

Syllabus

IN THE MATTER OF
THE DR. D. A. WILLIAMS COMPANYCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 4759. Complaint, May 7, 1942—Decision, Apr. 19, 1945*

Where a corporation engaged in the interstate sale and distribution of a medicinal preparation designated "The Williams Treatment" and intended for use in the treatment of various diseases and conditions; through statements in newspaper advertisements, circulars, pamphlets and other advertising media, directly or by implication—

- (a) Represented that rheumatism, neuritis, neuralgia, arthritis, constipation, sore muscles, stiff joints, bladder disorders, kidney disorders, tired feeling, acid stomach, itchy skin, susceptibility to colds, lack of energy, nervousness, biliousness, headaches, acid poisoning, stomach troubles, urinary disorders, lameness, stiffness and soreness in muscles and joints, aches and pains in various parts of the body, swellings, grouchiness, and irritability of temper are diseases caused by, or symptoms or conditions indicating, an excess uric acid condition of the body; that its preparation would correct and overcome such excess acid condition, and that it was therefore a cure or remedy or a competent and effective treatment for such diseases and conditions; and
- (b) Represented that its said preparation would promote better health, physical comfort, and happier life; that it was effective in preventing the development of, and in correcting the result of, too much uric acid; would chemically correct the condition of excess uric acid and physiologically promote the elimination of excess uric acid from the blood and tissues; would neutralize uric acid excess, correct the prime fundamental cause of predisposition to disease, and cure diseases already developed; would prevent the deposit of uric acid in the kidneys, joints, tissues, or muscles by promoting the excretion of uric acid more easily; overcome the consequences upon the blood and tissues of the irritant and poisonous influences of too much uric acid; enable the body to maintain a proper alkaline balance; overcome damage which might have been done in the body by too much uric acid; and would build up the strength of important organs, induce sound sleep, and lift the strain from frayed nerves;

The facts being that, as established by expert testimony, there is no relation between excess uric acid in the body and the diseases and conditions in question; its preparation was incapable of correcting or overcoming any excess uric acid condition which might exist in the body, was not a cure or remedy nor a competent or effective treatment for the various ailments and conditions set forth; and it was incapable of accomplishing the other results claimed for it, as above set forth;

With the tendency and capacity to mislead and deceive a substantial portion of the purchasing public with respect to its preparation, and to cause it to purchase substantial quantities of the preparation as a result, whereby substantial trade was diverted unfairly to it from its competitors:

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

In a proceeding before the Commission, in which the complaint raised numerous issues with respect to advertising claims made by the respondent, in connection with

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products sold by it other than its medicinal preparation, The Williams Treatment, as above set forth, and also referred to certain advertising claims for said last named preparation, not dealt with above: Where the evidence showed that the advertising in question had long since been discontinued, as had also the sale of said other products, and that claims not dealt with in connection with said "Treatment" had long since been discontinued by respondent, the Commission was of the opinion that the complaint should be dismissed as to said matters, without prejudice, however to the right to the Commission to institute further proceedings in the future, should the public interest so require.

Before *Mr. Randolph Preston*, trial examiner.

Mr. John W. Carter and *Mr. DeWitt T. Puckett* for the Commission.

Mr. Clarence McMillan, of New York City, 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 respondent, The Dr. D. A. Williams Company, a corporation, hereinafter referred to as respondent, has violated the provisions of said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, The Dr. D. A. Williams Company, is a corporation, organized under the laws of the State of Connecticut with its principal office and place of business located at East Hampton, Conn.

PAR. 2. Respondent is engaged in the sale and distribution of an alleged treatment for rheumatism, kidney and bladder disorders and various other disorders, diseases and conditions, designated and hereinafter referred to as "The Williams Treatment" consisting of a medicinal preparation designated "The Williams Treatment" to be used in conjunction with the theories and daily diet program contained in a booklet entitled "Feeling Twenty Years Younger." Respondent is or has been also engaged in the sale and distribution of various other medicinal and vitamin preparations designated respectively:

(a) A medicinal preparation designated "Dr. Williams Special Formula No. 116";

(b) A medicinal preparation designated "Dr. Williams Special Formula No. 707";

(c) A medicinal preparation designated "Dr. Williams Special Formula No. 59";

(d) A medicinal preparation designated "Dr. Williams Special Formula No. 3";

(e) A medicinal preparation designated "Dr. Williams Special Formula No. 206";

(f) A vitamin preparation designated "Special Formula 833"; and

(g) A vitamin preparation designated "Vitamin Concentrates" to be used separately, or in any combination with "The Williams Treatment," or in any combination of the one with the other.

Respondent causes said treatment and the aforesaid preparations, when sold, to be transported from its place of business in the State of Connecticut 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 its said treatment and the individual medicinal and vitamin preparations in commerce between and among the various States of the United States. Respondent has been, and is now, in competition with other corporations, partnerships and individuals engaged in the sale and distribution in commerce among and between the various States of the United States of medicinal and vitamin preparations for use in the treatment of the disorders, diseases and conditions for which respondent recommends his said preparations.

PAR. 3. In the course and conduct of its aforesaid business the respondent has disseminated and has caused the dissemination of false advertisements concerning his said products by the United States mails and by various means in commerce, as commerce is defined in the Federal Trade Commission Act; and respondent has also disseminated and has also caused the dissemination of false advertisements concerning the aforesaid medicinal and vitamin preparations by various means for the purpose of inducing and which was likely to induce, directly or indirectly, the purchase of its aforesaid "The Williams Treatment" and the various medicinal and vitamin preparations designated as aforesaid, in commerce as commerce is defined by the Federal Trade Commission Act.

Among and typical of the false, misleading and deceptive statements and representations contained in said false advertisements, disseminated and caused to be disseminated as hereinabove set forth by the United States mails, by newspapers, circulars, pamphlets, testimonials, booklets and other advertising media, as aforesaid, are the following:

1. *Advertisement of "The Williams Treatment"*

A. In Newspapers

Try This For
URIC ACID
Read Our Offer. Do This

Thousands Report relief from stiff joints; sore muscles; rheumatic pains; neuritis, neuralgia.

Bladder weak? Kidney irritation? Up many times at night? "Worn out?" "Acid" stomach? "Catch cold" easily? Skin itchy? No "pep"? Nervous?

WANT A 75¢ BOTTLE?
(Regular Prescription Quantity)

For more than 46 years The Williams Treatment has been helping others to more comfortable days and restful nights. YOU try it!

We will give *Uric acid sufferers* who send this advertisement, home address and ten cents (stamps or coin) one full size 75¢ bottle (32 doses) of THE WILLIAMS TREATMENT and booklet with DIET and other helpful suggestions. No obligation. No C.O.D. Only one bottle given same person, family or address. Sold since 1892. This advt. and 10¢ must be sent THE DR. D. A. WILLIAMS CO., Offer RG 52 East Hampton, Conn.

B. In Pamphlets and Folders:

FEELING TWENTY YEARS YOUNGER
The Ounce of Prevention.

Those suffering from ailments due to "Too Much Uric Acid" are concerned vitally in finding the way to better health and greater physical comfort.

In sending you this booklet, we do so with the wish that it will be helpful to you.

The information and experience we have gained in our dealing with many hundreds of thousands of suffering people—who have come to us for help—should help you to a more healthy and more happy life.

To the thousands of men and women who have reached the age of forty, we would emphasize the importance of taking “the ounce of prevention” before “Too Much Uric Acid” causes trouble.

Nature forewarns us of impending troubles due to “Too Much Uric Acid.” Susceptibility to colds—to bilious attacks—attendency to constipation—headaches—the little ache here and the occasional pain here—tiring easily—these all may well be considered symptoms that warn of trouble.

Why wait until pains and aches, stiff joints, or sore muscles make you think of “old age”? Do not let your kidneys become affected through neglect. Fight the accumulation of poison in your body. Keep active and “young.” Protect the body from attacks of the insidious enemy—“Too Much Uric Acid.”

Be wise—do not wait until trouble comes. Keep the body free from “acid-poisoning”—make certain of a proper alkaline balance in that wonderful and faithful body of yours.

The great army of men and women who have used THE WILLIAMS TREATMENT believe it is mighty effective in building better health. We suggest that you too, may find it efficacious in preventing the development of, and correcting the result of “Too Much Uric Acid” with all that it means in suffering and unhappiness and the feeling of “growing old.”

“TOO MUCH URIC ACID”

and

The Opinions of Eminent
Medical Authorities

THE WILLIAMS TREATMENT is intended to chemically correct and physiologically promote the elimination of excess Uric Acid from the blood and tissues of the body.

This justly famous medicine is not intended to be a “cure-all,” either in the sense that it will cure all types of disease, or all cases of any type of disease. It is, according to the laws of chemistry and physiology, adapted to neutralization and elimination of acid excess, and thus is corrective of what is now known to be a prime fundamental cause of pre-disposition to disease as well as of diseases already developed. . . .

The Williams Treatment corrects Rheumatic conditions and Kidney and Bladder disorders when caused by the excess of Uric Acid in the system . . . for correction of such conditions as may be caused by the excess of Uric Acid in the system. . . . It is diuretic and so may get rid of Uric Acid which has a tendency to deposit itself in the Kidneys and Joints . . . To excrete Uric Acid more easily and readily and so prevent any deposits within the tissues, muscles and the joints . . . The plan and purpose of THE WILLIAMS TREATMENT is to correct and remove over-acid conditions of the human organism . . . that pain, swelling, and distress, completely disappeared after using it for a reasonable time. It should overcome the consequences of the irritant and poisonous influence of “Too Much Uric Acid” upon the blood and tissues. The practice of taking THE WILLIAMS TREATMENT for the correction of conditions caused by Uric Acid excess is proven . . .

Perhaps you start the day feeling tired and worn-out—you hate to get out of bed—arms and legs stiff—muscles sore—little burning pains in your back—feeling just a little mean and grouchy before breakfast. During the day you are nervous—irritable—lose your temper quickly—nothing goes right. You are depressed; gloomy, you always see the worst side . . . you get nervous—“fly to pieces” . . .

Perhaps your stomach gives trouble . . . If your distress and discomfort is caused by "Too Much Uric Acid"—then your common-sense tells you to reduce the poison by neutralizing and expelling the acid . . . It should work smoothly and gently to overcome all the damage that may have been done in your body during the past years. It should build up the strength of important organs, so that you can sleep soundly at night; lift the strain from the frayed nerves, and drive out the stiffness and soreness; limber up the arms and legs, and end the pains and aches, whether your doctor calls them "neuritis," "neuralgia," or "rheumatism" or "arthritis" . . . To neutralize and drive out the poison that produces pain . . . to successfully combat pains and aches and relieve suffering caused by "Too Much Uric Acid."

HEALTH GIVING AND DISEASE PREVENTING

The Williams Treatment, containing as it does, Alkali Mineral salts, works in harmony with our Vitamin Concentrates. Hence, the importance of The Williams Treatment and Vitamin Concentrates to those earnestly seeking—not only more speedy relief, but more comfortable, energetic activity.

"707"

Rheumatism is the name given to a group of characteristic symptoms that for many years has been attributed to excess acidity of the system.

The claims of self-interested parties, that rheumatic conditions are due to other causes, may be accepted or rejected by each individual sufferer, as he or she may elect. Neutralization of excessive body-acids is the foundation of all acceptable treatment for rheumatic conditions and the fact that rheumatism is only cured by anti-acid treatment may be considered the best proof that it is acid-caused.

Everybody knows the symptoms—lameness, stiffness and soreness in the muscles and joints; aching pains in various parts of the body; hot swellings that are so sensitive at times that the weight of a bed covering cannot be borne.

Digestion is usually impaired by rheumatic cases, because of the disturbing effect of the excess of acids upon the stomach, liver and intestines.

Acid-Caused Pains are like in character, regardless of the parts of the body in which they are felt; and they must be treated upon the same principle, no matter what scientific name they are classified by. Neutralization of excessive acidity is the foundation of successful treatment, and no treatment that does not effect this result has the qualities of success. Its power to overcome acidity in the system is one of the principal reasons why The Williams Treatment has been so grand a success in rheumatic conditions.

"No. 3"

Sour Stomach means just one thing, and that is excess of acid. The distressing symptoms that accompany this very prevalent ailment may be called Indigestion, Dyspepsia, Gastritis, Catarrh of the Stomach or any other of the many terms used to indicate disturbances of digestion; the cause in almost all cases is excessive acidity.

Nervous Indigestion is nothing more or less than acid irritation of the nervous system in persons with sensitive or weak stomachs.

Heaviness after eating, burning pain in the stomach, nausea, wind or flatulence, bloating, belching, "wind hunger," bad taste in the mouth, coated tongue, offensive breath, headache, etc., are the usual symptoms.

Grouchiness and irritability of temper, occasional dizziness and dimness of vision, rapid heart action, unnatural sensations in various parts of the body, and a sense of everything going wrong, are among the effects upon the nervous system.

Among all the ailments to which the human body is subject, there is none that so directly and positively points to excessive acidity as the cause, as does derangement of the digestive organism.

Indigestion is more common in the chronic stage than is any other ordinary disease,

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because of the insufficiency of the ordinary treatments, which are mainly designed but to afford temporary relief from suffering."

"No. 116"

The standard medication for Urinary Disorders is THE WILLIAMS TREATMENT; it is anti-acid and promotes the elimination of waste substances that block the kidneys. Its use should be continued for a considerable period, and resorted to occasionally after recovery has been established, as a protection against recurrence.

2. *Advertisements of other medicinal preparations.*

A. *Special Formula No. 116*

DR. WILLIAMS

Special Formula No. 116

(Homeopathic)

and

The Williams Treatment
for the

URINARY DISORDERS

of Excessive Acidity
(Kidneys and Bladder)

For symptoms of irritation and inflammation—discomfort; pain; burning and scalding urine; difficulty of starting and of stopping the flow; dribbling; frequent getting up at night; cloudy dark, colored, strong-smelling urine with heavy deposit; and bed-wetting during infancy and childhood, DR. WILLIAMS SPECIAL FORMULA NO. 116 is used.

This preparation is entirely harmless and may be taken without fear of unfavorable action, by children, delicate females and old people, as well as by those in middle life.

It has produced results in so many hard cases that seemed to be beyond the reach of all ordinary measures, that no case, however, difficult, should be denied an opportunity to benefit by its aid.

The soothing effect of DR. WILLIAMS SPECIAL FORMULA NO. 116 on the irritated and inflamed water passage is especially valuable in cases of gravel. When the lining membrane has been torn by the passage of the stone, and the tract is raw and sore, grateful relief has come speedily in many instances. Healing is promoted.

There is a condition of weakness of the neck of the bladder that permits the escape of a drop of urine at a time, and is almost continual day and night, that has been quickly remedied by the use of Dr. WILLIAMS SPECIAL FORMULA NO. 116.

For children who wet the bed its action upon the urinary organs is demonstrated with convincing emphasis, usually this trouble is checked in a few days, and completely conquered in a reasonable time.

B. *Special Formula No. 707*

DR. WILLIAMS

Special Formula No. 707

and

The Williams Treatment
for

rheumatism, lumbago,
sciatica, neuritis and
neuralgia.

For the symptoms—lameness, stiffness, soreness, aching and pain—DR. WILLIAMS SPECIAL FORMULA NO. 707 is a most successful medication. The definite purpose of No. 707 is to quickly bring comfort to sufferers by relieving distressing, aching, pain and stiffness, while the acid cause is being removed, and thereby promote and facilitate full recovery.

Headaches and many of the pains and aches that women suffer, may be relieved or prevented by the timely use of DR. WILLIAMS SPECIAL FORMULA NO. 707. It is a very useful medicine in any condition of disease or disorder caused by pain.

It should be used in connection with The Williams Treatment.

C. Special Formula No. 59

DR. WILLIAMS
Special Formula No. 59
for the liver troubles
of excessive acidity.

D. Special Formula No. 3

DR. WILLIAMS
Special Formula No. 3
and
The Williams Treatment
for the
Stomach Troubles of
Excessive Acidity
Indigestion Acid Dyspepsia

The preparation is formulated for the relief of discomfort and pain arising from disturbed digestion, and for building up the tone and natural strength of the stomach.

When used in connection with THE WILLIAMS TREATMENT for the neutralization of acidity of the system, its action is most satisfying.

Long standing cases of dyspepsia, that have failed to improve under symptom medicines like soda, bismuth, magnesia, etc., have been reported to show steady betterment and to attain ultimate recovery.

Acute attacks of dyspepsia brought on by eating too fast or too heartily of foods that digest slowly have been promptly relieved and serious consequences avoided by the timely use of No. 3. Many who are acquainted with the excellence of this formula keep a supply on hand at all times for emergencies.

Its tonic effect upon the lining membrane, muscles and secreting glands of the stomach, tends to build up the ability of the organ to digest the food that is put into it. No. 3 is not intended to do the work of the stomach for it, but to aid in the restoration of natural digestive power.

Recovery from many forms of disturbed digestion, even when they have reached the chronic stage, has been achieved by the systematic use of THE WILLIAMS TREATMENT and DR. WILLIAMS SPECIAL FORMULA NO. 3.

E. Special Formula No. 206

DR. WILLIAMS
Special Formula No. 206
for the
female nervousness of
excessive acidity.

3. Advertisement of Vitamin Preparations.

(a) SPECIAL FORMULA NO. 833

There are many of us who are living on certain diets that are deficient in Vitamin B₁. These diets are for such diseases as diabetes, peptic ulcer, reducing, kidney diseases, etc.

There are many who, because of their dislike of certain Vitamin B₁ containing foods, develop a self-inflicted deficiency of this important Vitamin. And then there are those of us who, although we eat sufficient Vitamin B₁ foods are unable to absorb the Vitamin from the gastro-intestinal tract.

Individuals who have inflammatory processes of the stomach and do not properly digest their foods, are examples of this type.

Disturbances of the digestive tract resulting from Vitamin B₁ deficiency are probably of considerable clinical importance, especially in non-infective colitis and malnutrition.

Vitamin B₁ is essential for such conditions as beri beri with symptoms of neuritis of legs, enlarged heart and rapid heart, difficult breathing, blueness, gastric distress, prostration, and restlessness.

Vitamin B₁ is required for such conditions as: Constipation, Loss of vigor, various nervous disorders, fevers, hyperthyroidism, gradual paralysis of the limbs as well as for enlarged glands as the kidneys, heart, thyroid, ovaries, and liver.

Professor Steinberg has shown that Vitamin B₁ is of "adjunct" value in patients with chronic arthritis, and Professors Hall and Myers have shown that one-half of their cases of infectious arthritis had Vitamin B₁ deficiency.

Professor Staehler has shown that labor in pregnancy is delayed, and uterine contractions are weak where there is a deficiency of Vitamin B₁.

Special Formula No. 833 assures you a rich and abundant supply of this most important Vitamin B₁ that scientists and research workers have found to be most beneficial to such important diseases, and conditions as are described above.

Vitamin B₁ is also required for alcoholic neuritis, pregnancy neuritis, and many other forms such as diabetes neuritis. Where there is a loss of muscular tone of both stomach and bowel, Vitamin B₁ is required.

(b) *VITAMIN CONCENTRATES WITH LIVER EXTRACT AND IRON* as appearing in pamphlet "Health Giving and Disease Preventing."

Vitamin B

This is known as the antineuritic Vitamin because it is necessary to keep our nervous system in the best of health. If we are deprived of this essential Vitamin, we suffer from nervous diseases. This Vitamin has a marked effect upon our appetites, and the health of the entire gastro-intestinal tract.

Vitamin C

This Vitamin is essential for the health of epithelial tissue, and increases our resistance to infections from without or from within. We must have this Vitamin to insure healthy gums and teeth.

Vitamin E

This Vitamin is needed for the reproductive process in both male and female. It is necessary for growth and vigor in both sexes, and a shortage results in mental sluggishness.

Vitamin G

This Vitamin is often called B₁ because it is found in food substances along with B₁ and was only recently separated from it. It is the Vitamin which prevents Pellagra. It seems to be necessary for blood regeneration.

Vitamin Concentrates assures you a rich abundant supply of the important Vitamins described in this folder, and IN ADDITION to this Liver Extract and Iron; used so widely by physicians to increase the supply of red blood corpuscles.

Vitamin Concentrates should be considered as aids to the preservation of normal health and as definite factors in restoration of health that has been impaired by Vitamin deficiency.

Vitamin Concentrates are offered to you with confidence their use will give you better health and freedom from pain and distress that follows Vitamin deficiency.

It is important that disease be alleviated when you are afflicted, but the prevention of disease is even more important. Take VITAMIN CONCENTRATES FOR A TIME AS NECESSARY FOOD. Help nature to protect you by putting into your body these "Health-giving and Disease-preventing" substances, prepared *with* LIVER EXTRACT and IRON.

It has been said that the general function of Vitamins is to promote mineral metabolism. When a deficiency of necessary minerals is indicated, the same evidence of "mineral starvation" in certain forms of vitamin deficiency may be found.

Vitamin—Inflammation and pus formation in the eyes, ears, sinuses, lungs, skin, bladder and kidneys.

- "A" Anemia.
- Retarded growth.
- Loss of appetite.
- Sterility (prevents conception).

Vitamin—Constipation.

- "B" Loss of Vigor.
- Various nervous disorders.
- Gradual paralysis of the limbs.
- Enlarges many glands as the Kidneys, Heart, Thyroid, Ovaries, Liver, etc.

Vitamin—Physical weakness.

- "C" Loss of weight.
- Change in disposition.
- Soreness and stiffness of the joints.
- Shortness of breath and rapid heart beats.

Vitamin—Muscular weakness.

- "D" Lowered resistance to disease.
- Decay of teeth.
- Malformation of the bones.
- Improper calcium phosphorous balance.

Vitamin—Sterility in both male and female.

- "E" Mental sluggishness.
- Loss of weight.
- Wasting of muscles.
- Lowered resistance to infection.

Vitamin—Pellagra.

- "G" Nervous diseases.
- Sore mouth and membranes.
- Dermatitis (skin disease).
- Gastric disorders, colitis, etc.

PAR. 4. Through the use of the statements and representations herein-above set forth and others of similar import not specifically set out herein, -

all of which purport to be descriptive of the therapeutic and nutritional properties of respondent's preparations, respondent has represented, directly and by implication, as follows:

1. *Representations as to "The Williams Treatment."*

That rheumatism, neuritis, neuralgia, arthritis, constipation, sore muscles, stiff joints, weak bladder, kidney irritation, weak kidneys, tired feeling, acid stomach, itchy skin, susceptibility to colds, lack of energy, nervousness, billiousness, headaches, kidney infection, acid poisoning, stomach troubles, urinary disorders, lumbago, sciatica, lameness, stiffness, and soreness in muscles and joints, aching pains in various parts of the body, hot swellings, impaired digestion due to the effect of excess acids upon the stomach, liver and intestines, liver troubles, sour stomach, dyspepsia, acid dyspepsia, gastritis, catarrh of the stomach, nervous indigestion, heaviness after eating, burning pains in the stomach, nausea, wind or flatulence, bloating, belching, "wind hunger" or bad taste in the mouth, coated tongue, offensive breath, headache, grouchiness, irritability of temper, dizziness, dimness of vision, rapid heart action, unnatural sensations in various parts of the body, derangement of the digestive organs, and female nervousness are diseases caused by, or symptoms or conditions indicating, excess uric acid condition of the body and that the preparation "The Williams Treatment" used alone or in conjunction with the theories and nutritional suggestions contained in the pamphlet "Feeling Twenty Years Younger" will correct and overcome such excess uric acid condition and is therefore a cure and remedy for and constitutes an effective treatment for such disorders and diseases.

That the said "The Williams Treatment" will promote better health, physical comfort and happier life; that it is efficacious in preventing the development of and in correcting the result of too much uric acid; that it will chemically correct and physiologically promote the elimination of excess uric acid from the blood and tissues; that it will neutralize uric acid excess and is corrective of the prime fundamental cause of predisposition to disease and the cure of disease already developed; that it will prevent the deposit of uric acid in the kidneys, joints, tissues and muscles by promoting the excretion of uric acid more easily; that it will overcome the consequences upon the blood and tissue of the irritant and poisonous influences of too much uric acid; that it will enable the body to maintain a proper alkaline balance; that it will overcome damage that may have been done in the body by too much uric acid; that it will build up the strength of important organs, induce sound sleep and lift the strain from frayed nerves; that due to its alkali mineral salts, it will work in harmony with the preparation designated "Vitamin Concentrates" and will induce a speedy relief and bring about more comfortable and energetic activity.

2. *Representations as to "Dr. Williams Special Formula No. 116."*

That the preparation "Dr. Williams Special Formula No. 116" used alone or in conjunction with the preparation "The Williams Treatment," is a cure and remedy and constitutes an effective or competent treatment for inflammation, irritation and pain accompanying urinary disorders of the kidneys and bladder; that it will overcome and prevent dribbling; that it will correct and prevent burning, scalding, cloudy, dark colored, strong-smelling urine; that it will overcome the difficulty of starting and stopping the flow of urine; that it is a competent and effective treatment for torn

and lacerated membrane caused by the passage of stone; that it will strengthen the muscles controlling the neck of the bladder thus overcoming and preventing the escape or passage of urine; that it will effectively check and overcome in children the habit of bed wetting; that it will produce results where other measures have failed.

3. *Representations as to "Dr. Williams Special Formula No. 707."*

That the preparation designated "Dr. Williams Special Formula No. 707" when used alone or in conjunction with the preparation designated "The Williams Treatment" is a cure and remedy and constitutes a competent and effective treatment for the symptoms lameness, stiffness, soreness, aches and pains, headaches and many of the pains and aches from which women suffer; that it will quickly bring comfort to sufferers; that it is useful for any condition or disorder caused by pains; that its use will promote and facilitate full recovery while the acid cause of such symptoms are being removed; that it is a special medication devised after an experience covering many thousands of cases.

4. *Representations as to "Dr. Williams Special Formula No. 59."*

That the preparation designated "Dr. Williams Special Formula No. 59" used alone or in conjunction with the medicinal preparation, "The Williams Treatment" is a cure and remedy for and constitutes a safe and effective treatment for liver troubles of excessive acidity.

5. *Representations as to "Dr. Williams Special Formula No. 3."*

That the preparation designated "Dr. Williams Special Formula No. 3" used alone or in conjunction with the preparation designated "The Williams Treatment" is a cure and remedy and constitutes a competent and effective treatment for acute attacks of dyspepsia, acute and chronic form of disturbed digestion; that dyspepsia of long standing which has failed to yield to other forms of treatment can be cured by the use of this preparation; that it will build up the tone and natural strength of the stomach; that its tonic effect upon the membrane muscles and secreting glands of the stomach increases the digestive properties of that organ; that it will cure every form of chronic indigestion; and that it will restore to the stomach its natural digestive powers.

6. *Representations as to "Dr. Williams Special Formula No. 206."*

That the preparation designated "Dr. Williams Special Formula No. 206" used alone or in conjunction with the treatment designated "The Williams Treatment" is a cure and remedy for and constitutes a safe and effective treatment for female nervousness of excessive acidity.

7. *Representations as to "Dr. Williams Special Formula No. 833."*

That the preparation designated "Dr. Williams Special Formula No. 833" used alone or in combination with the treatment designated "The Williams Treatment" is a competent, nutritional and corrective treatment for the prevention and cure of diseases or conditions such as constipation, loss of vigor, various nervous disorders, fevers, hyper-thyroidism, gradual paralysis of the limbs, enlarged glands, such as kidneys, heart, thyroid, ovaries and liver, alcoholic neuritis, pregnancy neuritis, chronic arthritis, infectious arthritis, diabetic arthritis, loss of muscular tone of the stomach and bowels, that its use will maintain appetite; that it will correct and properly control weight; that it will strengthen uterine contractions and prevent delayed labor in pregnancy.

It is further represented that diet for such diseases as diabetes, peptic ulcer, reducing, kidney diseases, etc. are all deficient in Vitamin B₁; that Vitamin B₁ deficiency is often self-inflicted because of dislike for certain foods containing this vitamin; that there are persons who eat sufficient food containing Vitamin B₁ yet who are unable to absorb that vitamin; that persons with inflammatory process of the stomach do not properly digest their food and are unable therefore to absorb Vitamin B₁; that Vitamin B₁ is essential for neuritis of legs, enlarged heart and rapid heart, difficult breathing, blueness, gastric distress, prostration and restlessness; and that these are symptoms of beri beri.

8. *Representations as to "Vitamin Concentrates" with liver extract and iron.*

That the preparation designated "Vitamin Concentrates" contains a sufficient supply of multiple vitamin concentrate together with liver extract and iron so that when used alone or in conjunction with the preparation designated "The Williams Treatment" it is a competent, nutritional and corrective treatment for the prevention and cure of diseases or conditions such as inflammation and pus formation in the eyes, ears, sinuses, lungs, skin, bladder and kidneys, anemia, retarded growth, loss of appetite, sterility, constipation, loss of vigor, various nervous disorders, gradual paralysis of the limbs, enlarged glands such as the kidneys, heart, thyroid, ovaries, liver, etc., physical weakness, loss of weight, change in disposition, soreness and stiffness of the joints, shortness of breath, rapid heart beat, muscular weakness, lowered resistance to disease, decay of teeth, malformation of the bones, improper calcium phosphorous balance, sterility in male and female, mental sluggishness, wasting of muscles, lowered resistance to infection, pellagra, nervous diseases, sore mouth and membranes, dermatitis, gastric disorders and colitis.

That it is an effective and competent treatment for all nervous diseases and infectious diseases and will increase one's resistance to such diseases, that it will increase the red blood corpuscles; that the use of this preparation will give you health and prevent disease and that it will promote mineral metabolism.

PAR. 5. 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 "The Williams Treatment."*

The symptoms, disorders and diseases, enumerated and set forth hereinabove in subsection 1 of paragraph 4 are not diseases caused by, or symptoms indicating, excess uric acid condition of the body. The preparation designated "The Williams Treatment" used alone or in conjunction with the theories and nutritional suggestions contained in the pamphlet entitled "Feeling Twenty Years Younger" or in any combination with the various medicinal and vitamin preparations set forth hereinabove is not a cure and remedy for, nor a competent or effective corrective treatment for, excess uric acid condition of the body and will not have any generally recognized therapeutic value in the treatment thereof, or in the treatment of any of the conditions, symptoms, disorders and diseases set forth hereinabove in subsection 1 of paragraph 4 in excess of neutralizing temporarily an excess of acid in the stomach.

The said preparation "The Williams Treatment" will not promote better health, physical comfort, or happier life; it is not efficacious in preventing the development of or in correcting the result of too much uric acid; it will not chemically correct or physiologically promote the elimination of excess uric acid from the blood and tissues; it will not neutralize uric acid excess and is not corrective of the prime fundamental cause of pre-disposition to diseases or the cure of diseases already developed; it will not prevent the deposit of uric acid in the kidneys, joints, tissues, or muscles by promoting the excretion of uric acid more easily; it will not overcome the consequences upon the blood and tissue of the irritant and poisonous influences of too much uric acid; it will not enable the body to maintain a proper alkaline balance; it will not overcome damage or correct the damage that may have been done in the body by too much uric acid; it will not build up the strength of important organs; it will not induce sound sleep, and it will not lift the strain from frayed nerves; it will not work in harmony with the preparation designated "Vitamin Concentrates" so as to induce speedy relief and bring about more comfortable and energetic activity.

2. *With Respect to "Dr. Williams Special Formula No. 116."*

In truth and in fact the preparation "Dr. Williams Special Formula No. 116" used alone or in conjunction or combination with the preparation "The Williams Treatment" is not a cure and remedy nor does it constitute an effective or competent treatment for inflammation, irritation, or pain accompanying urinary disorders of the kidneys and bladder; it will not overcome and prevent dribbling; it will not correct and prevent burning, scalding, cloudy, dark colored, strong smelling urine; it will not overcome the difficulty of starting and stopping the flow of urine; it is not a competent and effective treatment for torn and lacerated membrane caused by the passage of stone; it will not strengthen the muscles controlling the neck of the bladder thus overcoming and preventing the escape or passage of urine; it will not effectively check and overcome in children the habit of bed wetting; it will not produce results where other measures have failed.

3. *With Respect to "Dr. Williams Special Formula No. 707."*

The preparation designated "Dr. Williams Special Formula No. 707" when used alone or in conjunction or combination with the preparation designated "The Williams Treatment" is not a cure or remedy nor does it constitute a competent or effective treatment for the underlying cause of lameness, stiffness, soreness, aches and pains, headaches or the cause of any of the pains or aches from which women suffer, and it will have no therapeutic value in the treatment of such conditions in excess of temporarily mitigating the consciousness of pain. It will not promote or facilitate full recovery from any disease or condition. It is not a special medication as respondent indicates but is a common and well known drug designated acetylsalicylic acid or more commonly referred to as aspirin and will have no greater therapeutic value than aspirin.

4. *With Respect to "Dr. Williams Special Formula No. 59."*

The preparation designated "Dr. Williams Special Formula No. 59" used alone or in conjunction or combination with the medicinal preparation "The Williams Treatment" is not a cure or remedy for and does not constitute a safe, effective or competent treatment for liver troubles, irrespective of cause.

5. *With Respect to "Dr. Williams Special Formula No. 3."*

The preparation designated "Dr. Williams Special Formula No. 3" used alone or in conjunction or in combination with the preparation designated "The Williams Treatment" is not a cure or remedy nor does it constitute a competent or effective treatment for acute attacks of dyspepsia, acute or chronic form of disturbed digestion and it will have no generally recognized therapeutic value in the treatment thereof in excess of that of a bitter stomachic and appetizer and carminative; it will not cure dyspepsia; it will not build up the tone and natural strength of the stomach; it will have no tonic effect whatever upon the membrane muscles or secreting glands of the stomach nor increase the digestive properties of that organ; it will not cure any form of chronic indigestion and it will not restore natural digestive powers to the stomach.

6. *With Respect to "Dr. Williams Special Formula No. 206."*

The preparation designated "Dr. Williams Special Formula No. 206" used alone or in conjunction or combination with the treatment designated "The Williams Treatment" is not a cure or remedy for and does not constitute a safe, effective or competent treatment for female nervousness irrespective of cause.

7. *With Respect to "Dr. Williams Special Formula No. 833."*

The preparation designated "Dr. Williams Special Formula No. 833" used alone or in conjunction or combination with the treatment designated "The Williams Treatment" is not a competent, nutritional, or corrective treatment for the prevention and cure of diseases or conditions such as loss of vigor, various nervous disorders, fevers, hyper-thyroidism, gradual paralysis of the limbs, enlarged glands such as kidneys, heart, thyroid, ovaries, and liver, neuritis, chronic arthritis, infectious arthritis, diabetic arthritis; it will not correct or properly control weight; it will not strengthen uterine contractions nor prevent delayed labor in pregnancy.

Constipation, alcoholic neuritis, pregnancy neuritis, loss of muscular tone of the stomach and bowels, loss of appetite may occur in connection with conditions having no relationship whatever to Vitamin B₁ deficiency, in which event respondent's preparation "Dr. Williams Special Formula No. 833" would not be an adequate or competent treatment therefor.

Diet for such diseases as diabetes, peptic ulcer, reducing, kidney diseases, etc., are not deficient in Vitamin B₁; Vitamin B₁ deficiency is not often self-inflicted because of dislike for certain foods containing this vitamin. If a person is unable to absorb the Vitamin B₁ from the food eaten, such person will not be able to absorb the Vitamin B₁ of this preparation.

The symptoms neuritis of the legs, enlarged heart or rapid heart, difficult breathing, blueness, gastric distress, prostration and restlessness may occur in connection with severe Vitamin B₁ deficiency known as beri beri and they may also occur in connection with conditions having no relationship whatever to Vitamin B₁ deficiency. Beri beri is a rare disease in this country and respondent's preparation designated "Dr. Williams Special Formula No. 833" would not be an adequate treatment for the above symptoms except in those rare cases of beri beri.

8. *With Respect to "Vitamin Concentrates" with Liver Extract and Iron.*

The preparation designated "Vitamin Concentrates" with liver extract and iron, when used alone or in conjunction or combination with the

preparation designated "The Williams Treatment" is not a competent, nutritional, or corrective treatment for the prevention and cure of diseases or conditions such as inflammation and pus formation in the eyes, ears, sinuses, lungs, skin, bladder, and kidneys, anemia, sterility, loss of vigor, various nervous disorders, gradual paralysis of the limbs, enlarged glands such as the kidneys, heart, thyroid, ovaries, liver, etc., physical weakness, loss of weight, change in disposition, soreness or stiffness of the joints, shortness of breath, rapid heart beat, muscular weakness, lowered resistance to disease, decay of teeth, sterility in male and female, mental sluggishness, loss of weight, wasting of muscles, lowered resistance to infection, pellagra, nervous diseases, sore mouth and membranes, dermatitis, gastric disorders or colitis.

The conditions such as retarded growth, loss of appetite, constipation, malformation of the bones, improper calcium phosphorous balance, may be caused or occur for reasons of and in connection with conditions having no relationship whatever to vitamin deficiency in which event respondent's preparation designated "Vitamin Concentrates" would not be an adequate or competent treatment therefor.

It is not an effective or competent treatment for all nervous diseases.

Its Vitamin C content is not an effective or competent treatment for infectious diseases nor will it increase one's resistance to such diseases.

The preparation will not increase the red corpuscles of the blood.

The use of this preparation will not give you health nor will it prevent disease or promote mineral metabolism.

PAR. 6. The use by the respondent of the foregoing false and deceptive statements and representations, disseminated as aforesaid, has had, and 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. As a result, trade has been diverted unfairly to the respondent from his competitors who are likewise engaged in the sale and distribution in commerce between and among the various States of the United States of preparations for use in the treatment of similar disorders, diseases and conditions who truthfully advertise the effectiveness and therapeutic value of their respective preparations. In consequence thereof injury has been and is now being done by respondent to competition in commerce among and between the various States of the United States.

PAR. 7. The aforesaid acts and practices of the respondent, as herein alleged, are all to the prejudice and injury of the public and constitute unfair competition and 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 May 7, 1942, issued and subsequently served its complaint in this proceeding upon the respondent, The Dr. D. A. Williams Company, a corporation, charging it with the use of unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce in violation of the provisions of that act. After the filing by respondent of its answer to the complaint, testimony and other evi-

dence in support of and in opposition to the allegations of the complaint were introduced before a trial examiner of the Commission theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter the proceeding regularly came on for final hearing before the Commission on the complaint, answer, testimony and other evidence, report of the trial examiner upon the evidence and the exceptions to such report, and briefs in support of and in opposition to the complaint (oral argument not having been requested); 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. The respondent, The Dr. D. A. Williams Company, is a corporation, organized under the laws of the State of Connecticut, with its principal office and place of business located in East Hampton, Conn. Respondent is engaged in the sale and distribution of a medicinal preparation designated "The Williams Treatment" and intended for use in the treatment of various diseases and conditions of the human body.

PAR. 2. Respondent causes and has caused its preparation, when sold, to be transported from its place of business in the State of Connecticut to purchasers thereof located in various other States of the United States. Respondent maintains and has maintained a course of trade in its preparation in commerce among and between the various States of the United States.

PAR. 3. Respondent is and has been in competition with other corporations and with partnerships and individuals engaged in the sale and distribution, in commerce among and between the various States of the United States, of medicinal preparations intended for use in the treatment of the diseases and conditions for which respondent recommends its preparation.

PAR. 4. In the course and conduct of its business and for the purpose of inducing the purchase of its preparation, respondent has disseminated and caused the dissemination of advertisements concerning its preparation 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 caused the dissemination of advertisements concerning its preparation by various means for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of its preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act.

Among and typical of the statements contained in such advertisements disseminated and caused to be disseminated, as set forth above, by the United States mails and by means of newspapers, circulars, pamphlets, and other advertising media, are the following:

Try This For
URIC ACID
Read Our Offer. Do This

Thousands report relief from stiff joints; sore muscles; rheumatic pains, neuritis; neuralgia.

Bladder weak? Kidney irritation? Up many times at night? "Worn out?" "Acid" stomach? "Catch cold" easily? Skin itchy? No "pep"? Nervous?

WANT A 75¢ BOTTLE?
(Regular Prescription Quantity)

For more than 46 years The Williams Treatment has been helping others to more comfortable days and restful nights.

YOU try it!

We will give *uric acid sufferers* who send this advertisement, home address and ten cents (stamps or coin) one full size 75¢ bottle (32 doses) of THE WILLIAMS TREATMENT and booklet with DIET and other helpful suggestions. No obligation. No C. O. D. Only one bottle given same person, family or address. Sold since 1892. This advt. and 10¢ must be sent THE DR. D. A. WILLIAMS CO., Offer RH 64 East Hampton, Conn. (Comm. Ex. 1)

FEELING TWENTY YEARS YOUNGER
The Ounce of Prevention.

Those suffering from ailments due to "Too Much Uric Acid" are concerned vitally in finding the way to better health and greater physical comfort.

In sending you this booklet, we do so with the wish that it will be helpful to you.

The information and experience we have gained in our dealing with many hundreds of thousands of suffering people—who have come to us for help—should help you to a more healthy and more happy life.

To the thousands of men and women who have reached the age of forty, we would emphasize the importance of taking "the ounce of prevention" before "Too Much Uric Acid" causes trouble.

Nature forewarns us of impending troubles due to "Too Much Uric Acid." Susceptibility to colds—to bilious attacks—a tendency to constipation—headaches—the little ache here and the occasional pain here—tiring easily—these all may well be considered symptoms that warn of trouble.

Why wait until pains and aches, stiff joints, or sore muscles make you think of "old age"? Do not let your kidneys become affected through neglect. Fight the accumulation of poison in your body. Keep active and "young." Protect the body from attacks of the insidious enemy—"Too Much Uric Acid."

Be wise—do not wait until trouble comes. Keep the body free from "acid-poisoning"—make certain of a proper alkaline balance in that wonderful and faithful body of yours.

The great army of men and women who have used THE WILLIAMS TREATMENT believe it is mighty effective in building better health. We suggest that you too, may find it efficacious in preventing the development of, and correcting the result of "Too Much Uric Acid" with all that it means in suffering and unhappiness and the feeling of "growing old."

"TOO MUCH URIC ACID"

and

The Opinions of Eminent
Medical Authorities

THE WILLIAMS TREATMENT is intended to chemically correct and physiologically promote the elimination of excess Uric Acid from the blood and tissues of the body.

This justly famous medicine is not intended to be a "cure-all," either in the sense that it will cure all types of disease, or all cases of any type of disease. It is, according to the laws of chemistry and physiology, adapted to neutralization and elimination of acid excess, and thus is corrective of what is now known to be a prime fundamental cause of pre-disposition to disease as well as of diseases already developed. . . .

The Williams Treatment corrects Rheumatic conditions and Kidney and Bladder disorders when caused by the excess of Uric Acid in the system . . . for correction of such conditions as may be caused by the excess of Uric Acid in the system. . . . It is diuretic and so may get rid of Uric Acid which has a tendency to deposit itself in the Kidneys and Joints . . . To excrete Uric Acid more easily and readily and so prevent any deposits within the tissues, muscles and the joints . . . The plan and purpose of THE WILLIAMS TREATMENT is to correct and remove over-acid conditions of the human organism . . . that pain, swelling, and distress, completely disappeared after using it for a reasonable time. It should overcome the consequences of the irritant and poisonous influence of "Too Much Uric Acid" upon the blood and tissues. The practice of taking THE WILLIAMS TREATMENT for the correction of conditions caused by Uric Acid excess is proven . . .

Perhaps you start the day feeling tired and worn-out—you hate to get out of bed—arms and legs stiff—muscles sore—little burning pains in your back—feeling just a little mean and grouchy before breakfast. During the day you are nervous—irritable—lose your temper quickly—nothing goes right. You are depressed; gloomy, you always see the worst side . . . you get nervous—"fly to pieces" . . .

Perhaps your stomach gives trouble . . . If your distress and discomfort is caused by "Too Much Uric Acid"—then your common sense tells you to reduce the poison by neutralizing and expelling the acid . . . It should work smoothly and gently to overcome all the damage that may have been done in your body during the past years. It should build up the strength of important organs, so that you can sleep soundly at night; lift the strain from the frayed nerves, and drive out the stiffness and soreness; limber up the arms and legs, and end the pains and aches, whether your doctor calls them "neuritis," "neuralgia," or "rheumatism" or "arthritis" . . . To neutralize and drive out the poison that produces pain . . . to successfully combat pains and aches and relieve suffering caused by "Too Much Uric Acid." (Comm. Ex. 2)

PAR. 5. Through the use of these statements and others of similar import, respondent has represented, directly or by implication, that rheumatism, neuritis, neuralgia, arthritis, constipation, sore muscles, stiff joints, bladder disorders, kidney disorders, tired feeling, acid stomach, itchy skin, susceptibility to colds, lack of energy, nervousness, biliousness, headaches, acid poisoning, stomach troubles, urinary disorders, lameness, stiffness and soreness in muscles and joints, aches and pains in various part of the body, swellings, grouchiness, and irritability of temper are diseases caused by, or symptoms or conditions indicating, an excess uric acid condition of the body, that respondent's preparation will correct and overcome such excess uric acid condition, and that the preparation is therefore a cure or remedy or a competent and effective treatment for such diseases and conditions.

Respondent has further represented through such statements that its preparation will promote better health, physical comfort, and happier life; that it is effective in preventing the development of and in correcting the result of too much uric acid; that it will chemically correct the condition of excess uric acid and physiologically promote the elimination of excess uric acid from the blood and tissues; that it will neutralize uric acid excess, and correct the prime fundamental cause of predisposition to disease, and cure diseases already developed; that it will prevent the deposit of uric acid in

the kidneys, joints, tissues, or muscles by promoting the excretion of uric acid more easily; that it will overcome the consequences upon the blood and tissues of the irritant and poisonous influences of too much uric acid; that it will enable the body to maintain a proper alkaline valance; that it will overcome damage which may have been done in the body by too much uric acid; and that it will build up the strength of important organs, induce sound sleep, and lift the strain from frayed nerves.

PAR. 6. The formula for the preparation, per teaspoonful, is: potassium acetate, U.S.P., $2\frac{3}{4}$ grains; potassium bicarbonate, U.S.P., 1 grain; potassium citrate, U.S.P., 1 grain, dissolved in glycerine and water, and flavored with oil of peppermint, redistilled, and oil of sassafras, natural.

The label on the bottles in which the preparation is packaged contains the following directions:

Directions for Preparing

Shake this bottle well and pour the contents into a large, clean bottle, then add three times as much water, using this bottle as a measure. Cork tight and shake bottle well until all is dissolved. This mixture should make thirty-two teaspoonfuls.

Directions for Taking

After diluting according to Directions for Preparing, take one teaspoonful in one-half glass of water after meals and at bedtime. For children, from one-quarter to one-half the dose. The best results may be obtained by taking the same hour each day. (Comm. Ex. 10)

PAR. 7. Respondent's claims for its preparation are based upon the theory that the diseases and conditions referred to in its advertisements are caused by or are symptoms of excess uric acid in the body, that the use of the preparation corrects such excess uric acid condition, and in consequence the diseases and conditions are cured or relieved.

The expert testimony in the record establishes that there is no relation between excess uric acid in the body and the diseases and conditions in question. The diseases and conditions are not caused by nor are they indicative of excess uric acid. Moreover, respondent's preparation is incapable of correcting or overcoming any excess uric acid condition which may exist in the body. The preparation is not a cure or remedy nor a competent or effective treatment for rheumatism, neuritis, neuralgia, arthritis, constipation, sore muscles, stiff joints, bladder disorders, kidney disorders, tired feeling, acid stomach, itchy skin, susceptibility to colds, lack of energy, nervousness, biliousness, headaches, acid poisoning, stomach troubles, urinary disorders, lameness, stiffness or soreness in muscles or joints, aches or pains in the body, swellings, grouchiness, or irritability of temper.

The preparation is incapable of promoting better health, physical comfort, or happier life. It will not prevent the development, nor correct the result, of too much uric acid, nor will it promote the elimination of excess uric acid from the body. It will not neutralize uric acid excess, correct the fundamental cause of predisposition to disease, nor cure diseases already developed. The preparation is incapable of preventing the deposit of uric acid in the kidneys, joints, tissues, or muscles. It will not overcome the consequences upon the blood and tissues of irritant or poisonous influences of excess uric acid. It will not enable the body to maintain a proper alkaline balance, nor will it overcome damage which may have been done

in the body by too much uric acid. It is incapable of building up the strength of the organs of the body, inducing sound sleep, or lifting the strain from frayed nerves.

PAR. 8. The Commission therefore finds that the representations made by respondent with respect to its preparation, as set forth in paragraphs 4 and 5 hereof, are erroneous and misleading and constitute false advertisements.

PAR. 9. The use by respondent of these false advertisements has the tendency and capacity to mislead and deceive a substantial portion of the purchasing public with respect to the therapeutic properties and effectiveness of respondent's preparation, and the tendency and capacity to cause such portion of the public to purchase substantial quantities of the preparation as a result of the erroneous and mistaken belief so engendered. In consequence, substantial trade has been diverted unfairly to respondent from its competitors.

PAR. 10. The complaint in this proceeding raised numerous issues with respect to advertising claims made by respondent in connection with certain other products sold by it. The evidence shows, however, that the advertising in question has long since been discontinued, as has also the sale of some of the products. The complaint also referred to certain advertising claims for the preparation "The Williams Treatment" which have not been included in the foregoing findings as to the facts. As in the case of the other products, the record shows that these claims have long since been discontinued by respondent. In the circumstances, the Commission is of the opinion that the complaint should be dismissed as to these matters, such dismissal, however, to be without prejudice to the right of the Commission to institute further proceedings in the future, should the public interest so require.

CONCLUSION

The acts and practices of the respondent, as herein found, are all to the prejudice of the public and of respondent's competitors, and constitute unfair methods of competition in commerce and 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, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and the exceptions to such report, and briefs in support of and in opposition to the complaint (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, The Dr. D. A. Williams Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondent's medicinal preparation designated "The Williams Treatment," or any other preparation of substantially similar composition or possessing substantially similar proper-

ties, whether sold under the same name or under any other name, do forthwith cease and desist from:

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

(a) that respondent's preparation is a cure or remedy, or a competent or effective treatment, for rheumatism, neuritis, neuralgia, arthritis, constipation, sore muscles, stiff joints, bladder disorders, kidney disorders, tired feeling, acid stomach, itchy skin, susceptibility to colds, lack of energy, nervousness, biliousness, headaches, acid poisoning, stomach troubles, urinary disorders, lameness, stiffness or soreness in muscles or joints, aches or pains in the body, swellings, grouchiness, or irritability of temper;

(b) that said preparation will correct or overcome excess uric acid in the body;

(c) that said preparation will prevent the development or correct the result of too much uric acid in the body, or promote the elimination of excess uric acid from the body;

(d) that said preparation will neutralize uric acid excess, or prevent the deposit of uric acid in the kidneys, joints, tissues, or muscles;

(e) that said preparation will overcome the consequences upon the blood and tissues of the irritant or poisonous influences of excess uric acid, or otherwise overcome damage which may have been done in the body by too much uric acid;

(f) that said preparation will enable the body to maintain a proper alkaline balance;

(g) that said preparation will correct the fundamental cause of predisposition to disease or cure diseases already developed;

(h) that said preparation will promote better health, physical comfort, or happier life;

(i) that said preparation will build up the strength of the organs of the body, induce sound sleep, or lift the strain from frayed nerves.

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

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

For the reasons stated in the findings as to the facts, it is further ordered that, as to those matters referred to in the complaint which are not covered by this order, the complaint be, and it hereby is, dismissed without prejudice to the right of the Commission to institute further proceedings in the future should the public interest so require.

IN THE MATTER OF

JOE H. BRITT AND S. J. McKINNEY, DOING BUSINESS AS
BRITT-McKINNEY COMPANY, AND AS BRITT & COMPANY

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 2 (c) OF AN ACT OF CONGRESS APPROVED OCT. 15, 1914, AS AMENDED
BY ACT OF JUNE 19, 1936

Docket 4792. Complaint, July 31, 1942—Decision, Apr. 19, 1945

Where two partners engaged as brokers of canned foods and fruits and other food products and miscellaneous merchandise, and also in buying and selling such commodities for their own account for resale, from sellers in other states—

Received and accepted on such purchases of food products and other commodities for their own account in commerce, fees or allowances or discounts in lieu thereof from numerous sellers thereof:

Held, That such receipt and acceptance by said partners of brokerage payments, or allowances or discounts in lieu thereof, on their purchases of food products and other commodities in commerce constituted violations of subsection (c) of Section 2 of the Clayton Act as amended.

Mr. Edward S. Ragsdale for the Commission.

Mr. Stephen Nettles, of Greenville, S. C., for respondents.

COMPLAINT

The Federal Trade Commission, having reason to believe that the parties respondents named in the caption hereof and hereinafter more particularly designated and described since June 19, 1936, have violated and are now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, Sec. 13), as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondents, Joe H. Britt and S. J. McKinney, are partners, doing business under the name and style of Britt-McKinney Company, having their principal office and place of business located at 301 West Washington Street, Greenville, S. C., and having a branch office and warehouse operated under the name and style of Britt & Company located in the Piedmont Northern Building, Spartanburg, S. C.

PAR. 2. The respondents are now, and for many years prior hereto have been, engaged in business as brokers of canned foods and fruits and other miscellaneous merchandise.

PAR. 3. The respondents are now, and for many years prior hereto have also been, engaged in business as jobbers, buying and selling for their own account, canned foods and fruits, and other miscellaneous merchandise. This business has also been carried on under the firm name and style of Britt-McKinney Company and Britt & Company.

PAR. 4. The respondents since June 19, 1936, have made many purchases of canned foods and fruits and other miscellaneous merchandise for their own account for resale from sellers located in States other than the State of South Carolina, pursuant to which purchases such commodities have been shipped and transported by the respective sellers thereof from