

Order

IN THE MATTER OF

NATIONAL PUBLICITY BUREAU, INC., ET AL.

MODIFIED ORDER TO CEASE AND DESIST

Docket 2908. Order, October 13, 1944

Modified order in proceeding in question—in which original order issued on March 1, 1939, 28 F. T. C. 857—requiring respondent, in connection with the offer, etc., in commerce, of silverware or sales promotional plans including premium certificates, gift cards or coupons redeemable in silverware or other articles of merchandise, to cease and desist from misrepresenting his connections and arrangements with others, business identity, goods as free, and terms and conditions, as in said order below specified.

MODIFIED 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, testimony and other evidence taken before John W. Addison, an examiner of the Commission duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief filed herein by counsel for the Commission, and the Commission having duly made and issued its findings as to the facts, conclusion, and order to cease and desist dated March 1, 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 respondent 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, Hugh J. Wanke, individually, and trading as National Publicity Bureau and Rogers Silverware Distributors, or under any other name or names, and his representatives, agents 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 by the Federal Trade Commission Act, of silverware or sales promotional plans including premium certificates, gift cards or coupons redeemable in silverware or other articles of merchandise, do forthwith cease and desist from:

1. Representing, by use of the words "Rogers Silverware" in a corporate or trade name, or by statements or representations in advertising or in any other way, that the respondent has an interest in, forms a part of, or has any connection with the manufacturer of William A. Rogers Silverware; *provided, however*, that this order shall not be construed to in any way prohibit the respondent from dealing in William A. Rogers Silverware or other products.

2. Representing merchandise delivered in redeeming certificates, coupons or trading cards as "free" or as a gift or gratuity or as delivered without cost to the holders of said certificates, coupons or trading cards when said merchandise is not in fact delivered to the holders of said certificates, coupons or trading cards without cost and unconditionally.

3. Representing that the respondent will give a set of silverware or other merchandise free or will refund the sum of \$4.50, or any other sum, to the purchaser of said premium certificates, gift cards, coupons or other and similar devices on the redemption of a specified number of cards, certificates or coupons, unless such merchandise is delivered to said purchaser without cost and unconditionally and said premium certificates, gift cards, coupons or other and similar devices are redeemed without cost to the holders thereof and unconditionally, and said refund is made to said purchaser upon the redemption of the specified number of premium certificates, gift cards, coupons or other and similar devices.

4. Representing that the respondent is conducting any special campaign or advertising campaign to introduce or advertise any article or articles of merchandise on behalf of the manufacturer of William A. Rogers Silverware or any other manufacturer or concern unless such a campaign is in fact being conducted at the instance of and on behalf of such manufacturer.

5. Representing that certificates, coupons or trading cards will be redeemed with certain articles of merchandise, unless the merchandise described is delivered to the holders of such certificates, coupons or trading cards without cost or condition.

It is further ordered, That the respondent shall, within 60 days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

Complaint

IN THE MATTER OF

ULRICI MEDICINE COMPANY, INC., 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 4853. Complaint, Oct. 16, 1942—Decision, Oct. 18, 1944

Where two corporations, engaged in the manufacture and interstate sale and distribution of their medicinal preparation designated "Ceregen"; through advertisements in newspapers and by radio, circulars and other advertising media, directly or by implication—

- (a) Represented that their said preparation was a concentrated food, which would strengthen or fortify the system, restore and calm the nerves, renew energy, restore the vivacity of youth, and result in complete physical well-being; that it made one strong, mentally and physically, had substantial value in the treatment of anemia and would protect one's health; and
- (b) Represented that it was of substantial value during convalescence and would restore lost vigor resulting from illness; would aid in the recovery of lost energy and vigor resulting from mental and physical fatigue; would produce healthy nerves and a strong and healthy system; guarded and protected the health of expectant mothers; and was effective in relieving neurasthenia and nervous ailments generally;

The facts being that it was not a food; while it contained ingredients used by medical science in the treatment of certain ailments, the amounts thereof present were negligible, and it was wholly without therapeutic value except that, as a mild bitter stomachic it might stimulate the appetite;

With tendency and capacity to mislead and deceive a substantial portion of the purchasing public with respect to the properties and therapeutic value of their preparation, and thereby to cause its purchase of 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. W. W. Sheppard*, trial examiner.

Mr. William L. Taggart for the Commission.

Viault & Viault, of New York City, 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 Ulrici Medicine Co., Inc., a corporation, and Trans-Pac Services, Inc., a corporation, hereinafter referred to as respondents, have 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: