

Syllabus

IN THE MATTER OF
VITAMIN PRODUCTS COMPANY

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF
SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 28, 1914

Docket 4733. Complaint, Mar. 17, 1942—Decision, Feb. 28, 1945

Where an individual engaged in the interstate sale and distribution of various preparations designated as "Catalyn," "Vitamin A Complex," "Vitamin B Complex," "Vitamin C Complex," "Vitamin D Complex," "Vitamin E Complex," "Vitamin F Complex," "Vitamin G Complex," "V-P Organic Mineral Tablets," "Cerol," "V-P Phosphate," "Cerodyn" (also referred to as "Cerolyn" and "V. P. Fortified Wheat Germ") and "Viable Acidophilus Yeast"; through advertisements, periodicals, circulars, leaflets, pamphlets and other advertising literature, directly and by implication—

(a) Represented that the preparation "Catalyn" contained a sufficient supply of multiple vitamin concentrates to constitute a competent dietary supplement in the treatment of any vitamin deficiency disease and a competent nutritional and corrective treatment for the prevention and cure of various diseases and conditions including acidosis, anemia, angina pectoris, backwardness in children, Bright's disease, change of life, chorea, colds, constipation, cystitis, dropsy, enlarged glands, enlarged prostate gland, goiter, hardening of the arteries, headache, heart trouble, high blood pressure, infectious diseases, insomnia, low blood pressure, and various other ailments and conditions therein set forth;

The facts being that said preparation, taken as directed, did not furnish sufficient vitamins, with the exception of vitamin D and to a limited extent vitamin A, to have any therapeutic value in the treatment of vitamin deficiency or the prevention of vitamin deficiency diseases, and was not a competent dietary supplement in the building of normal vitality and resistance, nor a competent treatment for the diseases and conditions set forth by him;

(b) Falsely represented, through use of the slogans "Catalyn for Health," and "Catalyn—Nature's Source of Vitality," that said preparation would bring health to the user and could be relied upon so to do, that it could be relied upon to produce vitality, that it was a product of nature, and that the results obtained by the use thereof were miraculous, and, by designating the preparation as "This life-and-health-building product," that consumption of the product would insure life and health to the user;

(c) Falsely represented that said "Vitamin A Complex" was a competent nutritional and corrective treatment for the prevention and cure of such diseases or conditions as retarded appetite, growth and development, disturbed dental and bone development, susceptibility to infections, slow healing of reticulo-endothelium and epithelium, infections of eye, ear, genito-urinary tract, and sinus, and tonsilitis, pneumonia, tuberculosis, diarrhea, difficult delivery, interference with successful reproduction and lactation, pernicious anemia, secondary anemia, kidney and bladder disorders, degeneration of the nervous system, and atrophy of organs and glands including liver, testes, spleen, thyroid, pituitary, salivary, and others;

(d) Falsely represented that said "Vitamin B Complex" was a competent nutritional and corrective treatment for the prevention and cure of diseases or conditions such as susceptibility to infections due to lowered resistance, diabetes mellitus, functional disorders including atrophy or pathological enlargement of adrenals, brain, gonads, heart, kidneys, liver, ovaries, pancreas, pituitary gland, spleen, testes,

thymus and thyroid glands, tendency to functional gastro-intestinal disorders such as ulcers, degeneration of the nervous system, anemia, disturbances of reproductive cycle, dental caries, predisposition to allergic conditions, all forms of neuritis and others;

- (e) Falsely represented that said "Vitamin C Complex" was a competent nutritional and corrective treatment for the prevention and cure of such conditions as diseases of the blood vessels and capillaries, diseases of gums, tooth degeneration, joint and bone changes, mucous membrane hemorrhages, destruction of bone marrow, tendency to epithelial lesions, increased susceptibility to infections, retarded growth and loss of weight, physical weakness, depression and irritability, development of heart weakness, increased weight and enlargement of spleen, liver, stomach, intestines and kidneys, atrophy of glands, development of arthritis and rheumatic tendencies, complications of pregnancy, possible sterility, lowered glucose tolerance, cataract, and pre-disposition to allergic conditions, and sprue and others;
- (f) Represented that said "Vitamin D Complex" was a competent nutritional and corrective treatment for the prevention and cure of diseases or conditions such as improper mineral metabolism, retarded growth, enlarged liver, kidneys, spleen, instability and irritability of nervous system and tissues, muscular weakness, constipation, pyorrhea, parathyroid dysfunction, and menstrual disorders; and that it increased resistance to infection especially against tuberculosis;

The facts being that while said preparation might be of some value in the treatment of defective metabolism of calcium and phosphorus, which occurs in connection with diseases such as rickets and osteomalacia, it was not a preventive and corrective treatment for such diseases or conditions as those listed above;

- (g) Falsely represented that the preparation "Vitamin E," including his preparation "Vitamin E Complex," was a competent nutritional and corrective treatment for the prevention and cure of such diseases or conditions as loss of weight, retarded growth, weakness, paralysis, lowered resistance to infection, particularly to infantile paralysis, sterility (temporary in female—permanent in male), falling hair, and alteration of the texture of the hair and possible tendency to malignancies;
- (h) Falsely represented that the preparation "Vitamin F"—an expression not accepted by scientists as a designation for any substance—and his preparation "Vitamin F Complex" was a competent nutritional and corrective treatment for the prevention and cure of such diseases or conditions as epidermal manifestations including ridged and split fingernails, eczematous condition, dermatitis, scurf, dandruff, and hemorrhagic spots on the skin, brittleness and falling out of hair, impairment of endocrine glands, impairment of visceral organs, particularly the kidneys, lowered resistance to allergies, susceptibility to Vitamin D poisoning, loss of sex instincts, lowered resistance to infections, particularly tuberculosis, cessation of growth, severe renal manifestations and sterility;
- (i) Falsely represented that his "Vitamin G Complex" was a competent nutritional and corrective treatment for the prevention and cure of diseases or conditions such as underdevelopment, retarded growth and malnutrition, eye disorders, incipient pellagra, secondary anemia, cutaneous changes, neuritis, loss of hair, sprue, interference with normal skin respiration, alimentary tract disorders, degeneration of the liver, renal manifestations, and severe pellagra and severe nerve and spinal degeneration;
- (j) Represented in connection with his "V. P. Organic Mineral Tablets" that a deficiency of the alkali minerals—sodium, potassium, manganese and calcium—will cause many of the symptoms of vitamin deficiency; that in general the function of vitamins is to promote mineral metabolism; that "V. P. Organic Mineral Tablets" in combination with his "Vitamin F Complex" acted to restore a normal balance between the sympathetic and parasympathetic nervous systems; and that the two

preparations were effective in the treatment of gastro-intestinal disorders which lead to ulcers, and of angina pectoris;

The facts being that said combination of his preparations could not accomplish such therapeutic results and a deficiency of the alkaline minerals named will not cause the symptoms of vitamin deficiency, except possibly some of the manifestations of Vitamin D deficiency; and in general the function of vitamins is not to promote mineral metabolism;

- (k) Represented falsely that his product "Cerol" was a wheat germ oil which was a competent treatment for sterility in the female; and a competent treatment for the prevention of sterility in the male; and that when taken during gestation, it would prevent hyperemesis and cause childbirth to become a relatively simple physiological process and render unnecessary the use of oxytocic drugs;
- (l) Represented falsely in connection with "V. P. Phosphade," that the ordinary diet was deficient in phosphates; that said preparation, by supplying the phosphate radical, was effective in eliminating calcium accumulations in the tissues and blood vessel walls, and thereby was effective in the treatment of high blood pressure, hardening of the arteries, heart trouble, stiffness of the joints and symptoms of premature old age;
- (m) Falsely represented that his preparation "Cerodyn," also referred to as "Cerolyn" and "V. P. Fortified Wheat Germ," was a competent nutritional and corrective treatment for improving resistance to colds and improving physical stamina, including lessening of fatigue, improving mental functions and physical condition generally; that the preparation would correct inability to concentrate and inability to sleep because of nervous tension; that a general function of vitamins is to facilitate mineral assimilation and metabolism; and that the practice of using various refined artificially colored or ripened foods has reduced the vitamin intake in many cases to the vanishing point;
- (n) Represented falsely that his preparation "Viable Atidophilus Yeast" produced lactic acid by fermentation of carbohydrates, such as ordinary nutritional starches or cereals, and thereby restricted the growth of undesirable microorganisms in the alimentary tract; that the preparation offered a convenient means of supplying lactic acid; and was an effective treatment for halitosis;
- (o) Falsely represented that general visceral atrophy, infection of alimentary tract, kidney, bladder, sinuses, middle ear and lingual abscesses were observed in connection with Vitamin A deficiency in man, and that "Vitamin A Concentrate" possessed great effectiveness in the treatment of puerperal septicemia (blood poisoning) through misleadingly paraphrasing and distorting certain statements from the second edition of Sherman and Smith on "The Vitamins," and through false and misleading references thereto;
- (p) Represented falsely that synthetic vitamins have been shown by accepted authorities not to be capable of curing or relieving disease due to our symptoms of vitamin deficiency in the diet;
- (q) Represented that the measurement of vitamin content or activity in units cannot be considered a dependable test of the value of vitamins for human beings, but that the worth and value of vitamin concentrates must be established by means of clinical tests made on human patients;

The facts being that the validity of the established method of expressing the vitamin content or activity of vitamin preparation intended for administration to human beings in terms of units based on animal tests made with the products is accepted by recognized authorities;

With capacity and tendency to mislead and deceive a substantial number of the purchasing public into the erroneous belief that such false representations were true and to induce it because of such belief, to purchase his said preparations:

Complaint

40 F. T. C.

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. John L. Hornor*, trial examiner.

Mr. William L. Pencke for the Commission.

Poss, Toelle & Schuler and *Mr. Charles Swidler*, of Milwaukee, Wis., 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 Royal Lee, an individual, trading under the name of Vitamin Products Company, 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, Royal Lee, is an individual, trading under the name Vitamin Products Company, with his principal office and place of business at 223 West Wisconsin Avenue in the city of Milwaukee and State of Wisconsin. Respondent is now, and for more than three years last past has been, engaged in the sale and distribution of various preparations in commerce among and between the various States of the United States. Among such preparations are the preparations designated and advertised as Catalyn, Vitamin A Complex, Vitamin B Complex, Vitamin C Complex, Vitamin D Complex, Vitamin E Complex, Vitamin F Complex, Vitamin G Complex, V. P. Organic Mineral, Cerol, V. P. Phosphade, Cerodyn, also called Cerolyn and Fortified Wheat Germ, and Viable Acidophilus Yeast.

Respondent causes said preparations, when sold, to be transported from his place of business in the State of Wisconsin to purchasers thereof located in various other States of the United States. At all times mentioned herein respondent has maintained a course of trade in said medicinal preparations in commerce among and between the various States of the United States.

PAR. 2. In the course and conduct of his aforesaid business, the respondent has disseminated and is now disseminating, and has caused, and is now causing the dissemination of, false advertisements concerning his said products 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 his said products, by various means, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of his said products 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 United States mails, by advertisements in periodicals, and by circulars, leaflets, pamphlets and other advertising literature, are the following:¹

¹ The advertising matter which is set out at length at this point in the balance of Par. 2 of the complaint, is also set forth verbatim in the findings, *infra* at pages 151 et seq., and is accordingly omitted here in the interest of brevity.

PAR. 3. Through the use of the statements, representations and advertisements hereinabove set forth [See preceding footnote], and others of similar import not specifically set out herein, all of which purport to be descriptive of the nutritional and therapeutic properties of the respondent's preparations, respondent has represented, and does now represent, directly and by implication, as follows:

1. *Representations as to Catalyn.* That the preparation "Catalyn" contains a sufficient supply of multiple vitamin concentrates, so as to be a competent dietary supplement in the treatment of vitamin deficiency diseases, and a competent nutritional and corrective treatment for the prevention and cure of such diseases and conditions as acidosis, anemia, angina pectoris, backward children, Bright's disease, change of life, chorea, colds, constipation, cystitis, dropsy, enlarged glands, enlarged prostate gland, goiter, hardening of the arteries, headache, heart trouble, high blood pressure, infectious diseases, insomnia, low blood pressure, low vitality, menopause, mucous colitis, nervousness, ovary and menstrual disorders, illness of pregnancy, prostate gland disorders, pyorrhea, teeth disorders, tired feeling, diseases of tonsils, tuberculosis, underweight, overweight, difficult urination, congested liver, cardiac asthma, dizzy spells, dizziness, liver blotches, gastric disturbance, nervous indigestion, frequent urination, choking spells, sinus infection, chronic (low grade) infections, sinus trouble, leg ulcers, varicose veins, etc.

By the use of the slogan "Catalyn for Health" respondent represents that said preparation will bring health to the user and that it can be relied upon to produce health.

By the use of the slogan "Catalyn—Nature's Source of Vitality" respondent represents that Catalyn can be relied upon to produce vitality and that it is a product of nature.

Respondent represents that the results obtained by the use of Catalyn are miraculous and by designating the preparation as "This life-and health-building product" he represents that the consumption of the product will insure life and health to the user.

2. *Representations as to Vitamin A Complex.* That the preparation "Vitamin A Complex" is a competent nutritional and corrective treatment for the prevention and cure of diseases or conditions such as retarded appetite, growth and development, disturbed dental and bone development, susceptibility to infections, slow healing of Reticulo-endothelium and Epithelium, infection of eye including corneal ulcers and degeneration of eyes, infection of ear, infection of genitourinary tract, tonsillitis, pneumonia, tuberculosis, diarrhea, infection of sinus, difficulty of delivery of young, interference with successful reproduction and lactation, pernicious anemia, secondary anemia, gastritis, bronchitis, kidney and bladder disorders, calculi, nephritis, cystitis, excessive growth of lymphoid tissues, degeneration of the nervous system, atrophy of organs and glands including liver, testes, spleen, thyroid, pituitary and salivary.

3. *Representations as to Vitamin B Complex.* That the preparation "Vitamin B Complex" is a competent nutritional and corrective treatment for the prevention and cure of diseases or conditions such as susceptibility to infections due to lowered resistance, Diabetes Mellitus, Functional Disorders including atrophy or pathological enlargement of adrenals, brain, gonads, heart, kidneys, liver, ovaries, pancreas, pituitary gland, spleen, testes, thymus and thyroid glands, tendency to functional gastro-intestinal disorders such as ulcers, indigestion, tendency to mus-

cular paralysis, loss of weight and vigor, stunted growth, tendency to edematous conditions, fall in body temperature, degeneration of the nervous system, anemia, disturbances of reproductive cycle, dental caries, predisposition to allergic conditions, and all forms of neuritis.

4. *Representations as to Vitamin C Complex.* That the preparation "Vitamin C Complex" is a competent nutritional and corrective treatment for the prevention and cure of diseases or conditions such as diseases of the blood vessels and capillaries, diseases of gums, tooth degeneration, joint and bone changes, mucous membrane hemorrhages, destruction of bone marrow, tendency to epithelial lesions, increased susceptibility to infections, retarded growth and loss of weight, physical weakness, depression and irritability, rapid respiration and heart action, blood degeneration, development of heart weakness, increased weight and enlargement of spleen, liver, stomach, intestines and kidneys, atrophy of glands, including reduced secretion of adrenals and thyroid gland, development of arthritis and rheumatic tendencies, development of edematous conditions, complications of pregnancy, tendency to raise temperature, possible sterility, lowered glucose tolerance, cataract, predisposition to allergic conditions and sprue.

5. *Representations as to Vitamin D Complex.* That the preparation "Vitamin D Complex" is a competent nutritional and corrective treatment for the prevention and cure of diseases or conditions such as improper mineral metabolism, increases resistance to infection, especially against tuberculosis, retarded growth, enlarged liver, kidneys, spleen, instability and irritability of nervous system and tissues, muscular weakness, constipation, pyorrhea, parathyroid dysfunction and mental disorders.

6. *Representations as to Vitamin E (Vitamin E Complex).* That the preparation "Vitamin E," including respondent's preparation Vitamin E Complex, is a competent nutritional and corrective treatment for the prevention and cure of such diseases or conditions as loss of weight, retarded growth, weakness, paralysis, lowered resistance to infection, particularly to infantile paralysis, sterility (temporary in female—permanent in male), falling hair, and alteration of the texture of the hair and possible tendency to malignancies.

7. *Representations as to Vitamin F (Vitamin F Complex).* That the preparation "Vitamin F," including respondent's preparation Vitamin F Complex, is a competent nutritional and corrective treatment for the prevention and cure of such diseases or conditions as epidermal manifestations including rigid and split fingernails, eczematous condition, dermatitis, scurf, dandruff, and hemorrhagic spots on the skin, brittleness and falling out of hair, impairment of endocrine glands, particularly the pituitary glands, impairment of visceral organs, particularly the kidneys, lowered resistance to allergies, susceptibility to Vitamin D poisoning, loss of sex instincts, lowered resistance to infections, particularly to tuberculosis, cessation of growth, severe renal manifestations and sterility.

8. *Representations as to Vitamin G Complex.* That the preparation "Vitamin G Complex" is a competent nutritional and corrective treatment for the prevention and cure of diseases or conditions such as underdevelopment, retarded growth and malnutrition, eye disorders, incipient pellagra, secondary anemia, cutaneous changes, neuritis, loss of hair, sprue, interference with normal skin respiration, alimentary tract disorders including gastroenteritis, degeneration of the liver, renal manifestations, in-

cluding cystitis, hemorrhagic conditions of the urine, severe pellagra and severe nerve and spinal degeneration.

9. *Representations as to V. P. Organic Mineral Tablets.* Respondent represents that a deficiency of the alkali minerals—sodium, potassium, magnesium and calcium—will cause many of the symptoms of vitamin deficiency; that in general the function of vitamins is to promote mineral metabolism; that V. P. Organic Mineral Tablets in combination with the preparation designated by respondent as Vitamin F. Complex acts to restore a normal balance between the sympathetic and parasympathetic nervous systems; that these two preparations are effective in the treatment of gastrointestinal disorders which lead to ulcers and of angina pectoris.

10. *Representations as to Cerol.* Respondent represents that the preparation Cerol is wheat germ oil which is a competent treatment for sterility in the female; is a competent treatment for the prevention of sterility in the male; that when taken during gestation it will prevent hyperemesis and cause childbirth to become a relatively simple physiological process and render unnecessary the use of oxytocic drugs.

11. *Representations as to V. P. Phosphate.* Respondent represents that the ordinary diet is deficient in phosphates; that his preparation, V. P. Phosphate, by supplying the phosphate radical, is effective in eliminating calcium accumulations in the tissues and blood vessel walls, and thereby is effective in the treatment of high blood pressure, hardening of the arteries, heart trouble, stiffness of the joints and symptoms of premature old age.

12. *Representations as to Cerodyn, also called Cerolyn, and V. P. Fortified Wheat Germ.* Respondent represents that the preparation which he has sold under the designation Cerodyn, Cerolyn and V. P. Fortified Wheat Germ is a competent nutritional and corrective treatment for improving resistance to colds and influenza, improving physical stamina, including lessening of fatigue, improving mental functions and physical condition generally; that the preparation will correct inability to concentrate and inability to sleep because of nervous tension; that a general function of vitamins is to facilitate mineral assimilation and metabolism; that the practice of using various refined artificially colored or ripened foods has reduced the vitamin intake in many cases to the vanishing point.

13. *Representations as to Viable Acidophilus Yeast.* Respondent represents that the preparation "Viable Acidophilus Yeast" produces lactic acid by fermentation of carbohydrates such as ordinary nutritional starches or cereals, and thereby restricts the growth of undesirable microorganisms in the alimentary tract; that the preparation affords a convenient means of supplying lactic acid; that the preparation is an effective treatment for halitosis.

14. *Representations as to vitamins generally.* Respondent has paraphrased certain statements appearing on page 282 of the book "The Vitamins" by Sherman and Smith (2nd edition), in such a way as to represent that general visceral atrophy, infection of alimentary tract, kidney, bladder, sinuses, middle ear and lingual abscesses were observed in connection with Vitamin A deficiency in man.

Furthermore, respondent has paraphrased other statements appearing on page 282 of the aforesaid publication in such manner as to constitute a representation that Vitamin A Concentrate possessed great effectiveness in the treatment of puerperal septicemia (blood poisoning).

Under the advertisement as to what is a vitamin, respondent has represented that a vitamin is a nutritional factor whose absence or deficiency

from the diet is responsible for the development of a known or definable syndrome and whose restoration to the diet will cure the disease syndrome and relieve symptoms of deficiency except when degeneration prevents recovery, and that synthetic vitamins have been shown by accepted authorities not to be capable of curing or relieving such disease or symptoms of deficiency.

Respondent has represented in an advertisement entitled "The Proof of the Pudding Is In The Eating" that measurement of vitamin content or activity in units cannot be considered a dependable test of the value of vitamins for human beings but that the worth and value of vitamin concentrates must be established by means of clinical tests made on human patients.

PAR. 4. The aforesaid advertisements and representations, as well as many others of similar import which have not been specifically set out herein are grossly exaggerated, false, misleading and untrue in the following particulars:

1. *With respect to Catalyn.* In truth and in fact, the preparation designated as Catalyn, except as to Vitamin D and to a limited extent to Vitamin A, taken as directed, does not furnish a sufficient, adequate supply of vitamins to have any therapeutic value or effect in the treatment of vitamin deficiency of the body or the prevention of vitamin deficiency diseases, and is not a competent dietary supplement in the building of normal vitality and resistance. Furthermore, said preparation is not a competent treatment for the diseases and conditions such as acidosis, anemia, angina pectoris, backward children, Bright's disease, change of life, chorea, colds, constipation, cystitis, dropsy, enlarged glands, enlarged prostate gland, goiter, hardening of the arteries, headache, heart trouble, high blood pressure, infectious diseases, insomnia, low blood pressure, low vitality, menopause, mucous colitis, nervousness, ovary and menstrual disorders, illness of pregnancy, prostate gland disorders, pyorrhea, disorders of the teeth, tired feeling, diseases of the tonsils, tuberculosis, underweight, overweight, difficult urination, congested liver, cardiac asthma, dizzy spells, dizziness, liver blotches, gastric disturbance, nervous indigestion, frequent urination, choking spells, sinus infection, chronic (low grade) infections, leg ulcers, varicose veins, etc.

In truth and in fact, the use of Catalyn will not bring health to the user and cannot be relied upon to produce health.

In truth and in fact, the user of Catalyn cannot be relied upon to produce vitality and is not a product of Nature, but is a preparation compounded by man.

In truth and in fact, the results which may be obtained by the use of Catalyn are not miraculous. Said preparation will not insure life and health to the user.

2. *With respect to Vitamin A Complex.* In truth and in fact, the preparation designated as Vitamin A Complex is not a competent nutritional and corrective treatment for the prevention and cure of diseases or conditions such as retarded appetite, growth and development, disturbed dental and bone development, susceptibility to infections, slow healing of Reticulo-endothelium and Epithelium, infection of eye including corneal ulcers and degeneration of eyes, infection of ear, infection of genitourinary tract, tonsillitis, pneumonia, tuberculosis, diarrhea, infection of sinus, difficulty of delivery of young, interference with successful reproduction and lactation, pernicious anemia, secondary anemia, gastritis, bronchitis,

kidney and bladder disorders, calculi, nephritis, cystitis, excessive growth of lymphoid tissues, degeneration of the nervous system, atrophy of organs and glands including testes, liver, spleen, thyroid, pituitary and salivary.

3. *With respect to Vitamin B Complex.* In truth and in fact, the preparation designated as Vitamin B Complex is not a competent nutritional and corrective treatment for the prevention and cure of diseases or conditions such as susceptibility to infections due to lowered resistance, diabetes mellitus, functional disorders including atrophy, or pathological enlargement of adrenals, brain, gonads, heart, kidneys, liver, ovaries, pancreas, pituitary gland, spleen, testes, thymus and thyroid glands, tendency to functional gastro-intestinal disorders such as ulcers, indigestion, tendency to muscular paralysis, loss of weight and vigor, stunted growth, tendency to edematous conditions, fall in body temperature, degeneration of the nervous system, anemia, disturbances of reproductive cycle, dental caries, predisposition to allergic conditions and all forms of neuritis.

Said preparation may be of some value in the treatment of Vitamin B₁ deficiency neuritis which may occur in connection with beriberi, pellagra, pregnancy and chronic alcoholism.

4. *With respect to Vitamin C Complex.* In truth and in fact the preparation designated as Vitamin C Complex is not a competent nutritional and corrective treatment for the prevention and cure of such diseases as diseases of the blood vessels and capillaries, diseases of gums, tooth degeneration, joint and bone changes, mucous membrane hemorrhages, destruction of bone marrow, tendency to epithelial lesions, increased susceptibility to infections, retarded growth and loss of weight, physical weakness, depression and irritability, rapid respiration and heart action, blood degeneration, development of heart weakness, increased weight and enlargement of spleen, liver, stomach, intestines and kidneys, atrophy of glands, including reduced secretion of adrenals and thyroid gland, development of arthritis and rheumatic tendencies, development of edematous conditions, complications of pregnancy, tendency to raise temperature, possible sterility, lowered glucose tolerance, cataract, predisposition to allergic conditions and sprue.

5. *With respect to Vitamin D Complex.* In truth and in fact the preparation designated as Vitamin D Complex is not a competent nutritional and corrective treatment for the prevention and cure of such diseases or conditions as defective mineral metabolism, decreased resistance to infection, especially against tuberculosis. Furthermore, respondent's preparation is not a competent treatment for the cure or prevention of retarded growth, enlarged liver, kidneys, spleen, instability and irritability of nervous system and tissues, muscular weakness, constipation, pyorrhea, parathyroid dysfunction and mental disorders.

Said preparation may be of some value in the treatment of defective metabolism of calcium and phosphorus, which occurs in connection with diseases such as rickets and osteomalacia.

6. *With respect to Vitamin E Complex.* In truth and in fact neither Vitamin E nor the preparation designated by the respondent as Vitamin E Complex is a competent nutritional treatment for or preventive of diseases or conditions such as loss of weight, retarded growth, weakness, paralysis, lowered resistance to infection, particularly to infantile paralysis, sterility (temporary in female—permanent in male), falling hair and alteration of the texture of the hair and possible tendency to malignancies.

7. *With respect to Vitamin F Complex.* In truth and in fact neither

Vitamin F nor the preparation designated by the respondent as Vitamin F Complex is a competent nutritional treatment for or preventive of diseases or conditions such as epidermal manifestations including rigid and split fingernails, eczematous condition, dermatitis, scurf, dandruff and hemorrhagic spots on the skin, brittleness and falling out of hair, impairment of endocrine glands, particularly the pituitary glands, impairment of visceral organs, particularly the kidneys, lowered resistance to allergies, susceptibility to Vitamin D poisoning, loss of sex instincts, lowered resistance to infections, particularly to tuberculosis, cessation of growth, severe renal manifestations and sterility. Furthermore, the term Vitamin F is not an expression accepted by scientists as a designation for any substance.

8. *With respect to Vitamin G.* In truth and in fact the preparation designated as Vitamin G is not a competent nutritional and corrective treatment for the prevention of underdevelopment, retarded growth and malnutrition, eye disorders, incipient pellagra, secondary anemia, cutaneous changes, neuritis, loss of hair, sprue, interference with normal skin respiration, alimentary tract disorders including gastro-enteritis, degeneration of the liver, renal manifestations including cystitis, hemorrhagic conditions of the urine, severe pellagra and severe nerve and spinal degeneration.

9. *With respect to V. P. Organic Mineral Tablets.* In truth and in fact a deficiency of the alkaline minerals including sodium, potassium, magnesium and calcium, will not cause the symptoms of vitamin deficiency, except possibly some of the manifestations of Vitamin D deficiency, and in general the function of vitamins is not to promote mineral metabolism. Furthermore, V. P. Organic Mineral Tablets in combination with the preparation designated by respondent as Vitamin F and Vitamin F Complex cannot restore a normal balance between the sympathetic and parasympathetic nervous system and these two preparations are not effective either singly or in combination with each other in the treatment of gastrointestinal disorders including ulcers or of angina pectoris.

10. *With respect to Cerol.* In truth and in fact the preparation designated as Cerol is not a competent nutritional and corrective treatment for sterility in the female; in the prevention of sterility in the male; that it will not when taken during gestation prevent hyperemesis and cause childbirth to become a relatively simply physiological process and render unnecessary the use of oxytocic drugs.

11. *With respect to V. P. Phosphate.* In truth and in fact the preparation designated as V. P. Phosphate is not a competent nutritional and corrective treatment for a diet deficient in phosphates, and by supplying the phosphate radical is not effective in eliminating calcium accumulations in the tissues and blood vessel walls, and is not thereby effective in the treatment of high blood pressure, hardening of the arteries, heart trouble, stiffening of the joints and symptoms of premature old age.

12. *With respect to Cerodyn, also called Cerolyn, and V. P. Fortified Wheat Germ.* In truth and in fact the preparation designated as Cerodyn, also called Cerolyn, and V. P. Fortified Wheat Germ, is not a competent nutritional and corrective treatment for improving resistance to colds and influenza, improving physical stamina, including lessening of fatigue, improving mental functions and physical condition generally; will not correct inability to concentrate and inability to sleep because of nervous tension; a general function of vitamins is not to facilitate mineral assimilation and metabolism and the practice of using various refined artificially

colored or ripened foods has not reduced the vitamin intake in many cases to the vanishing point.

13. *With respect to Viable Acidophilus Yeast.* In truth and in fact the preparation designated as Viable Acidophilus Yeast is not a competent nutritional and corrective treatment for producing lactic acid by fermentation of carbohydrates such as ordinary nutritional starches or cereals and will not thereby restrict the growth of undesirable microorganisms in the alimentary tract; that it does not afford a convenient means of supplying lactic acid and that it is not an effective treatment for halitosis.

14. *With respect to vitamins generally.* In truth and in fact, the representations presented by the paraphrasing of certain statements on page 282 of the book entitled "The Vitamins" by Sherman and Smith (2nd edition) are false and misleading in that general visceral atrophy, infection of alimentary tract, kidney, bladder, sinuses, middle ear and lingual abscesses were not observed in connection with Vitamin A deficiency in man, but the above symptoms or conditions were in fact observed in connection with experimental animals maintained on a diet deficient in Vitamin A. This fact is clearly set forth in the context which respondent used in preparing the paraphrased statement. Furthermore, the paraphrase of the statement appearing on page 282 of the aforesaid publication representing that Vitamin A Concentrate possesses great effectiveness in the treatment of puerperal septicemia (blood poisoning) is false in that said statement is immediately followed in said publication by the following qualification: "It is clear that impressive as are the results described, they are too few in number to allow the deduction that this form of treatment is specific in its nature for septicemia."

In truth and in fact, it has been demonstrated and accepted by authorities that synthetic vitamins are capable of curing or relieving the diseases or symptoms of deficiency caused by a diet deficient in the respective vitamins with an effectiveness equal to that resulting from the administration of the same vitamin obtained from a natural source.

In truth and in fact, the established method of expressing the vitamin content or activity of vitamin preparations intended for administration to human beings is in terms of units based on animal tests made with the products and the validity of such tests and of such method of expressing vitamin content or activities are accepted by recognized authorities.

PAR. 5. The use by the respondent of the foregoing false and deceptive statements and representations, disseminated as aforesaid, has had, and now has, the capacity and tendency to, and does, mislead and deceive a substantial number of the purchasing public into the erroneous and mistaken belief that such false statements, representations and advertisements are true, and to induce a substantial number of the purchasing public, because of such erroneous and mistaken belief, to purchase respondent's preparations.

PAR. 6. The aforesaid 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 17, 1942, issued and subsequently

served its complaint in this proceeding upon the respondent named in the caption hereof, charging him 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 thereto, certain facts and exhibits were stipulated into the record in lieu of testimony in support of or in opposition to the charges in the complaint, all intervening procedure was waived, and the stipulated evidence and exhibits were duly recorded and filed in the office of the Commission. Thereafter, the proceeding regularly came on for final hearing before the Commission on said complaint, the answer thereto, the stipulated evidence and exhibits (the filing of briefs and oral argument having been waived), 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. (a) Respondent, Royal Lee, is an individual, trading as Vitamin Products Company with his principal office and place of business at 2023 West Wisconsin Avenue, Milwaukee, Wis. He is now, and for more than three years last past has been, engaged in the sale and distribution of various products, including preparations designated and advertised as Catalyn, Vitamin A Complex, Vitamin B Complex, Vitamin C Complex, Vitamin D Complex, Vitamin E Complex, Vitamin F Complex, Vitamin G Complex, V-P Organic Mineral Tablets, Cerol, V-P Phosphate, Cerodyn (also referred to as Cerolyn and V. P. Fortified Wheat Germ) and Viable Acidophilus Yeast.

(b) In carrying on his aforesaid business, respondent causes said preparations when sold to be transported from his place of business in Milwaukee, Wis., to purchasers at their points of location in various other States of the United States, and at all times mentioned herein has maintained a course of trade in said preparations in commerce among and between the various States of the United States.

PAR. 2. (a) In the course and conduct of his aforesaid business, respondent has disseminated and has caused the dissemination of false advertisements concerning his said preparations by the United States mails and by various other means in commerce, as "commerce" is defined in the Federal Trade Commission Act; and has disseminated and has caused the dissemination of false advertisements concerning his said preparations by various means for the purpose of inducing and which are likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act. The dissemination of some of said false advertisements was discontinued by respondent in 1939 and the dissemination of others was discontinued subsequent thereto. 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 periodicals and by circulars, leaflets, pamphlets and other advertising literature are those hereinafter set forth.

(b) Respondent's advertisements of the preparation designated "Catalyn" included the following:

"Catalyn" tablets were developed for the purpose of supplying a multiple vitamin concentrate in convenient form, which would be effective as a dietary supplement in the treatment of any vitamin deficiency disease, or for use in preventing deficiency disease and building the normal vitality and resistance that is the result of complete nutrition. * * *

LIST OF AILMENTS

For Which "CATALYN" is Recommended
And Case Report Index

Acidosis, Anemia, Angina Pectoris, Backward Children, Bright's Disease, Change of Life, Chorea, Colds, Constipation, Cystitis, Dropsy, Enlarged Glands, Enlarged Prostate Gland, Goiter (simple and Toxic), Hardening of the Arteries, Headache, Heart Trouble, High Blood Pressure, Infectious Diseases, Insomnia, Low Blood Pressure, Low Vitality, Menopause, Mucous Colitis, Nervousness, Ovary and Menstrual Disorders, Pregnancy, Illness of Pregnancy, Prostrate, Pyorrhea, Teeth, Tired Feeling, Tonsils, Tuberculosis.

(Detailed representations with respect to the above ailments in the advertisement have been omitted.)

CASE REPORTS

Convincing Evidence of the Merits of
"Catalyn"

Under the caption, "CASE REPORTS—Convincing Evidence of the Merits of 'Catalyn,'" respondent represents that his preparation "Catalyn" is a competent cure or treatment for various conditions, ailments or diseases, including many conditions, ailments or diseases referred to above, and in addition the following: underweight, overweight, difficult urination, congested liver, cardiac asthma, dizzy spells, dizziness, liver blotches, gastric disturbance, nervous indigestion, frequent urination, choking spells, and sinus infection.

Such persons, taking "Catalyn" will soon notice a marked improvement in their vitality, resulting in more definite reactions to the physician's treatment.

This is particularly true of chronic (low grade) infections, sinus trouble, leg ulcers, varicose veins, etc.

"CATALYN" For Health

CATALYN—Nature's Source of Vitality

Anything as miraculous in its performance as "Catalyn" naturally invites condemnation by certain critics who apparently believe they are competent to express opinions without investigation.

These critics by their unreasonable attitude and unwarranted propaganda are responsible for the unnecessary suffering and death of those persons who are thereby denied the knowledge of this life and health-building product.

(c) Respondent's advertisements of the preparation designated "Vitamin A Complex" included the following:

VITAMIN A COMPLEX

Apparent Function:

1. Necessary to normal function and integrity of—

Tissues of epiblastic origin; Epithelial tissues (Wound healing hastened, resistance to infections raised); Nervous system.

2. Necessary to maintenance of normal cell metabolism, such as: Cell respiration; Blood cell generation (Platelets).
3. Necessary to formation and integrity of periodontal tissue.
4. Promotes growth, feeling of well-being and longevity.
5. Essential to successful reproduction.
6. Prevents keratinization of tissues.

Possible Results of Deficiency;

7. Retarded appetite, growth and development (due to interference with assimilation).

8. Disturbed dental and bone development (atrophy).

9. Susceptibility to infections as well as slow healing of the following:

Reticulo-endothelium; Epithelium, due to degenerative change in structures of skin and mucosa.

10. Presence (due to lowered resistance) of—

Infections of eye (corneal ulcers) and degeneration of eyes (xerophthalmia, keratomalacia, night blindness, total blindness); Infections of ear (otitis media); Infections of genitourinary tract; Infections of mucous tract (tonsillitis); Infections of respiratory tract (pneumonia, tuberculosis); Infections of gastrointestinal tract (diarrhea); Infections of sinuses.

11. Presence of keratinizations and metaplasia of—

Epithelium; Genitourinary tract (making for difficult delivery of young); Mucous tract; Respiratory tract; Glands.

12. Interference with successful reproduction and lactation (loss of sex impulse); Sterility in the female by failure of ovulation or resorption of fetus; Sterility in the male by temporary injury to seminiferous epithelium; Prolonged gestation, retained and diseased placenta, difficult delivery.

13. Development of—

Pernicious anemia; Secondary anemia; Rickets (in conjunction with Vitamin D deficiency); Gastritis; Bronchitis.

14. Development of kidney and bladder disorders (metaplasias) and renal dysfunction; Formation of stones (calculi); Nephritis; Cystitis.

15. Excessive growth of lymphoid tissue.

16. Degeneration of the nervous system—dulling or perversion of special senses.

Results of Absence:

17. Atrophy of organs and glands (testes, liver, spleen, thyroid, pituitary and salivary).

18. Degenerative skeletal muscle lesions develop.

19. Ophthalmia, xerophthalmia, keratomalacia, conjunctivitis or kerato-conjunctivitis.

20. Death.

(d) Respondent's advertisements of the preparation designated "Vitamin B Complex" included the following:

VITAMIN B COMPLEX

Apparent Function:

1. Stimulates and promotes appetite and normal digestion.
2. Promotes optimal growth (increases height and vigor).
3. Necessary to maintenance of normal metabolic processes such as: Carbohydrate metabolism (lactic acid excesses); Cell respiration; Tissue respiration.
4. Necessary to normal pregnancy and lactation.

5. Maintains nervous function.
6. Stimulates digestive secretions, including insulin.
7. Necessary to maintenance of muscle tonus.
8. Prevents toxicosis from protein components in high meat diets.

Possible Results of Deficiency:

9. Susceptibility to infections due to lowered resistance.
10. Disturbed carbohydrate metabolism (Diabetes Mellitus) (lactic acid excesses, slow or labored respiration).
11. Functional disorders, atrophy or pathological enlargement of adrenals, brain, gonads, heart (heart block and bradycardia), kidneys, liver, ovaries, pancreas, pituitary gland, spleen, testes, thymus and thyroid glands—goiter.
12. Tendency to functional gastrointestinal disorders (Intestinal immobility, loss of tonus, constipation, lack of gastric secretions, ulcers, impaired appetite [anorexia] and digestion).
13. Tendency to muscle paralysis (loss of tone).
14. Loss of weight and vigor, stunted growth and emaciation.
15. Tendency to edematous conditions.
16. Fall in body temperature.
17. Degeneration of central nervous system (impaired nerve function, convulsions, tetany).
18. Anemia.
19. Disturbances of reproductive cycle (sterility—atrophy of seminiferous tubules, loss of libido, anestrus—hemorrhage at partus and abortions).
20. Dental caries.
21. Predisposes to allergic conditions.

Results of Absence:

22. Beriberi.
23. Peripheral and other forms of neuritis (polyneuritis).
24. Death.

(e) Respondent's advertisements of the preparation designated "Vitamin C Complex" included the following:

VITAMIN C COMPLEX

Apparent Function:

1. Essential to health and integrity of endothelial tissues (raises resistance to infections).
2. Essential to proper development of teeth.
3. Essential to oxygen metabolism.
4. Regeneration of blood cells.
5. Maintains proper blood-clotting time.

Possible Results of Deficiency:

6. Tendency to structural tissue changes:
 - (a) Diseases of blood vessels and capillaries (fragility, hemorrhages, tendency to bruise easily, "black and blue spots," purpura hemorrhagica), (varicosities).
 - (b) Diseases of gums (hemorrhages, sore gums), (pyorrhea).
 - (c) Tooth degeneration (Necrosis, caries).
 - (d) Joint and bone changes (Decalcification, friability).
 - (e) Mucous membrane hemorrhages.
 - (f) Destruction of bone marrow.

7. Tendency to epithelial lesions (ulcerations of mouth, intestines, etc.).
8. Increased susceptibility of reduced resistance to infections.
9. Retarded growth and loss of weight.
10. Physical weakness, depression and irritability.
11. Rapid respiration and heart action.
12. Blood degeneration (Tendency to certain types of anemia, reduced hemoglobin, destruction of bone marrow).
13. Development of heart weakness.
14. Increased weight and enlargement of spleen, liver, stomach, intestines and kidneys.
15. Atrophy or hypertrophy of glands;
 - (a) Reduced secretion of adrenals;
 - (b) Morbid secretion of thyroid (toxic goiter).
16. Development of arthritis (Rheumatic tendency).
17. Development of edematous conditions.
18. Complications of pregnancy and lactation as well as ill effects to new born (Abortions).
19. Tendency to raised temperature.
20. Possible Sterility.
21. Lowered glucose tolerance.
22. Cataract.
23. Predisposes to allergic conditions.

Results of Absence:

24. Scurvy.
25. Sprue.
26. Death.

(f) Respondent's advertisements of the preparation designated "Vitamin D Complex" included the following:

VITAMIN D COMPLEX

Apparent Function:

1. Essential to proper mineral metabolism; absorption from alimentary tract, utilization (health and calcification of bone and teeth) (Antirachitic action) and excretion of calcium and phosphorus.
2. Necessary to successful pregnancy and lactation.
3. Necessary for normalizing and reducing time of labor.
4. Necessary to maintain blood platelets at normal level.
5. Maintains normal coagulation time of blood.
6. Maintains growth (longitudinal bone growth).
7. Aids in maintaining muscle tone.
8. Increases strength of capillaries.
9. Related to hormonal function.
10. Increases resistance to infections (especially against tuberculosis).
11. Necessary to normal respiratory function.

Possible Results of Deficiency:

12. Rickets and osteomalacia (improper calcification of bone).
13. Growth retarded.
14. Enlargement of liver, kidney and spleen.
15. Instability and irritability of nervous system and tissues.

16. Decreases resistance to infections.
17. Muscular weakness, constipation and reduced motility of gastro-intestinal tract.
18. Increased tendency to dental caries and defective teeth (improper calcification) (pyorrhea).
19. Parathyroid dysfunction (Enlargement).
20. Menstrual disorders, cessation of ovulation, uterine atrophy, difficult childbirth due to deformities in pelvic development.

Results of Absence:

21. Osteoporosis.
22. Rickets.

(g) Respondent's advertisements of the preparation designated "Vitamin E Complex" included the following:

VITAMIN E

Apparent Function:

1. Necessary to reproduction in both male and female (necessary to prevent irreparable sterility in male).
2. Necessary to maintenance of mental alertness.
3. Necessary to growth and vigor.
4. Possibly to prevent carcinoma.
5. Necessary to resistance to infections.
6. Possibly to prevent paralysis of young (from E-deficient mothers).
7. Vermifuge (possibly due to associated principles).
8. Some influence on the endocrines (pituitary, anterior pituitary).

Possible Results of Deficiency:

9. Loss of weight, retarded growth, weakness.
10. Wasting of muscles, paralysis.
11. Lowered resistance in infections (particularly to infantile paralysis).
12. Sterility (temporary in female—interference with placental function), (Permanent in male—irreparable seminiferous epithelial injury).

Results of Absence:

13. Severe paralysis.
14. Disturbances of latter stages of pregnancy producing sterility (fetal resorption and habitual abortion).
15. Roughness, falling out (alopecia) and altering of the texture of the hair.
16. Possible tendency to malignancies.

(h) Respondent's advertisements of the preparation designated "Vitamin F Complex" included the following:

VITAMIN F

Apparent Functions:

1. Necessary to healthy epidermis (Protection against infection).
2. Maintains normal growth and reproduction.
3. May be necessary to maintain normal blood sugar (Possibly related to Insulin secretion).
4. Necessary to cell respiration.
5. Necessary to hair health.
6. Necessary to brain function and probably to function of other nerve tissue,

Possible Results of Deficiency:

7. Epidermal manifestations (Ridged and split fingernails, eczematous conditions, dermatitis—infantile and allergic, scurf, dandruff and hemorrhagic spots on the skin).
8. Brittleness and falling out of hair (Alopecia).
9. Involvement of endocrine glands (pituitary in particular).
10. Involvement of visceral organs (particularly kidneys).
11. Lowers resistance to allergies.
12. Susceptibility to Vitamin D poisoning.
13. Loss of sex instinct.
14. Lowered resistance to infections (Tuberculosis in particular).

Results of absence:

15. Cessation of growth and subsequent death.
16. Severe renal manifestations (Hematuria, albuminuria and severe nephritis).
17. Sterility (Impaired and irregular ovulation with interference with mechanism of labor in the female), (Loss of sex potentia with eventual sterility in the male).

(i) Respondent's advertisements of the preparation designated "Vitamin G Complex" included the following:

VITAMIN G COMPLEX

Apparent Function:

1. Necessary to growth and development.
2. Necessary to cell respiration.
3. As growth stimulus promotes normal repair processes and thereby delays senility.
4. Necessary to blood regeneration.

Possible Results of Deficiency:

5. Underdevelopment and retarded growth from malnutrition.
6. Eye disorders (conjunctivitis).
7. Incipient pellagra.
8. Abnormally slow regeneration of erythrocytes (secondary anemia).
9. Cutaneous changes (pellagic symptoms, mild dermatitis).
10. Nerve lesions and irritability (Neuritis).
11. Loss of hair (alopecia).
12. Sprue.
13. Interferes with normal skin respiration.
14. Alimentary tract disorders (Gastroenteritis, stomatitis, digestive disturbances).
15. Fatty infiltration and degeneration of the liver.
16. Renal manifestations (Cystitis, Hemorrhagic conditions of the urine, stones—renal calculi).

Results of Absence:

17. Gastrointestinal disturbances (Gastroenteritis, stomatitis, ulcerative colitis, diarrhea, nausea, vomiting, achlorhydria).
18. Cessation of growth.
19. Eye disorders (keratinization, severe conjunctivitis, ophthalmia cataracts).
20. Severe pellagra.
21. Severe nerve and spinal degeneration (Mental disorders, hyperirritability).
22. Death.

(j) Respondent's advertisements of the preparation designated "V-P Organic Mineral Tablets" included the following:

The alkali minerals—sodium, potassium, magnesium and calcium—also, if deficient, cause many of the symptoms of vitamin deficiency. This is because in general the function of vitamins is to promote mineral metabolism. * * *

* * * Vitamin F and "V-P" Organic Mineral tablets act to mobilize both calcium and potassium in the tissue fluids and restore a normal balance of power between the sympathetics and parasympathetics. This probably explains the benefit of this treatment for both gastrointestinal disorders that lead to ulcers, and the obvious benefits in most angina pectoris cases, for the latter has been identified as a condition of irritability of areas supplied by the vagus, and quite recently substantial evidence has been offered to show that the pain attacks in angina pectoris are really cramps of the oesophagus.

(k) Respondent's advertisements of the preparation designated "Cerol" included the following:

The clinical use of wheat germ oil for the treatment of sterility in the female and as a preventive of sterility in the male has been attended with considerable success. * * *

* * * Such a course of treatment is ideal for the mother during gestation and lactation periods. There will be no hyperemesis, and the delivery becomes a relatively simple process of normal physiology that is an object lesson to those who have not had the opportunity to observe the action of vitamins under these circumstances. The necessity of oxytocic drugs is eliminated, no doubt, because we are supplying better nutrition to the pituitary. * * *

(l) Respondent's advertisements of the preparation designated "V-P Phosphade" included the following:

Because the ordinary diet not only is deficient in Vitamins, but also lacks certain phosphates we have prepared "V.P. Phosphade" to supply the phosphate radical to aid "Catalyn" in eliminating the calcium accumulations in the tissues and blood vessel walls likely to be present in conditions of high blood pressure, hardening of the arteries and heart trouble. These calcium accumulations also are the cause of stiffness of the joints and many other indications of premature old age.

Without the "V.P. Phosphade" removal of these deposits is a slow process, as the rate of removal is limited by the amount of phosphoric radical taken into the system in food. Results are obtained so much quicker when the "V.P. Phosphade" is used that the saving in "Catalyn" more than offsets the cost of the "V.P. Phosphade."

(m) Respondent's advertisements of the preparation designated "Cero-dyn," also referred to as "Cerolyn" and "V.P. Fortified Wheat Germ," included the following:

* * * Its use will ordinarily show improvement in resistance to colds, improved physical stamina (less fatigue), better mental function (as shown by school marks in children) and a generally improved physical condition. * * *

* * * A general function of vitamins is to facilitate mineral assimilation and metabolism and therefore it is evident that mineral deficiency can be a secondary consequence of vitamin deficiency. * * * The practice of using refined sugar, flour and other cereals, artificially colored and ripened fruits and vegetables, etc., that may have had their vitamin content further diminished through storage, has reduced the vitamin intake in many cases to the vanishing point. As a result, even before we experience the more severe consequences of deficiency, we become easily fatigued (physically and mentally), cannot concentrate, may be unable to sleep or rest because of nervous tension, lose our normal powers of resistance and become a victim of every cold or "flu" epidemic. * * *

(n) Respondent's advertisements of the preparation designated "Viable Acidophilus Yeast" included the following:

VIALLE
ACIDOPHILUS
YEAST

A new PALATABLE Yeast that produces lactic acid by fermentation of carbohydrates, and thereby restricts the growth of undesirable microorganisms in the alimentary system.

This yeast differs from ordinary yeast in that it does not form alcohol or CO₂.

The daily use of two wafers before breakfast with a glass of hot water is suggested for halitosis of intestinal origin and to improve elimination.

It affords a convenient means of supplying lactic acid, the sources heretofore of which have been only such foods as acidophilus milk, buttermilk and sauerkraut. * * * Acidophilus yeast, however, does not require a specialized carbohydrate like this, but it will form lactic acid from any of the ordinary nutritional starches or cereals.

(o) Respondent's advertisements relating generally to vitamins included the following:

* * * "The Vitamins" by Sherman and Smith (Second Edition).

On page 282 it is stated that in 20 to 72% of the tests and deficiency of Vitamin A results were—general visceral atrophy, infection of alimentary tract, kidney, bladder, sinuses, middle ear and lingual abscesses.

On this page is also found the statement that 14 patients treated with Vitamin A concentrate for puerperal septicemia (blood poison), 13 recovered; whereas of 18 cases occurring in the same hospital the previous year, and which were not so treated (with Vitamin A), all died.

WHAT IS A VITAMIN?

Here's our definition:

A vitamin is that nutritional factor whose absence or deficiency from the diet is responsible for the development of a known definable syndrome, and WHOSE RESTORATION TO THE DIET SCHEDULE WILL CURE THE DISEASE AND RELIEVE SYMPTOMS OF DEFICIENCY, except when degeneration prevents recovery.

Synthetic or "pure" vitamins will NOT meet this acid test. The facts are published by accepted authorities and available to anyone who cares to dig them out of the medical journals.

THE PROOF OF THE PUDDING IS IN THE EATING

WE INVITE COMPARISON of V-P Vitamin Complexes in your practice. The ULTIMATE TEST of any commercial concentrate is the results that YOU as a physician can obtain with it, irrespective of the knowledge of its chemistry. We were warming ourselves with coal hundreds of years before we knew it contained carbon. Patients with "incurable" deficiency diseases are responding today to V-P vitamin concentrates of unknown chemistry.

A clinical test of our B Complex in heart arrhythmias, our C Complex is an infectious case of our "Catalyn" in a case of low vitality will serve to convince you of the superiority of a NATURAL product gleaned from multiple FOOD sources in order to retain

the priceless "unknown factors" vitally necessary for the delicate balance of the complete vitamin complex.

One important finding that has upset previous notions is that a given vitamin product with a specified "unit content" may be very effective for one species of animal and of little or no effect for another species. The practical effect of this discovery is that the units up to now used to measure vitamin content can no longer be considered a dependable measure of merit.

PAR. 3. (a) Through the use of the statements, representations and advertisements set out in the preceding paragraph, and others of similar import not specifically set out therein, all of which purport to be descriptive of the nutritional and therapeutic properties of said preparations, the respondent has represented directly and by implication as follows:

(b) As to Catalyn: That the preparation "Catalyn" contains a sufficient supply of multiple vitamin concentrates to constitute a competent dietary supplement in the treatment of vitamin deficiency diseases and a competent nutritional and corrective treatment for the prevention and cure of such diseases and conditions as acidosis, anemia, angina pectoris, backward children, Bright's disease, change of life, chorea, colds, constipation, cystitis, dropsy, enlarged glands, enlarged prostate gland, goiter, hardening of the arteries, headache, heart trouble, high blood pressure, infectious diseases, insomnia, low blood pressure, low vitality, menopause, mucous colitis, nervousness, ovary and menstrual disorders, illness of pregnancy, prostate gland disorders, pyorrhea, teeth disorders, tired feeling, diseases of tonsils, tuberculosis, underweight, overweight, difficult urination, congested liver, cardiac asthma, dizzy spells, dizziness, liver blotches, gastric disturbances, nervous indigestion, frequent urination, choking spells, sinus infection, chronic (low grade) infections, sinus trouble, leg ulcers and varicose veins. By the use of the slogan "Catalyn for Health" respondent represents that said preparation will bring health to the user and that it can be relied upon to produce health. By the use of the slogan "Catalyn—Nature's Source of Vitality" respondent represents that Catalyn can be relied upon to produce vitality and that it is a product of nature. Respondent represents that the results obtained by the use of Catalyn are miraculous and by designating the preparation as "This life- and health-building product" he represents that the consumption of the product will insure life and health to the user.

(c) As to Vitamin A Complex: That the preparation "Vitamin A Complex" is a competent nutritional and corrective treatment for the prevention and cure of diseases or conditions such as retarded appetite, growth and development, disturbed dental and bone development, susceptibility to infections, slow healing of reticulo-endothelium and epithelium, infection of eye including corneal ulcers and degeneration of eyes, infection of ear, infection of genito-urinary tract, tonsillitis, pneumonia, tuberculosis, diarrhea, infection of sinus, difficulty of delivery of young, interference with successful reproduction and lactation, pernicious anemia, secondary anemia, gastritis, bronchitis, kidney and bladder disorders, calculi, nephritis, cystitis, excessive growth of lymphoid tissues, degeneration of the nervous system, atrophy of organs and glands including liver, testes, spleen, thyroid, pituitary and salivary.

(d) As to Vitamin B Complex: That the preparation "Vitamin B Complex" is a competent nutritional and corrective treatment for the prevention and cure of diseases or condition such as susceptibility to infections

due to lowered resistance, diabetes mellitus, functional disorders including atrophy or pathological enlargement of adrenals, brain, gonads, heart, kidneys, liver, ovaries, pancreas, pituitary gland, spleen, testes, thymus, and thyroid glands, tendency to functional gastro-intestinal disorders such as ulcers, indigestion, tendency to muscular paralysis, loss of weight and vigor, stunted growth, tendency to edematous conditions, fall in body temperature, degeneration of the nervous system, anemia, disturbances of reproductive cycle, dental caries, predisposition to allergic conditions, and all forms of neuritis.

(e) As to Vitamin C Complex: That the preparation "Vitamin C Complex" is a competent nutritional and corrective treatment for the prevention and cure of diseases or conditions such as diseases of the blood vessels and capillaries, diseases of gums, tooth degeneration, joint and bone changes, mucous membrane hemorrhages, destruction of bone marrow, tendency to epithelial lesions, increased susceptibility to infections, retarded growth and loss of weight, physical weakness, depression and irritability, rapid respiration and heart action, blood degeneration, development of heart weakness, increased weight and enlargement of spleen, liver, stomach, intestines and kidneys, atrophy of glands, including reduced secretion of adrenals and thyroid gland, development of arthritis and rheumatic tendencies, development of edematous conditions, complications of pregnancy, tendency to raise temperature, possible sterility, lowered glucose tolerance, cataract, predisposition to allergic conditions and sprue.

(f) As to Vitamin D Complex: That the preparation "Vitamin D Complex" is a competent nutritional and corrective treatment for the prevention and cure of diseases or conditions such as improper mineral metabolism, increases resistance to infection, especially against tuberculosis, retarded growth, enlarged liver, kidneys, spleen, instability and irritability of nervous system and tissues, muscular weakness, constipation, pyorrhea, parathyroid dysfunction and menstrual disorders.

(g) As to Vitamin E Complex: That the preparation "Vitamin E," including respondent's preparation "Vitamin E Complex," is a competent nutritional and corrective treatment for the prevention and cure of such diseases or conditions as loss of weight, retarded growth, weakness, paralysis, lowered resistance to infection, particularly to infantile paralysis, sterility (temporary in female—permanent in male), falling hair, and alteration of the texture of the hair and possible tendency to malignancies.

(h) As to Vitamin F Complex: That the preparation "Vitamin F," including respondent's preparation "Vitamin F Complex," is a competent nutritional and corrective treatment for the prevention and cure of such diseases or conditions as epidermal manifestations including ridged and split fingernails, eczematous condition, dermatitis, scurf, dandruff, and hemorrhagic spots on the skin, brittleness and falling out of hair, impairment of endocrine glands, particularly the pituitary glands, impairment of visceral organs, particularly the kidneys, lowered resistance to allergies, susceptibility to Vitamin D poisoning, loss of sex instincts, lowered resistance to infections, particularly to tuberculosis, cessation of growth, severe renal manifestations and sterility.

(i) As to Vitamin G Complex: That the preparation "Vitamin G Complex" is a competent nutritional and corrective treatment for the prevention and cure of diseases or conditions such as underdevelopment, retarded growth and malnutrition, eye disorders, incipient pellagra, secondary anemia, cutaneous changes, neuritis, loss of hair, sprue, interference with

normal skin respiration, alimentary tract disorders including gastroenteritis, degeneration of the liver, renal manifestations, including cystitis, hemorrhagic conditions of the urine, severe pellagra and severe nerve and spinal degeneration.

(j) As to V.P. Organic Mineral Tablets: Respondent represents that a deficiency of the alkali minerals—sodium, potassium, magnesium and calcium—will cause many of the symptoms of vitamin deficiency; that in general the function of vitamins is to promote mineral metabolism; that "V.P. Organic Mineral Tablets" in combination with the preparation designated by respondent as "Vitamin F Complex" acts to restore a normal balance between the sympathetic and parasympathetic nervous systems; that these two preparations are effective in the treatment of gastrointestinal disorders which lead to ulcers and of angina pectoris.

(k) As to Cerol: Respondent represents that the preparation "Cerol" is wheat germ oil which is a competent treatment for sterility in the female; is a competent treatment for the prevention of sterility in the male; that when taken during gestation it will prevent hyperemesis and cause childbirth to become a relatively simple physiological process and render unnecessary the use of oxytocic drugs.

(l) As to V.P. Phosphate: Respondent represents that the ordinary diet is deficient in phosphates; that his preparation, "V.P. Phosphate," by supplying the phosphate radical, is effective in eliminating calcium accumulations in the tissues and blood vessel walls, and thereby is effective in the treatment of high blood pressure, hardening of the arteries, heart trouble, stiffness of the joints and symptoms of premature old age.

(m) As to Cerodyn, also referred to as Cerolyn and V.P. Fortified Wheat Germ: Respondent represents that the preparation which he has sold under the designation "Cerodyn," "Cerolyn," and "V.P. Fortified Wheat Germ" is a competent nutritional and corrective treatment for improving resistance to colds and improving physical stamina, including lessening of fatigue, improving mental functions and physical condition generally; that the preparation will correct inability to concentrate and inability to sleep because of nervous tension; that a general function of vitamins is to facilitate mineral assimilation and metabolism; that the practice of using various refined artificially colored or ripened foods has reduced the vitamin intake in many cases to the vanishing point.

(n) As to Viable Acidophilus Yeast: Respondent represents that the preparation "Viable Acidophilus Yeast" produces lactic acid by fermentation of carbohydrates such as ordinary nutritional starches or cereals, and thereby restricts the growth of undesirable micro-organisms in the alimentary tract; that the preparation affords a convenient means of supplying lactic acid; that the preparation is an effective treatment for halitosis.

(o) As to Vitamins generally: Respondent has paraphrased certain statements appearing on page 282 of the book "The Vitamins" by Sherman and Smith (2nd Edition), in such a way as to represent that general visceral atrophy, infection of alimentary tract, kidney, bladder, sinuses, middle ear and lingual abscesses were observed in connection with Vitamin A deficiency in man. Furthermore, respondent has paraphrased other statements appearing on page 282 of the aforesaid publication in such manner as to constitute a representation that Vitamin A Concentrate possessed great effectiveness in the treatment of puerperal septicemia (blood poisoning). Under the advertisement as to what is a vitamin, respondent has represented that a vitamin is a nutritional factor whose absence or

deficiency from the diet is responsible for the development of a known or definable syndrome and whose restoration to the diet will cure the disease syndrome and relieve symptoms of deficiency except when degeneration prevents recovery, and that synthetic vitamins have been shown by accepted authorities not to be capable of curing or relieving such diseases or symptoms of deficiency. Respondent has represented in an advertisement entitled "The Proof of the Pudding is in The Eating" that measurement of vitamin content or activity in units cannot be considered a dependable test of the value of vitamins for human beings but that the worth and value of vitamin concentrates must be established by means of clinical tests made on human patients.

PAR. 4. (a) The aforesaid advertisements and representations are grossly exaggerated, false, misleading and untrue as hereinafter set forth.

(b) In truth and in fact respondent's preparation designated as "Catalyn," except as to Vitamin D and to a limited extent to Vitamin A, taken as directed, does not furnish a sufficient, adequate supply of vitamins to have any therapeutic value or effect in the treatment of vitamin deficiency of the body or the prevention of vitamin deficiency diseases, and is not a competent dietary supplement in the building or normal vitality and resistance. Furthermore, said preparation is not a competent treatment for diseases and conditions such as acidosis, anemia, angina pectoris, backward children, Bright's disease, change of life, chorea, colds, constipation, cystitis, dropsy, enlarged glands, enlarged prostate gland, goiter, hardening of the arteries, headache, heart trouble, high blood pressure, infectious diseases, insomnia, low blood pressure, low vitality, menopause, mucous colitis, nervousness, ovary and menstrual disorders, illness of pregnancy, prostate gland disorders, pyorrhea, disorders of the teeth, tired feeling, diseases of the tonsils, tuberculosis, underweight, overweight, difficult urination, congested liver, cardiac asthma, dizzy spells, dizziness, liver blotches, gastric disturbance, nervous indigestion, frequent urination, choking spells, sinus infection, chronic (low grade) infections, leg ulcers, varicose veins, etc. The use of Catalyn will not bring health to the user and cannot be relied upon to produce health. The use of Catalyn cannot be relied upon to produce vitality and is not a product of Nature, but is a preparation compounded by man. The results which may be obtained by the use of Catalyn are not miraculous. Said preparation will not insure life and health to the user.

(c) In truth and in fact respondent's preparation designated as "Vitamin A Complex" is not a competent nutritional and corrective treatment for the prevention and cure of diseases or conditions such as retarded appetite, growth and development, disturbed dental and bone development, susceptibility to infections, slow healing of reticulo-endothelium and epithelium, infection of eye including corneal ulcers and degeneration of eyes, infection of ear, infection of genito-urinary tract, tonsillitis, pneumonia, tuberculosis, diarrhea, infection of sinus, difficulty of delivery of young, interference with successful reproduction and lactation, pernicious anemia, secondary anemia, gastritis, bronchitis, kidney and bladder disorders, calculi, nephritis, cystitis, excessive growth of lymphoid tissues, degeneration of the nervous system, atrophy of organs and glands including testes, liver, spleen, thyroid, pituitary and salivary.

(d) In truth and in fact respondent's preparation designated as "Vitamin B Complex" is not a competent nutritional and corrective treatment for the prevention and cure of diseases or conditions such as susceptibility

to infections due to lowered resistance, diabetes mellitus, functional disorders including atrophy, or pathological enlargement of adrenals, brain, gonads, heart, kidneys, liver, ovaries, pancreas, pituitary gland, spleen, testes, thymus and thyroid glands, tendency to functional gastro-intestinal disorders such as ulcers, indigestion, tendency to muscular paralysis, loss of weight and vigor, stunted growth, tendency to edematous conditions, fall in body temperature, degeneration of the nervous system, anemia, disturbance of reproductive cycle, dental caries, predisposition to allergic conditions and all forms of neuritis. Moreover, the dosage indicated by respondent is not sufficient to be effective in the treatment of Vitamin B deficiency neuritis which may occur in connection with beriberi, pellagra, pregnancy and chronic alcoholism.

(e) In truth and in fact respondent's preparation designated as "Vitamin C Complex" is not a competent nutritional and corrective treatment for the prevention and cure of such diseases as diseases of the blood vessels and capillaries, diseases of gums, tooth degeneration, joint and bone changes, mucous membrane hemorrhages, destruction of bone marrow, tendency to epithelial lesions, increased susceptibility to infections, retarded growth and loss of weight, physical weakness, depression and irritability, rapid respiration and heart action, blood degeneration, development of heart weakness, increased weight and enlargement of spleen, liver, stomach, intestines and kidneys, atrophy of glands, including reduced secretion of adrenals and thyroid gland, development of arthritic and rheumatic tendencies, development of edematous conditions, complications of pregnancy, tendency to raise temperature, possible sterility, lowered glucose tolerance, cataract, predisposition to allergic conditions and sprue.

(f) In truth and in fact respondent's preparation designated as "Vitamin D Complex" is not a competent nutritional and corrective treatment for the prevention and cure of such diseases or conditions as defective mineral metabolism, decreased resistance to infection, especially against tuberculosis. Furthermore, respondent's preparation is not a competent treatment for the cure or prevention of retarded growth, enlarged liver, kidneys, spleen, instability and irritability of nervous system and tissues, muscular weakness, constipation, pyorrhea, parathyroid dysfunction and menstrual disorders. Said preparation may be of some value in the treatment of defective metabolism of calcium and phosphorus, which occurs in connection with diseases such as rickets and osteomalacia.

(g) In truth and in fact neither "Vitamin E" nor the respondent's preparation designated as "Vitamin E Complex" is a competent nutritional treatment for or preventive of diseases or conditions such as loss of weight, retarded growth, weakness, paralysis, lowered resistance to infection, particularly to infantile paralysis, sterility (temporary in female—permanent in male), falling hair and alteration of the texture of the hair and possible tendency to malignancies.

(h) In truth and in fact neither "Vitamin F" nor respondent's preparation designated as "Vitamin F Complex" is a competent nutritional treatment for or preventive of diseases or conditions such as epidermal manifestations including ridged and split fingernails, eczematous condition, dermatitis, scurf, dandruff and hemorrhagic spots on the skin, b ittliness, and falling out of hair, impairment of endocrine glands, particularly the pituitary glands, impairment of visceral organs, particularly the kidneys, lowered resistance to allergies, susceptibility to Vitamin D poisoning, loss

of sex instincts, lowered resistance to infections, particularly to tuberculosis, cessation of growth, severe renal manifestations and sterility. Furthermore, the term "Vitamin F" is not an expression accepted by scientists as a designation for any substance.

(i) In truth and in fact respondent's preparation designated as "Vitamin G Complex" is not a competent nutritional and corrective treatment for the prevention of underdevelopment, retarded growth and malnutrition, eye disorders, secondary anemia, cutaneous changes, neuritis, loss of hair, sprue, interference with normal skin respiration, alimentary tract disorders including gastro-enteritis, degeneration of the liver, renal manifestations including cystitis, hemorrhagic conditions of the urine, severe pellagra and severe nerve and spinal degeneration.

(j) In truth and in fact respondent's preparation designated as "V.P. Organic Mineral Tablets," in combination with the preparation designated by respondent as "Vitamin F" and "Vitamin F Complex," cannot restore a normal balance between the sympathetic and parasympathetic nervous systems and these two preparations are not effective either singly or in combination with each other in the treatment of gastro-intestinal disorders including ulcers or of angina pectoris. A deficiency of the alkaline minerals, including sodium, potassium, magnesium and calcium, will not cause the symptoms of vitamin deficiency, except possibly some of the manifestations of Vitamin D deficiency, and in general the function of vitamins is not to promote mineral metabolism.

(k) In truth and in fact respondent's preparation designated as "Cerol" is not a competent nutritional and corrective treatment for sterility in the female; in the prevention of sterility in the male; and it will not when taken during gestation prevent hyperemesis and cause childbirth to become a relatively simple physiological process and render unnecessary the use of oxytocic drugs.

(l) In truth and in fact respondent's preparation designated as "V.P. Phosphade" is not a competent nutritional and corrective treatment for a diet deficient in phosphates, and by supplying the phosphate radical is not effective in eliminating calcium accumulations in the tissues and blood vessel walls, and is not thereby effective in the treatment of high blood pressure, hardening of the arteries, heart trouble, stiffness of the joints and symptoms of premature old age.

(m) In truth and in fact respondent's preparation designated as "Cerodyn," also called "Cerolyn" and "V.P. Fortified Wheat Germ," is not a competent nutritional and corrective treatment for improving resistance to colds, improving physical stamina, including lessening of fatigue, improving mental functions and physical condition generally; will not correct inability to concentrate and inability to sleep because of nervous tension; a general function of vitamins is not to facilitate mineral assimilation and metabolism and the practice of using various refined artificially colored or ripened foods has not reduced the vitamin intake in many cases to the vanishing point.

(n) In truth and in fact respondent's preparation designated as "Viable Acidophilus Yeast" is not a competent nutritional and corrective treatment for producing lactic acid by fermentation of carbohydrates such as ordinary nutritional starches or cereals and will not thereby restrict the growth of undesirable micro-organisms in the alimentary tract, it does not afford a convenient means of supplying lactic acid and it is not an effective treatment for halitosis.

(o) In truth and in fact the representations made by the respondent through the paraphrasing of certain statements on page 282 of the book entitled "The Vitamins" by Sherman and Smith (2nd edition) are false and misleading in that general visceral atrophy, infection of alimentary tract, kidney, bladder, sinuses, middle ear and lingual abscesses were not observed in connection with Vitamin A deficiency in men, but the above symptoms or conditions were in fact observed in connection with experimental animals maintained on a diet deficient in Vitamin A. This fact is clearly set forth in the context which respondent used in preparing the paraphrased statement. Furthermore, the paraphrase of the statement appearing on page 282 of the aforesaid publication representing that Vitamin A Concentrate possesses great effectiveness in the treatment of puerperal septicemia (blood poisoning) is false in that said statement is immediately followed in said publication by the following qualification: "It is clear that impressive as are the results described, they are too few in number to allow the deduction that this form of treatment is specific in its nature for septicemia." It has been demonstrated and accepted by authorities that synthetic vitamins are capable of curing or relieving the diseases or symptoms of deficiency caused by a diet deficient in the respective vitamins with an effectiveness equal to that resulting from the administration of the same vitamin obtained from a natural source. The established method of expressing the vitamin content or activity of vitamin preparations intended for administration to human beings is in terms of units based on animal tests made with the products and the validity of such tests and of such method of expressing vitamin content or activities are accepted by recognized authorities.

PAR. 5. (a) The use by respondent of the foregoing false and deceptive statements and representations disseminated as aforesaid has the capacity and tendency to mislead and deceive a substantial number of the purchasing public into the erroneous and mistaken belief that such false statements, representations and advertisements are true and to induce a substantial number of the purchasing public, because of such erroneous and mistaken belief, to purchase respondent's said preparations.

CONCLUSION

The acts and practices of 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, the answer of respondent, and certain facts and exhibits stipulated into the record (further hearing as to the facts and all intervening procedure having been waived), 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 respondent, Royal Lee, an individual, trading as Vitamin Products Company, or under any other name, his representatives, agents, and employees, directly or through any corporate or other device,

in connection with the offering for sale, sale, and distribution of the preparations hereinafter named, or any preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

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

(a) That respondent's preparation "Catalyn" when taken as directed, constitutes a competent dietary supplement for or has any therapeutic value in the treatment of any vitamin deficiency disease except such as are due to a deficiency of Vitamins A or D.

(b) That respondent's preparation "Catalyn" is a competent nutritional or corrective treatment for the prevention or cure of acidosis, anemia, angina pectoris, backward children, Bright's disease, change of life, chorea, colds, constipation, cystitis, dropsy, enlarged glands, enlarged prostate gland, goiter, hardening of the arteries, headache, heart trouble, high blood pressure, infectious diseases, insomnia, low blood pressure, low vitality, menopause, mucous colitis, nervousness, ovary and menstrual disorders, illness of pregnancy, prostate gland disorders, pyorrhea, teeth disorders, tired feeling, diseases of tonsils, tuberculosis, underweight, overweight, difficult urination, congested liver, cardiac asthma, dizzy spells, dizziness, liver blotches, gastric disturbance, nervous indigestion, frequent urination, choking spells, sinus infection, chronic (low grade) infections, leg ulcers, or varicose veins.

(c) That the use of respondent's preparation "Catalyn" will insure vitality or health to the user, or that said preparation is a product of Nature.

(d) That respondent's preparation "Vitamin A Complex" is a competent nutritional or corrective treatment for the prevention or cure of retarded appetite, growth, or development, disturbed dental or bone development, susceptibility to infections, slow healing of reticulo-endothelium or epithelium, eye infection, including corneal ulcers or degeneration of eyes, infection of ear, infection of genito-urinary tract, tonsillitis, pneumonia, tuberculosis, diarrhea, infection of sinus, difficulty of delivery of young, interference with successful reproduction or lactation, pernicious anemia, secondary anemia, gastritis, bronchitis, kidney or bladder disorders, calculi, nephritis, cystitis, excessive growth of lymphoid tissues, degeneration of the nervous system or atrophy of organs or glands, including liver, testes, spleen, thyroid, pituitary, and salivary.

(e) That respondent's preparation "Vitamin B Complex" is a competent nutritional or corrective treatment for the prevention or cure of susceptibility to infections due to lowered resistance, diabetes mellitus, functional disorders, including atrophy or pathological enlargement of adrenals, brain, gonads, heart, kidneys, liver, ovaries, pancreas, pituitary gland, spleen, testes, thymus and thyroid glands, tendency to functional gastro-intestinal disorders such as ulcers, indigestion, tendency to muscular paralysis, loss of weight or vigor, stunted growth, tendency to edematous conditions, fall in body temperature, degeneration of nervous system, anemia, disturbances of reproductive cycle, dental caries, predisposition to allergic conditions, or neuritis.

(f) That respondent's preparation "Vitamin C Complex" is a compe-

tent nutritional or corrective treatment for the prevention or cure of diseases of the blood vessels or capillaries, diseases of gums, tooth degeneration, joint or bone changes, mucous membrane hemorrhages, destruction of bone marrow, tendency to epithelial lesions, increased susceptibility to infections, retarded growth and loss of weight, physical weakness, depression and irritability, rapid respiration and heart action, blood degeneration, development of heart weakness, increased weight or enlargement of spleen, liver, stomach, intestines or kidneys, atrophy of glands, including reduced secretion of adrenals or thyroid gland, development of arthritic or rheumatic tendencies, development of edematous conditions, complications of pregnancy, tendency to raise temperature, possible sterility, lowered glucose tolerance, cataract, predisposition to allergic conditions, or sprue.

(g) That respondent's preparation "Vitamin D Complex" is a competent nutritional or corrective treatment for the prevention or cure of defective mineral metabolism (except in cases of defective metabolism of calcium or phosphorus occurring in connection with diseases such as rickets and osteomalacia), decreased resistance to infection, especially tubercular infection, retarded growth, enlarged liver, kidneys or spleen, instability or irritability of nervous system or tissue, muscular weakness, constipation, pyorrhea, parathyroid dysfunction, or menstrual disorders.

(h) That respondent's preparation "Vitamin E" or "Vitamin E Complex" is a competent nutritional treatment for or preventive of loss of weight, retarded growth, weakness, paralysis, lowered resistance to infection, particularly to infantile paralysis, sterility (temporary in female—permanent in male), falling hair, alteration of the texture of the hair, or possible tendency to malignancies.

(i) That respondent's preparation "Vitamin F" or "Vitamin F Complex" is a competent nutritional treatment for or preventive of epidermal manifestation, including ridged or split fingernails, eczematous condition, dermatitis, scurf, dandruff, hemorrhagic spots on the skin, brittleness or falling out of hair, impairment of endocrine glands, particularly the pituitary glands, impairment of visceral organs, particularly the kidneys, lowered resistance to allergies, susceptibility to Vitamin D poisoning, loss of sex instincts, lowered resistance to infections, particularly to tuberculosis, cessation of growth, severe renal manifestations, or sterility.

(j) That respondent's preparation "Vitamin G Complex" is a competent nutritional treatment for or preventive of underdevelopment, retarded growth, malnutrition, eye disorders, secondary anemia, cutaneous changes, neuritis, loss of hair, sprue, interference with normal skin respiration, alimentary tract disorders, including gastro-enteritis, degeneration of the liver, renal manifestations, including cystitis, hemorrhagic conditions of the urine, severe pellagra, or severe nerve or spinal degeneration.

(k) That respondent's preparation "V.P. Organic Mineral Tablets" or respondent's preparation "Vitamin F Complex" singly or together will restore normal balance between the sympathetic and parasympathetic nervous systems, or constitute an effective treatment for gastro-intestinal disorders, including ulcers, or angina pectoris.

(l) That respondent's preparation "Cerol" is a competent nutritional or corrective treatment for sterility in the female, or for the prevention of sterility in the male, or that it will prevent hyperemesis during the period of gestation, or will cause childbirth to become a relatively simple physiological process or render unnecessary the use of oxytocic drugs.

Order

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(m) That respondent's preparation "V.P. Phosphade" is a competent nutritional or corrective treatment for a diet deficient in phosphates, or that it will be effective in eliminating calcium accumulations in the tissues and blood vessel walls, or constitute an effective treatment for high blood pressure, hardening of the arteries, heart trouble, stiffness of the joints, or symptoms of premature old age.

(n) That respondent's preparation "Cerodyn" (also referred to as "Cerolyn" and "V.P. Fortified Wheat Germ") is a competent nutritional or corrective treatment for improving resistance to colds, increasing physical stamina, lessening fatigue, improving mental functions or physical condition generally, or for preventing inability to concentrate or to sleep because of nervous tension.

(o) That respondent's preparation "Viable Acidophilus Yeast" is a competent nutritional or corrective treatment for producing lactic acid by fermentation or carbohydrates or restricting the growth of undesirable micro-organisms in the alimentary tract; or that it constitutes an effective treatment for halitosis.

(p) That a synthetic vitamin is incapable of curing or relieving diseases or symptoms of vitamin deficiency as effectively as a like vitamin obtained from respondent's preparations.

(q) That any recognized scientific or medical publication contains statements or conclusions concerning the effects of vitamin deficiencies or the effectiveness of vitamins in the treatment of diseases or conditions which are different from the import of the statements or conclusions actually contained in such publication.

2. Disseminating or causing to be disseminated, by any means, any advertisement 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 any of said preparations, which advertisement contains any of the representations prohibited in paragraph 1 above.

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.

Syllabus

IN THE MATTER OF

SCIENTIFIC APPARATUS MAKERS OF AMERICA ET AL.

MODIFIED CEASE AND DESIST ORDER

Docket 3092. Order, March 2, 1945

Modified order, in accordance with four decrees below referred to, in proceeding in question, in which original order issued on August 25, 1941, 33 F. T. C. 1130, and in which the Circuit Court of Appeals for the 7th Circuit, on February 29, 1944, in *Eugene Dietzgen Co. et al. v. Federal Trade Commission*, 142 F. (2d) 321, 38 F. T. C. 840, rendered its opinion, and on May 3, 1944 modified the same on denial of rehearing, and on May 22, 1944 entered four separate decrees by which the Commission's said order to cease and desist was, with respect to said petitioning respondent only, modified, affirmed, and enforced—

Requiring said petitioning respondents, and their officers, etc., to cease and desist from entering into or carrying out any understanding, etc., to restrict, restrain, monopolize, hinder or suppress competition in the sale and distribution in commerce of prepared tracing papers, tracing cloths, drawing tools, and various other articles used by surveyors, engineers, builders, the drafting profession and others, as in said order set out, by doing any of the acts or things therein specified; and from doing any of such acts or things pursuant to any such understanding, etc.; including among said acts, etc., thus prohibited, the fixing and maintaining of prices, and terms and conditions of sale, and the exchanging of information among themselves with respect to prices, etc., as therein set out; and

Requiring respondent association, the Surveying-Drafting-Coaters Section of the Scientific Apparatus Makers of America, its manager, etc., to cease and desist from aiding and assisting the members of respondent association in carrying out or engaging in any of the acts and practices theretofore set forth; and particularly through rules and regulations designed to prevent price deviations, and receipt and dissemination of price lists all as in said order in detail specified.

Mr. Everett F. Haycraft and *Mr. Reuben J. Martin* for the Commission. *Hewes, Prettyman, Awalt & Smiddy*, of Washington, D. C., for Scientific Apparatus Makers of America, *Carl S. Hallauer*, *R. E. Gillmor*, and *John M. Roberts*.

Gerdes & Montgomery, of New York City, for *Karl L. Keller* and *Keuffel & Esser Co.*

Mr. Howard P. Beckett, of Philadelphia, Pa., for Surveying-Drafting-Coaters Section of the Scientific Apparatus Makers of America, *Arthur L. Parker*, *Paul J. Bruning*, and *Frederick Post Co.*, and, along with—

Mr. Robert J. Holmes, of Boston, Mass., for *W. A. Berger*, and *Mayer, Magaziner & Brunswick*, of Philadelphia, Pa., for *Charles W. Speidel* and *Walter A. Kohn*.

Pam, Hurd & Reichmann, of Chicago, Ill., and *Mr. William E. Lamb*, of Washington, D. C., for *R. Fred Allin* and *Eugene Dietzgen Co.*

Mr. Thomas H. Fisher and *Mr. Arthur Fisher*, of Chicago, Ill., for *Huey Co.*, *Economy Blue Print Products, Inc.*, and *United States Blue Print Paper Co.*

Mr. Richard W. Thorington, of Philadelphia, Pa., for *Alphonse A. Brunner*, *Jacob H. Weil*, *Edwin H. Weil*, and *Manfred Krauskopf*.

Pope, Ballard & Loos, of Washington, D. C., for *The C. F. Pease Co.*