

Complaint

38 F. T. C.

IN THE MATTER OF

REX DIATHERMY CORPORATION

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

Docket 5145. Complaint, Mar. 31, 1944—Decision, June 26, 1944

Where a corporation engaged in the manufacture and rental and interstate sale and distribution of its "Rex Diathermy Machine"; by advertisements in Italian in newspapers and other advertising literature and through radio continuities—

- (a) Represented that its said device or apparatus when used by unskilled individuals in the home treatment of self-diagnosed diseases and ailments, was a competent treatment and remedy for rheumatism in its various forms in all parts of the body, sciatica, lumbago, arthritis, bronchitis and other ailments and diseases, and for the alleviation of pain resulting therefrom; and that diathermy treatments are used by all doctors and in all hospitals for the treatment of the diseases and conditions named;

The facts being said representations were grossly exaggerated, false and misleading; said device was not a competent and effective means and methods for the treatment of self-diagnosed diseases or ailments or for the alleviation of pain resulting therefrom: there are many diseases in which diathermy would be contra-indicated, while in others use or improper use thereof might seriously aggravate rather than relieve conditions; some conditions for which the device was recommended may be symptomatic of underlying systemic disorders for which such treatment would have no therapeutic value and might even be injurious, and be responsible for fatal delay for proper diagnosis of such underlying causes as tuberculosis, syphilis, cancer or diabetes; use of diathermy requires diagnosis by competent medical authority to determine if such treatment is indicated and if so, method and duration which should be prescribed; and it is not used, as claimed, by all doctors or all hospitals for treatment of the diseases represented; and

- (b) Failed to reveal that prescribed use of its device might result in serious and irreparable injury to health and that it might be safely used only after a competent medical authority had determined, as a result of diagnosis, that diathermy was indicated, and had prescribed the frequency and amount of application of such treatments, and the user had been adequately instructed in the method of operating such device by a trained technician;

With effect of misleading and deceiving a substantial portion of the purchasing public into the erroneous belief that such representations were true and thereby induce its purchase of said device:

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. S. F. Rose for the Commission.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said act, the Federal Trade Commission, having reason to believe that Rex Diathermy Corporation, hereinafter referred to as respondent, has violated the provisions of the said act, and it appearing to the Commission that a proceeding by it in respect

thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, Rex Diathermy Corporation, is a corporation, created, organized and existing under and by virtue of the laws of the State of New York, with its office and principal place of business now at 901 First Court, Brooklyn, N. Y.

PAR. 2. The respondent is now, and for more than three years last past, has been engaged in the manufacture, rental, sale and distribution of a certain device or apparatus designated as Rex Diathermy Machine.

In the course and conduct of its business, the respondent causes and has caused said device or apparatus, when sold, to be transported from its place of business in the State of New York, to purchasers thereof located in various States of the United States and in the District of Columbia.

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

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

Among, and typical of, the false, misleading and deceptive statements and representations contained in said false advertisements, disseminated and caused to be disseminated, as hereinabove set forth, by the United States mails, by advertisements in newspapers, by radio continuities and other advertising literature all in the Italian language, the English translations of which are as follows:

Those who suffer from rheumatism, sciatica, lumbago, arthritis, bronchitis and similar ails, are cordially invited to try the Rex Diathermy Machine belonging to Mr. Oliveri of 38 Park Row NY: As you may know, the diathermy is used by all doctors and in all hospitals. This machine, if you wish, will be taken to your home to give you a free trial and to show you how easy it is to obtain relief with the penetrating warmth of the Rex Diathermy. All you have to do is write or telephone at this address: Mr. Oliveri, 38 Park Row, NY. Telephone Barclay 7-3164 and almost immediately an expert italian specialist will come to your home to give you a free trial and all information you require. Do not suffer any longer. Use the Rex Diathermy Machine. The address is: Mr. Oliveri, 38 Park Row NY Telephone Barclay 7-3164.

Do you suffer from rheumatism, sciatica, lumbago, arthritis, bronchitis or other similar ails that stop you from working? * * * Many sufferers who have tried it write us letters of thanks for the magnificent results obtained, and you can read and see these same letters at Mr. Oliveri's office whenever you like. Remember that the trial is gratis, therefore do not suffer any longer, use the Rex Diathermy machine, call tomorrow. I repeat the address: Mr. Oliveri 38 Park Row New York. Telephone Barclay 7-3164.

Diathermy Machine Guarantee, \$35 full price; call noon to 3. Barclay 7-3164.

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PAR. 4. By the use of the representations hereinabove set forth and other representations similar thereto, not specifically set out herein, respondent represents that its device or apparatus, advertised as a Diathermy Machine, when used by the unskilled public in the treatment of self-diagnosed diseases and ailments of the human body by individual application in the home, is a competent and effective means and method for the treatment of and constitutes a competent remedy for rheumatism in its various forms in all parts of the body, sciatica, lumbago, arthritis, bronchitis and other unnamed ailments and diseases of the body, and for the alleviation of pain resulting therefrom; and that diathermy treatments are used by all doctors and in all hospitals for the treatment of the diseases and conditions named in respondent's advertisements.

PAR. 5. The foregoing representations are grossly exaggerated, false, and misleading. Respondent's device or apparatus, designated as Rex Diathermy Machine, portable in character, is commonly known as the spark-gap type diathermy. The power is obtained from house current by the necessary connection and transmitted through said device to the patient by means of two electrical cords, each of which terminates in an insulated electrode or pad. The application to the patient is made usually by placing the electrodes in such position that the power may pass between said electrodes through the affected area, at stated intervals and for varying periods of time.

The individual self-application of said device by the unskilled lay public in the home, under the conditions prescribed in said advertisements or under such conditions as are customary or usual is not an effective method for the treatment of, nor does its use constitute a competent remedy for, rheumatism in its various forms in all parts of the body, arthritis, bronchitis, sciatica, lumbago, and similar ailments and diseases.

Said device is not a competent and effective means and method to be used in the treatment of self-diagnosed diseases and ailments of the human body, or for the alleviation of pain resulting therefrom. Its use is contraindicated and may result in serious and irreparable injury to health in all conditions involving acute inflammatory processes, in conditions involving the special senses and glandular structures, and in the treatment of conditions in close proximity to the special senses and glandular structures.

In conditions of acute inflammation of the nerves, such as neuritis, neuralgia, sciatica and lumbago, and acute inflammation of the joints, such as arthritis, lumbago or rheumatic pains associated with acute inflammatory conditions of the nerves and joints, its use may result in further swelling of inflamed tissue, thereby increasing the congestion of the inflamed part and spreading the inflammation to adjacent tissue and allowing the absorption of toxins, if present.

Furthermore, the use of said device for the relief of pain due to neuralgia or neuritis, which may be symptoms of some deeper underlying disease or cause such as tumor, tuberculosis, syphilis, cancer or diabetes, may fatally delay proper diagnosis and treatment.

The application of diathermy in conditions of acute sinus trouble may result in further increasing congestion of the mucous membrane of the sinuses, nose and throat, causing increased absorption of bacterial toxins, if present, perpetuating the congestion of the mucous membrane.

The application of said device by the unskilled layman in the treatment of pains in the knees may fatally delay proper diagnosis and treatment, in

that cancer of the spine may, and often does, evidence itself by severe pain in said areas.

Diathermy, when applied in excess dosage in the treatment of severe pains in the extremities in the presence of advanced blood vessel changes of the legs, may cause serious burns and may directly lead to gangrene and necessitate amputation of the legs.

When diathermy is applied to areas which may be affected by malignant tumors, such use may result in stimulating the growth of cancerous cells or in spreading the trouble to other tissues.

In those areas of the skin where the sense of heat has been lost, due to injury or impairment of the peripheral nerves, the application of said device may result in tissue destruction and severe burns.

There are many diseases and conditions in the treatment of which diathermy would be contra-indicated. There are other conditions in which the efficacy of diathermy is dependent upon the method and duration of its use. In both of the above classes of cases the use or improper use of diathermy might aggravate rather than relieve such conditions. Furthermore, many conditions, including some of those for which respondent recommends its device, are sometimes symptomatic or indicative of underlying systemic disorders for which treatment by diathermy would have no therapeutic value and might even be injurious. It would be impossible for a member of the lay public to correctly diagnose his ailment or condition or to determine the underlying cause of such disorder. It would also be impossible for such person to correctly determine the method and duration of the use of diathermy. Consequently, the use of diathermy requires the diagnosis of the ailment or condition by a competent medical authority in order to determine if diathermy is indicated and the method and duration of treatment which should be prescribed. Diathermy is not used by all doctors and in all hospitals for the treatment of the diseases and conditions as represented by the respondent.

PAR. 6. In addition to the representations hereinabove set forth, the respondent has also engaged in the dissemination of false advertisements in the manner above set forth, in that said advertisements so disseminated fail to reveal all facts material in the light of such representations or material with respect to consequences which may result from the use of said device or apparatus, under the conditions prescribed in said advertisements, or under such conditions as are customary or usual, and that the use of said device may result in serious and irreparable injury to health.

The said advertisements are further false, as aforesaid, in that said advertisements also fail to conspicuously reveal that the device may be safely used only after a competent medical authority has determined, as a result of diagnosis, that diathermy is indicated and has prescribed the frequency and amount of application of such diathermy treatments and the user has been adequately instructed in the method of operating such device by a trained technician.

PAR. 7. The use by the respondent of the foregoing false, deceptive and misleading statements and representations with respect to its device or apparatus, disseminated as aforesaid, has had and now has the capacity and tendency to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements, representations and advertisements are true and to induce a portion of the purchasing public, because of such erroneous and mistaken belief, to purchase the respondent's said device or apparatus.

PAR. 8. The foregoing 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 March 31, A. D., 1944, issued, and subsequently served its complaint in this proceeding upon respondent, Rex Diathermy 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, the Commission, by order entered herein, granted respondent's motion for permission to withdraw said answer and to substitute therefor an answer admitting all the material allegations of fact set forth in said complaint and waiving all intervening procedure and further hearing as to said facts, which substitute answer was duly filed in the office of the Commission. Thereafter, this proceeding regularly came on for final hearing before the Commission on the said complaint and substitute answer 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, Rex Diathermy Corporation, is a corporation, created, organized and existing under and by virtue of the laws of the State of New York, with its office and principal place of business now at 901 First Court, Brooklyn, N. Y.

PAR. 2. The respondent is now, and for more than three years last past, has been engaged in the manufacture, rental, sale and distribution of a certain device or apparatus designated as Rex Diathermy Machine.

In the course and conduct of its business, the respondent causes and has caused said device or apparatus, when sold, to be transported from its place of business in the State of New York, to purchasers thereof located in various States of the United States and in the District of Columbia.

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

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

Among, and typical of, the false, misleading and deceptive statements and representations contained in said false advertisements, disseminated and caused to be disseminated, as hereinabove set forth, by the United States mails, by advertisements in newspapers, by radio continuities and other advertising literature all in the Italian language, are the following (English translation):

Those who suffer from rheumatism, sciatica, lumbago, arthritis, bronchitis and similar ails, are cordially invited to try the Rex Diathermy Machine belonging to Mr. Oliveri of 38 Park Row NY. As you may know, the diathermy is used by all doctors and in all hospitals. This machine, if you wish, will be taken to your home to give you a free trial and to show you how easy it is to obtain relief with the penetrating warmth of the Rex Diathermy. All you have to do is write or telephone at this address: Mr. Oliveri, 38 Park Row, NY. Telephone Barclay 7-3164 and almost immediately an expert Italian specialist will come to your home to give you a free trial and all information you require. Do not suffer any longer. Use the Rex Diathermy Machine. The address is: Mr. Oliveri, 38 Park Row NY Telephone Barclay 7-3164.

Do you suffer from rheumatism, sciatica, lumbago, arthritis, bronchitis or other similar ails that stop you from working? * * * Many sufferers who have tried it write us letters of thanks for the magnificent results obtained, and you can read and see these same letters at Mr. Oliveri's office whenever you like. Remember that the trial is gratis, therefore do not suffer any longer, use the Rex Diathermy machine, call tomorrow. I repeat the address: Mr. Oliveri 38 Park Row New York. Telephone Barclay 7-3164.

Diathermy Machine Guarantee, \$35 full price; call noon to 3. Barclay 7-3164.

PAR. 4. By the use of the representations hereinabove set forth and other representations similar thereto, not specifically set out herein, respondent represents that its device or apparatus, advertised as a Diathermy Machine, when used by the unskilled public in the treatment of self-diagnosed diseases and ailments of the human body by individual application in the home, is a competent and effective means and method for the treatment of and constitutes a competent remedy for rheumatism in its various forms in all parts of the body, sciatica, lumbago, arthritis, bronchitis and other unnamed ailments and diseases of the body, and for the alleviation of pain resulting therefrom; and that diathermy treatments are used by all doctors and in all hospitals for the treatment of the diseases and conditions named in respondent's advertisements.

PAR. 5. The foregoing representations are grossly exaggerated, false, and misleading. Respondent's device or apparatus, designated as Rex Diathermy Machine, portable in character, is commonly known as the spark-gap type diathermy. The power is obtained from house current by the necessary connection and transmitted through said device to the patient by means of two electrical cords, each of which terminates in an insulated electrode or pad. The application to the patient is made usually by placing the electrodes in such position that the power may pass between said electrodes through the affected area, at stated intervals and for varying periods of time.

The individual self-application of said device by the unskilled lay public in the home, under the conditions prescribed in said advertisements or under such conditions as are customary or usual is not an effective method for the treatment of, nor does its use constitute a competent remedy for, rheumatism in its various forms in all parts of the body, arthritis, bronchitis, sciatica, lumbago, and similar ailments and diseases.

Said device is not a competent and effective means and method to be used in the treatment of self-diagnosed diseases and ailments of the human body, or for the alleviation of pain resulting therefrom. Its use is contra-indicated and may result in serious and irreparable injury to health in all conditions involving acute inflammatory processes, in conditions involving the special senses and glandular structures, and in the treatment of conditions in close proximity to the special senses and glandular structures.

In conditions of acute inflammation of the nerves, such as neuritis, neuralgia, sciatica and lumbago, and acute inflammation of the joints, such as arthritis, lumbago or rheumatic pains associated with acute inflammatory conditions of the nerves and joints, its use may result in further swelling of inflamed tissue, thereby increasing the congestion of the inflamed part and spreading the inflammation to adjacent tissue and allowing the absorption of toxins, if present.

Furthermore, the use of said device for the relief of pain due to neuralgia or neuritis, which may be symptoms of some deeper underlying disease or cause such as tumor, tuberculosis, syphilis, cancer or diabetes, may fatally delay proper diagnosis and treatment.

The application of diathermy in conditions of acute sinus trouble may result in further increasing congestion of the mucous membrane of the sinuses, nose and throat, causing increased absorption of bacterial toxins, if present, perpetuating the congestion of the mucous membrane.

The application of said device by the unskilled layman in the treatment of pains in the knees may fatally delay proper diagnosis and treatment, in that cancer of the spine may, and often does, evidence itself by severe pain in said areas.

Diathermy, when applied in excess dosage in the treatment of severe pains in the extremities in the presence of advanced blood vessel changes of the legs, may cause serious burns and may directly lead to gangrene and necessitate amputation of the legs.

When diathermy is applied to areas which may be affected by malignant tumors, such use may result in stimulating the growth of cancerous cells or in spreading the trouble to other tissues.

In those areas of the skin where the sense of heat has been lost, due to injury or impairment of the peripheral nerves, the application of said device may result in tissue destruction and severe burns.

There are many diseases and conditions in the treatment of which diathermy would be contra-indicated. There are other conditions in which the efficacy of diathermy is dependent upon the method and duration of its use. In both of the above classes of cases the use or improper use of diathermy might aggravate rather than relieve such conditions. Furthermore, many conditions, including some of those for which respondent recommends its device, are sometimes symptomatic or indicative of underlying systemic disorders for which treatment by diathermy would have no therapeutic value and might even be injurious. It would be impossible for a member of the lay public to correctly diagnose his ailment or condition or to determine the underlying cause of such disorder. It would also be impossible for such person to correctly determine the method and duration of the use of diathermy. Consequently, the use of diathermy requires the diagnosis of the ailment or condition by a competent medical authority in order to determine if diathermy is indicated and the method and duration of treatment which should be prescribed. Diathermy is

not used by all doctors and in all hospitals for the treatment of the diseases and conditions as represented by the respondent.

PAR. 6. In addition to the representations hereinabove set forth, the respondent has also engaged in the dissemination of false advertisements in the manner above set forth, in that said advertisements so disseminated fail to reveal all facts material in the light of such representations or material with respect to consequences which may result from the use of said device or apparatus, under the conditions prescribed in said advertisements, or under such conditions as are customary or usual, and that the use of said device may result in serious and irreparable injury to health.

The said advertisements are further false, as aforesaid, in that said advertisements also fail to conspicuously reveal that the device may be safely used only after a competent medical authority has determined, as a result of diagnosis, that diathermy is indicated and has prescribed the frequency and amount of application of such diathermy treatments and the user has been adequately instructed in the method of operating such device by a trained technician.

PAR. 7. The use by the respondent of the foregoing false, deceptive and misleading statements and representations with respect to its device or apparatus, disseminated as aforesaid, has had and now has the capacity and tendency to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements, representations and advertisements are true and to induce a portion of the purchasing public, because of such erroneous and mistaken belief, to purchase the respondent's said device or apparatus.

CONCLUSION

The foregoing 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 and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to the facts, 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, Rex Diathermy Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondent's device designated "Rex Diathermy Machine," 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 represents, directly or by implication:

(a) That said device, when used by unskilled laymen in the treatment of self-diagnosed conditions, constitutes a competent or effective treatment of or remedy for rheumatism in its various forms in all parts of the body, arthritis, bronchitis, sciatica, lumbago or other similar diseases.

(b) That said device constitutes a competent or effective treatment for the alleviation of pain resulting from diseases and ailments of the human body unless specifically limited to conditions which do not involve acute inflammatory processes, glandular structures, or the special senses.

(c) That diathermy treatments are used by all doctors and in all hospitals for the treatment of diseases or diseased conditions.

2. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement fails to reveal clearly and conspicuously that said device is not safe for use for any condition unless and until a competent medical authority has determined, as a result of diagnosis, that the use of diathermy is indicated, has prescribed the frequency and rate of application of the treatments, and the user has been adequately instructed by a trained technician in the use of such device.

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

It is further ordered, That the respondent shall, within 10 days after service upon it of this order, file with the Commission an interim report in writing, stating whether it intends to comply with this order and, if so, the manner and form in which it intends to comply; and that within 60 days after service upon it of this order, the respondent shall file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Complaint

IN THE MATTER OF

C. H. STEMMONS MANUFACTURING COMPANY, ETC.

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

Docket 4882. Complaint, Dec. 30, 1942.—Decision, June 27, 1944

Where an individual engaged in the manufacture and interstate sale and distribution of his "Airflow Arch-Ezur" arch supports; through advertisements and depictions in newspapers and periodicals and by circulars, pamphlets, letters and other advertising media, directly and by implication—

- (a) Represented that his said device would relieve foot pains caused by weak arches, callouses, metatarsal troubles and other foot disabilities; create an air suction through the shoes sufficient to keep the feet dry, cool, healthy, and comfortable; and was adjustable for both the metatarsal and longitudinal arches of the foot and would provide proper support therefor; and
- (b) Represented that it would prevent the formation of and remove bunions on the big and little toes, and overriding the shoe by the foot and spreading feet; aid in the restoration of foot health and relieve foot and body fatigue; that use thereof made shoes fit better in the arch, exercising weak, flabby muscles and restoring their tone and rebuilding degenerated tissues; and that it stimulated and increased circulation of blood in the feet, eased and relieved tired, aching feet, and was so scientifically designed as to be adjustable to fit every individual foot;

The facts being that mechanical construction of said supports was not such as to give proper support to either arch and it was not adjustable to the extent of giving such support; while, being soft, it might give the sense of temporary comfort for tired feet, it had no corrective function; air suction created by the openings in it was not sufficient to have any effect upon the feet or keep them dry, cool, healthy or comfortable; no device so constructed could fit every individual, since foot structure varies, and other claims made therefor were likewise false and misleading;

With tendency and capacity of misleading and deceiving a substantial portion of the purchasing public into the erroneous belief that such statements were true and thereby inducing it to purchase a substantial quantity of his said device:

Held, That such acts and practices, under the circumstances set forth, were all to the prejudice and injury of the purchasing public, and constituted unfair and deceptive acts and practices in commerce.

Before *Mr. Randolph Preston*, trial examiner.

Mr. Jesse D. Kash for the Commission.

Turpin, Behrendt & Searing, of Kansas City, Mo., 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 C. H. Stemmons, an individual, trading as C. H. Stemmons Manufacturing Company and AirFlow Arch-Ezur Company, 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: