

Order

IN THE MATTER OF

STAFFORD T. MITCHELL, JANET M. MITCHELL, AND
OTIS S. MITCHELL, DOING BUSINESS AS ARVIL COMPANY

ORDER MODIFYING ORDER TO CEASE AND DESIST

Docket 3472. Order, August 16, 1944

Order modifying paragraph 7 of cease and desist order in proceeding in question — in which original order, issuing on December 6, 1939, 30 F. T. C. 1, required respondents, their representatives, etc., in connection with offer, etc., in commerce, of their "Arvil" and "Dawn Shampoo" preparations, to cease and desist specified representations relative to the effect thereof, significance of graying hair, cause of dandruff according to consensus of scientific opinion, and representation that "Arvil" contains no harmful or dangerous drugs and will have no ill effect upon the body through failure to reveal that its use is not wholly safe, particularly if there is any injury or inflammatory condition on the skin—so as to change said last named prohibition to read "representing that the use of the preparation Arvil is safe and will have no ill effects upon the human body."

ORDER MODIFYING ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the record, and an order to cease and desist having been issued pursuant thereto on December 6, 1939, and upon further consideration it now appearing to the Commission that paragraph 7 of said order should be modified in certain respects in order to conform to the present scientific findings pertaining to lead acetate hair dye preparations, and the respondents having executed and filed with the Commission an instrument in which it is stated that they will not resist modification of the order in the respects outlined in said instrument.

Now, therefore, it is ordered, That paragraph 7 of the order to cease and desist entered herein on December 6, 1939, be modified to read as follows:

7. "Representing that the use of the preparation Arvil is safe and will have no ill effects upon the human body."

It is further ordered, That, except as herein modified, said order to cease and desist remain in full force and effect.

Note: The original order, reported with the complaint and findings in 30 F. T. C. 1, follows:

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission (the respondents not having filed answer), testimony and other evidence taken before Willaim C. Reeves, Charles F. Diggs, and Webster Ballinger, Examiners of the Commission, theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief in support of the allegations of the complaint (respondents not having filed a brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act.

It is ordered, That respondents, Stafford T. Mitchell, Janet M. Mitchell, and Otis S. Mitchell, individually, and trading as The Arvil Co. or trading under any other name or names, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their hair preparations designated as "Arvil" and "Dawn Shampoo," or any other preparation composed of substantially similar ingredients, or possessing substantially similar properties whether sold under those names or any other name or names in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that "Arvil" restores or replaces pigment in the hair shaft or that the use thereof causes the hair to assume a natural or youthful color or that said product produces color by any means other than dyeing the hair shaft.

2. Representing that graying hair is an indication that the hair or scalp is not in normal health.

3. Representing that it is the consensus of scientific opinion that dandruff is caused by a germ.

4. Representing that "Arvil" is effective as an antiseptic or astringent when applied to the hair or scalp.

5. Representing that either "Arvil" or "Dawn Shampoo," or both of said products, will permanently relieve dandruff or itching scalp or that either, or both of said products is an effective treatment for dandruff.

6. Representing that either "Arvil" or "Dawn Shampoo," or both of said products, is a cure or remedy for baldness or is a cure or remedy or an effective treatment for falling hair or the cause or causes thereof.

7. Representing, through failure to reveal that the use of "Arvil" on the skin is not wholly safe, particularly if there is any injury, abrasion or inflammatory or eczematous condition thereon, or through any other means or device or in any other manner, that "Arvil" contains no harmful or dangerous drugs, or that the use of said preparation will have no ill effects upon the human body.

It is further ordered, That respondents shall within 60 days after the 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.

Order

IN THE MATTER OF

PREMIO SALES COMPANY, INC. AND ROSE SOMMERS

MODIFIED CEASE AND DESIST ORDER

Docket 3489. Order, August 16, 1944

Modified order, in proceeding in question, in which original order issued on February 7, 1939, 28 F. T. C. 386, requiring respondents, their representatives, etc., in connection with offer, etc., in commerce, of clocks, watches, cameras, and various other articles of merchandise, as below set out, to cease and desist from supplying, etc., others with lottery devices or schemes for the sale of respondents' merchandise, or using the term "free" to describe articles offered as compensation for distribution thereof, as in said order specified.

MODIFIED 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 respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts; and the Commission having duly made and issued its findings as to the facts, conclusion and order to cease and desist dated February 7, 1939; and the Commission having further considered said order to cease and desist heretofore issued, and being of the opinion that the public interest requires that a modified order to cease and desist should be issued in said cause; and the Commission having given due notice to the respondents to show cause on July 24, 1944, why this case should not be reopened for the purpose of modifying said order to cease and desist; and the Commission having considered the matter and the record herein, and having issued its order modifying said order in certain respects, issues this its modified order to cease and desist.

It is ordered, That the respondent, Premio Sales Co., Inc., a corporation, its officers and Rose Sommers, individually, and as an officer of Premio Sales Co., Inc., and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of, clocks, watches, cameras, bedding, clothing, cigarette lighters and cases, silverware, chinaware, jewelry, dolls, kitchenware, pocketknives, pen and pencil sets, cosmetics, razor blades, or any other articles of merchandise in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others, pull cards or circulars having pull tabs thereon or any other lottery device for the purpose of enabling such persons to dispose of or sell any merchandise by the use thereof.

2. Mailing, shipping, or transporting, to their agents, or to distributors, or to members of the public, pull cards or circulars having pull tabs thereon