(e) Will prevent or tend to prevent stomach ulcers from forming.

(f) Will make it safe for one suffering from stomach ulcers to eat heartily.

(g) Will effectively coat stomach ulcers or denuded surfaces in the stomach with a protective coating.

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 "Von's Pink Tablets," which advertisements contain any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the 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

BROOKS APPLIANCE COMPANY ET AL.

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

Docket 5072. Complaint, Nov. 26, 1943¹—Decision, Jan. 27, 1944

Where a corporation, and two officers thereof, who dominated and controlled its sales policies and advertising program, engaged in the manufacture and interstate sale and distribution of their "Brooks Rupture Appliance" or "Brooks Automatic Air Cushion," and "Natural Uterine Supporter," for use by women suffering from ailments caused by displacements of the womb; and their advertising agency; in advertisements thereof, directly and by implication—

- (1) Represented falsely that use of their "Rupture Appliance" constituted a competent remedy or cure for hernia, which would assure the user cessation of all discomfort and worry occasioned thereby, enable the wearer comfortably to resume and fully enjoy all activities of a normal life, including hard work and strenuous play, and in all cases of reducible hernia hold it securely and comfortably in place at all times; that the air cushion attachment was automatic and always clung to the spot to which it was adjusted without slipping, and that the device adjusted itself to every bodily movement, enabling nature to heal the hernia so that the need for wearing a truss or support of any kind would be obviated, and eliminating the possibility of strangulation;

Facts being that there are many reducible hernias which can not be retained by merely wearing an appliance or truss, no device or possible truss is the best appliance for use in all cases of reducible hernia, many types being superior for some hernias to that herein involved; fact that where a truss is properly fitted and succeeds in holding back the hernia, a small percentage of cases will heal to a point where the appliance may be laid aside, such does not mean hernia's permanent healing since unusual activity or straining may cause it to become active again; and every person thus affected can not expect through the use of a truss, either their's or others, to return to normal daily activities of manual labor or hard play, but must take reasonable precautions, to avoid further trouble from the hernia including possible strangulation of the part entering the sack; and

- (2) Falsely represented that use of their "Natural Uterine Supporter" constituted a competent and effective treatment for all uterine displacements and would relieve and cure all ailments and diseases caused by womb displacements;

Facts being use of said device might readily exaggerate many uterine or female sex difficulties, and no such device should be used unless it is determined by a competent physician that it will be beneficial and is not likely to be injurious to the wearer;

With capacity to mislead and deceive the purchasing public into the erroneous belief that such representations were true and because of such mistaken belief, into the purchase of said devices:

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.

Mr. R. P. Bellinger for the Commission.

¹ Amended.