

IN THE MATTER OF

ROBERT M. CALVERT AND RALPH D. WESTER

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

Docket 5019. Complaint, July 29, 1943—Decision, Sept. 29, 1944

Where two individuals engaged in interstate sale and distribution of incense, powders, oils, stones, etc., claimed by them to possess magical and supernatural powers, including among others, "*Lucky Mo-Jo Perfume*—\$1.00. Many say it brings luck and health in love affairs," "*Genuine Magnetic Loadstone*—\$1.00. Carry it in your pocket or purse always," "*Black Cat Ring*—\$1.50. Worn by many to ward off evil and to bring Success," "*Black Magic Voodooos Bring Back Powders*"; through statements in circular letters and other advertising material, including cards and price lists—

Falsely represented through their various statements and designations, including use of such words as "lucky" and "magic," directly or by implication, that the articles sold by them possessed mystic, magical, and supernatural powers, and that use thereof would bring to the user good luck, health, success, wealth, prosperity, happiness, and love, and enable him to solve any problem with which he might be confronted;

With tendency and capacity to mislead and deceive a substantial portion of the purchasing public with respect to the nature and efficacy of their products, and thereby to cause it to purchase substantial quantities thereof:

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

Before *Mr. Arthur F. Thomas*, trial examiner.

Mr. Randolph W. Branch for the Commission.

Clarke, Longmire & Lane, of Chicago, Ill., for respondents.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said act, the Federal Trade Commission, having reason to believe that Robert M. Calvert and Ralph D. Wester, hereinafter referred to as respondents, have 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. Respondents, Robert M. Calvert and Ralph D. Wester, are individuals, trading under the names West African Specialty Co. and African Specialty Co., with an office and principal place of business at 309 East 47th Street, Chicago, Ill.

PAR. 2. Respondents are now, and have been for more than two years last past, engaged in the business of selling powders, oils, incense, books and other goods. Respondents cause the said articles to be transported

from their aforesaid place of business in the State of Illinois to purchasers thereof in various States of the United States and in the District of Columbia. Respondents maintain, and at all times mentioned herein have maintained, a course of trade in said articles in commerce between and among the various States of the United States, and in the District of Columbia.

PAR. 3. In the course and conduct of their said business and for the purpose of inducing the purchase of their wares, respondents have made and caused to be made and used, by means of advertising circulars, cards and price lists, representations and claims concerning and designations of their said wares.

PAR. 4. Among and typical of certain of said claims and representations so made are the following:

Yes, you can have prosperity, health and happiness—no matter what your problems may be, my service successfully takes care of them in the most reliable way—I guarantee to help you. —Send for this true method right now and secure yourself abundance of money; perfect love; health; happiness and whatever else your heart may desire. The price is \$5.00 complete. —We will gladly provide our special number service Free to those who desire it.

No matter what your troubles may be, we can help you.

Through the use of the foregoing statements and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that anyone who pays them five dollars will be enabled to attain wealth, love, health and happiness, and a solution to any other problem not solved by the attainment of the foregoing, and will receive a special service which will enable him to participate successfully in the gaming plans or schemes known as "policy" or "the numbers."

The said representations are false and misleading. In truth and in fact, the attainment of wealth depends upon many personal qualities such as industry, frugality, honesty and foresightedness, the mental talents with which the individual was endowed and the extent to which they have been cultivated by education, experience and environment, and upon various economic factors.

Health, wealth, love and happiness will not be attained by those who obtain from respondents the articles sent to those who accept respondents' offer, and who use them as directed. The articles, and their use, are as follows:

A vial, to be sewn in a black cloth and carried in the pocket; a packet of incense to be burned in the home after dark, and a packet of powder to be sprinkled where the purchaser's enemies will walk over it. The so-called "Number Service" consists of a pseudo-scientific brochure entitled "The Secret of Numbers Revealed" by one Godfrey Spencer, and elementary mathematics reveals the unlikelihood of gambling successfully in a scheme when the odds are 999 to 1 and the reward to the winner 600 to 1, even when the gambler wears an amulet or carries a rabbit's foot.

PAR. 5. Among and typical of the claims and representations and designations so made and used are the following:

The light of a candle. A symbol of faith to accomplish your desires. Learn how to burn candles—if burned and anointed correctly they will bring luck, love and happiness.

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Lucky Mo-Jo Perfume. Many say it brings luck and helps in love affairs.

Van-Van Floor Wash . . . bring friends and money into your house.

Genuine Magnetic Loadstone . . . \$1.00. Carry it—always.

Special Herb Bag with Van-Van Oil—\$1.00. Directions with this bag for whatever purpose you wish.

Black Cat Ring—\$1.50. Worn by many to ward off evil and to bring success.

Race Horse Lucky Symbol Ring.

Alleged Lucky African Lion Symbol Ring.

Black Magic Voodos Bring Back Powers.

Black Magic Stay Home Powers.

Black Magic Prosperity Powers.

Black Magic Drive Away Powers.

Black Magic Controlling Powers.

Black Magic Jinx Breaking Oil.

Black Magic True Dream Incense.

Black Magic True Dream Candles.

Black Magic Lucky Powdered Incense.

Lucky Mo-Jo 7-11 Holy Type Oil.

Salep Root Hand.

Mo-Jo Magnetic Sand.

Plant of Peace.

John the Conqueror Roots.

High John the Conqueror Perfume.

The Cuban B. O. Dream Book.

The Three Witches Dream Book.

The Book of Luck.

The Book of Mental Influences.

The Book of How to Remember Our Past Lives.

The Book of How to Get Success and Happiness.

Through the use of the foregoing statements, claims, and designations, and others similar thereto not specifically set forth herein, respondents have represented, directly and by implication, that the burning of properly anointed candles, and the use of Lucky Mo-Jo Perfume will bring about good fortune and success in affairs of the heart; that washing the floor of a dwelling with Van-Van Floor Wash will cause friends and money to come in; that through the proper use of the Special Herb Bag with Van-Van Oil, the user can accomplish any desired purpose; that the "Black Cat," "Race Horse" and "African Lion" rings will bring good fortune to the wearer; that some benefits are derived from carrying a loadstone; that by the use of various "Black Magic" powders, candles and incense, errant loved ones will be brought back home, and potential errants caused to remain there, prosperity will be attained; evil or unwelcome people or influences kept away, control gained over others or events, "Jinxes" broken, dreams that truly show the future come to the sleeping, and good fortune become a willing slave; that "Lucky Mojo 7-11 Holy Type Oil" is some sort of semi-sanctified oil that will, in some fashion, be of help or benefit to the user, as will Salep Root Hand, Magnetic Sand, Plant of Peace, John The Conqueror Roots, and High John the Conqueror Perfume; that by the use of the "Cuban B.O." and "Three Witches" dream books the true significance of a dream can be ascertained; that by the use of the "Book of Luck" the

reader may become fortunate, and by following the precepts of "The Book of Mental Influences" will be enabled to influence the minds of others; that through the teachings of "How to Remember Our Past Lives" the reader will be able to remember events that occurred in previous incarnations; and that the reader of "How to Get Success and Happiness" will hold the key to those highly desirable things.

PAR. 6. The aforesaid representations, claims and designations are false and misleading. In truth and in fact, many of them are based upon superstitions and kindred beliefs in the magic properties of physical things which are wholly without foundation and are relics of earlier and less enlightened times. None of the various articles or books referred to herein will accomplish any of the results claimed for them by respondents.

PAR. 7. The use of the foregoing false and misleading statements, representations and designations, has had the capacity to, and has, misled and deceived many persons into the erroneous and mistaken belief that they were true and into the purchase of substantial quantities of respondents' wares by reason thereof.

PAR. 8. The aforesaid acts and practices of respondents, as herein alleged, are all to the prejudice and injury of the public and constitute unfair acts and practices 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 July 29, 1943, issued and subsequently served its complaint in this proceeding upon the respondents, Robert M. Calvert and Ralph D. Wester, individuals, charging them with the use of unfair acts and practices in commerce in violation of the provisions of that act. After the filing of respondents' answer, testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before a trial examiner of the Commission theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, the proceeding regularly came on for final hearing before the Commission on the complaint, the answer thereto, testimony and other evidence, report of the trial examiner upon the evidence, and briefs in support and in opposition to the complaint (oral argument not having been requested); and the Commission, having only 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. For some two years immediately preceding January, 1944, the respondents, Robert M. Calvert and Ralph D. Wester, were engaged in business together under the trade names African Specialty Co. and West African Specialty Co., with their office and principal place of business located at 4656 South Indiana Avenue, Chicago, Ill. Their busi-

ness was the sale and distribution of various articles claimed by them to possess magical and supernatural powers, including incense, powders, oils, stones, etc. In January, 1944, respondent, Wester, severed his connection with the business, and since that time it has been conducted by respondent, Calvert, as his own individual enterprise.

PAR. 2. Respondents cause or have caused their products, when sold, to be transported from their place of business in the State of Illinois to purchasers thereof located in various other States of the United States. Respondents maintain or have maintained a course of trade in their products in commerce among and between the various States of the United States.

PAR. 3. In promoting the sale of their products, respondents have mailed circular letters to many members of the public located throughout the United States. The letter read as follows:

YES, YOU CAN HAVE PROSPERITY, HEALTH AND HAPPINESS

Dear Friend:

No matter what your problems may be, my Service Successfully takes care of them in the most reliable way. When you send your first payment, also send along a letter giving the full details of the problems you desire to overcome and I will instruct you just what steps to take and if you will follow my instructions, I GUARANTEE TO HELP YOU!

Your problem may be lack of money. It may be concerned with love. These are the two greatest problems in life today. With money we can buy everything we need, except love, and if we have both money and love there is nothing to prevent us being perfectly happy in this world.

Money, love and happiness and all the many things which grow out of these three great desires are yours to command, for you HAVE right now the power to make them come to you. These things are YOURS by right.

Thousands of men and women, ill or unhappy last year at this time, have solved their problems, and are now enjoying, PEACE, POWER and PLENTY.

Happiness in life is worth all the millions in gold, but it cannot be obtained until you use the right method to get it.

Don't let this opportunity pass. Don't stand by and see others enjoy the things which you, too, should have.

Send for this true method right now and secure for yourself abundance of money; perfect love; health, happiness and whatever else your heart may desire. The price is \$5.00 complete. For those who are unable to send their first cash payment of \$2.00, if they desire our service and want to get started at once, send us 25 cents to pay C.O.D. fee and postage and we will ship C.O.D. \$2.00, then you can pay balance of \$3.00 in 30 days. After you have paid the balance of \$3.00 we will gladly provide our special number service Free to those who desire it. All we ask is that you keep it strictly confidential and send us whatever you see fit to help keep up the expenses of the services.

To those who remitted to respondents the required amount of money, respondents sent a small vial containing a powdered substance, a package of incense, and a package of powder, together with a book entitled "The Secret of Numbers." Respondents' directions for the use of the first three articles were as follows:

Sew Vial in a Black cloth. Carry it in your pocket. Burn the Incense in your home after dark. Sprinkle powder where your enemies will walk over it.

Respondents have also distributed among prospective purchasers located throughout the United States other advertising material, including cards and price lists. Among the products listed in such material and the representations concerning such products were the following:

LUCKY MO-JO PERFUME—\$1.00. Many say it brings Luck and helps in love affairs.

VAN-VAN FLOOR WASH—\$1.00. Said by many to bring friends and money into your home.

GENUINE MAGNETIC LOADSTONE—\$1.00. Carry it in your pocket or purse always.

SPECIAL HERB BAG with VAN-VAN OIL—\$1.00. Directions with this Bag for whatever purpose you wish.

BLACK CAT RING—\$1.50. Worn by many to ward off evil and to bring Success.

BLACK MAGIC VOODOO BRING BACK POWDERS

BLACK MAGIC STAY HOME POWDERS

BLACK MAGIC PROSPERITY POWDERS

BLACK MAGIC DRIVE AWAY POWDERS

BLACK MAGIC CONTROLLING POWDERS

BLACK MAGIC JINX BREAKING OILS

BLACK MAGIC TRUE DREAM INCENSE

BLACK MAGIC TRUE DREAM CANDLES

BLACK MAGIC LUCKY POWDERED INCENSE

LUCKY MO-JO 7-11 HOLY TYPE OIL

LODESTONE POWDER

MO-JO MAGNETIC SAND

LODESTONE POWDER and MAGNETIC SAND in Bag

SALEP ROOT HAND

PLANT OF PEACE

HIGH JOHN THE CONQUEROR PERFUME

RACE HORSE LUCKY SYMBOL RING

ALLEGED LUCKY AFRICAN LION SYMBOL RING

AFRICAN TIGER EYE

WHITE LODESTONE

JOHN THE CONQUEROR ROOTS

PAR. 4. Through the use of these representations, including the use of such words as "lucky" and "magic" to designate their products, respondents have represented, directly or by implication, that the articles sold by them possess mystic, magical, and supernatural powers, and that the use of such articles will bring to the user good luck, health, success, wealth, prosperity, happiness, and love, and will enable the user to solve any problem with which he may be confronted.

PAR. 5. These representations are false and fraudulent in their entirety. None of respondents' products possesses any mystic, magical, or supernatural power, nor will any of such products bring to the user good luck, health, success, wealth, prosperity, happiness, or love, nor enable the user to solve any problem with which he may be confronted.

PAR. 6. The use by respondents of these false and fraudulent representations has had and has the tendency and capacity to mislead and deceive a substantial portion of the purchasing public with respect to the nature and

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efficacy of respondents' products, and the tendency and capacity to cause such portion of the public to purchase substantial quantities of respondents' products as a result of the erroneous and mistaken belief so engendered.

CONCLUSION

The acts and practices of the respondents, as herein found, are all to the prejudice of the public, and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and briefs in support of and in opposition to the complaint (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondents, Robert M. Calvert and Ralph D. Wester, individually, and trading as African Specialty Co. and West African Specialty Co., or trading under any other name, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' incense, powders, oils, stones, or any other article or substance, do forthwith cease and desist from:

1. Representing, directly or by implication, that any of respondents' products possesses any mystic, magical, or supernatural power.

2. Representing, directly or by implication, that any of respondents' products will bring to the user good luck, health, success, wealth, prosperity, happiness, or love.

3. Representing, directly or by implication, that any of respondents' products will enable the user to solve any problem with which he may be confronted.

4. Using the word "lucky" or "magic," or any other word of similar import, to designate, describe, or refer to any of respondents' products.

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.

Complaint

IN THE MATTER OF

VERA P. WILLIAMS, DOING BUSINESS AS THE
C. I. TOGSTAD COMPANY: AND L. O. WILLIAMS

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

Docket 5080. Complaint, Nov. 12, 1943—Decision, Sept. 29, 1944

Where an individual engaged in the manufacture and interstate sale and distribution of a product for cleaning garments and other fabrics, designated "Dip-Clean," and her agent and general manager; through advertisements in circulars and periodicals and in other ways—

- (a) Represented that said preparation completely took the place of and was better than soap, that it was not necessary to rinse articles that had been dipped in a solution thereof, that there was nothing in said "Dip-Clean" that would harm the most delicate fabrics, and that it would remove soiled spots and stains from garments and fabrics;

When in fact it was not an efficient substitute for soap in washing clothes, failure to rinse Dip-Clean solution out of garments or fabrics might cause damage to them, said solution would cause some dyes to run and color to fade, a strong solution was damaging to wool and silk, and dipping garments or fabrics in a solution thereof would not remove all spots and stains; and

- (b) Falsely represented that said "Dip-Clean" had no competition from other products for the same or similar purposes, through such statements as "Test this utterly new and different product yourself. Handle an item with absolutely no competition,"

With effect of misleading and deceiving a substantial portion of the purchasing public into the erroneous belief that said representations were true and into purchase of substantial quantities of said product by reason thereof:

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. Miles J. Furnas*, trial examiner.

Mr. Joseph Callaway for the Commission.

McClure & Shenk, of Kokomo, Ind., for respondents.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and by virtue of the authority vested in it by said act, the Federal Trade Commission, having reason to believe, that Vera P. Williams, trading and doing business as The C. I. Togstad Co., and L. O. Williams, her agent and general manager of said business, hereinafter referred to as respondents, have 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, Vera P. Williams, is an individual, trading