

IN THE MATTER OF
CHARLES A. BILGMAN, TRADING AS ILLINOIS
HERB COMPANY

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

Docket 4460. Complaint, Feb. 4, 1941—Decision, May 1, 1945

Where an individual engaged in the interstate sale and distribution of various medicinal and cosmetic preparations; through advertisements in newspapers and periodicals, and in almanacs, circulars, pamphlets, etc.—

- (a) Represented falsely that his "Calexa Herb Compound" was a cure and effective treatment for chronic constipation, bloating, gas, and sour stomach; that his "Baya Mate" was of substantial value as a tonic, promoted mental alertness and induced sound sleep, fed the nervous system, was of substantial benefit to the genital organs, and was of substantial value in combating alcoholism; and that his "Sonada Tonic" was a cure and competent treatment for headaches, gas, bloating, and biliousness, stimulated the assimilation of food, and was an effective tonic;
- The facts being said "Compound" and "Sonada Tonic" possessed no therapeutic value except insofar as their laxative properties might afford temporary relief, and said "Baya Mate" was wholly incapable of feeding the nervous system;
- (b) Represented falsely that its "Diatol" was a competent and effective antiseptic and astringent for use as a nasal and vaginal douche and as a gargle or mouth wash and for use in the treatment of wounds; that its "Verbita Tonic" was a competent and effective tonic and treatment for nervous disorders; and that its "Mari-Tabs" was an effective tonic and was of substantial therapeutic value for weak, run-down, tired, sluggish, restless, nervous and underweight persons;
- (c) Represented falsely that its "Tamrex Herb Compound" was a competent treatment for rheumatism and for the pains and discomforts associated therewith; that its "Lura" was of substantial value in the elimination of halitosis; and that its "Dorelle Herb Douche" was a competent vaginal douche;
- (d) Represented falsely that its "I.H.C. Pectora Compound" was a cure and competent treatment for asthma; that its "Coltsfoot" was a cure and effective treatment for pleurisy, bronchitis, asthmatic attacks, coughs, and congestions; and that its "Garlic Tablets" possessed substantial therapeutic value in the treatment of high blood pressure;
- (e) Represented falsely that its "Golden Seal" was an effective tonic for the stomach and liver, that it stimulated the circulation, and was of substantial therapeutic value in the treatment of nervousness; that its "Blue Vervain" constituted an effective treatment for simple nervous conditions; and that its "Golden Goose Ointment" was a cure or remedy for inflammation and congestion due to bronchial irritation of the chest and throat;
- (f) Represented falsely that its "Boneset" was a cure and competent treatment for colds, La Grippe and influenza; that its "Horsetail Rush" constituted a cure or remedy for diseases and disorders of the kidneys and bladder generally, removed stones from the kidneys and bladder, and was a cure or remedy for blood in the urine and for inflammation and catarrh of the kidneys and bladder; and that its "Life Everlasting" was a cure and effective treatment for colds;
- (g) Represented falsely that its "Mormon Herb Compound" was a competent and effective treatment for minor disorders of the female organs, including menstrual

disorders, and for simple skin eruptions; that its "Mullein Leaves" was a cure and effective treatment for catarrh; and that its "Podex Compound" Tablets was a remedy and competent treatment for sluggish liver;

- (h) Represented falsely that its "Red Clover Tea" was a cure and competent treatment for coughs; that its "Rexora Herb Compound" was a remedy and effective treatment for bladder weakness and bladder irritations; and that its "U. U. Herb Compound" was a cure and effective treatment for bladder weakness;

The facts being said "Compound" possessed no therapeutic value in excess of the slight relief it might afford by reason of its properties as a weak diuretic;

- (i) Represented falsely that its preparation composed of the herbs Wild Plum Bark, Coltsfoot Leaves, Wild Cherry Bark and Linden Flowers, was a competent and effective treatment for asthmatic attacks; its preparation composed of the herbs Marshmallow Root, Couch Grass, Kidney Liver Leaf and Juniper Berries, was a cure and effective treatment for bladder and urinary disorders; and its preparation composed of the herbs Blue Scull-cap, Blue Vervain, German Chamomile and Catnip Leaves was a competent treatment for nervousness;

- (j) Falsely represented that its preparation composed of the herbs May Apple, Cascara Bark, Black Root and Jamaica Ginger was a cure and effective treatment for sluggish liver; its preparation composed of the herbs Wahoo Bark, Rocky Mt. Grape, Black Cohosh and Wintergreen Leaves, was an effective treatment for rheumatic pains; and its preparation composed of the herbs Gentian Root, Cascara Bark, Colombo Root and Peruvian Bark was a cure for impotency;

- (k) Falsely represented that its preparation composed of the herbs Marshmallow, Couch Grass, Uva-ursi and Slippery Elm was a remedy and competent treatment for back pain and kidney strain; that its preparation composed of the herbs Yellow Dock Root, Dandelion Root, Red Clover and Burdock Root was capable of cleansing the blood of impurities; and that its preparation composed of the herbs Yarrow Plant, Blessed Thistle, Yellow Dock Root and Dandelion Root was a cure and effective treatment for anemia;

- (l) Represented falsely that its preparation composed of the herbs Blue Scull-cap, Catnip and Peppermint, was a cure and effective treatment for sleeplessness; that its preparation composed of the herbs Uva-ursi Leaves, Buchu Leaves, Horsetail Grass and Couch Grass constituted an effective treatment for bed wetting; that its preparation composed of the herbs Am. Sarsaparilla, Yellow Dock, Licorice Root and Boneset, was a remedy and competent treatment for catarrh; and that its preparation "I.H.C. Dorelle Hair Tonic" stimulated the growth of hair and prevented falling hair;

- (m) Represented that its preparation "Wahoo Bark" was a competent and effective treatment for dyspepsia, torpid liver, constipation and rheumatic pains, was a competent and effective tonic, and was safe to use;

The facts being said bark possessed no such therapeutic value in excess of such temporary relief as its laxative properties might afford; and it was not safe for use, as it had a powerful digitalis-like action on the heart, and its unsupervised use might produce severe toxic effects upon the heart and circulation;

- (n) Represented that its preparation "Geroea Herb Compound" was a combination of roots and barks which was entirely safe for use;

The facts being said compound was not in all cases safe for use, as it contained the drug Mistletoe, and might cause serious injury to health when used under prescribed conditions, and in cases of pregnancy might cause abortion; and

- (o) Represented that its preparation "Trilax Herb Tea" was a competent and effective treatment for excess weight, and was entirely safe for use;

The facts being that said "Herb Tea" was of no value in a reducing program in excess of such slight assistance as it might afford by reason of its laxative properties, and

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was not in all cases safe for use as it contained iodine and by reason thereof was capable of causing serious injury to health, particularly in cases of goiter or tuberculosis, tending in the former, to convert a benign adenoma into a toxic adenoma, and, in cases of arrested tuberculosis, to dissolve the fibrous tissues about the healed lesions and thereby to reactivate the tubercular process; and

- (p) Failed to reveal facts material in the light of the representations made in said advertisements of its "Wahoo Bark," "Geroca Herb Compound" and "Trilax Herb Tea," in that use of said preparations under prescribed or usual conditions might result in serious injury to health, as hereinbefore set forth;

With the effect of misleading and deceiving a substantial portion of the purchasing public into the mistaken belief that such misrepresentations were true, and that the preparations "Wahoo Bark," "Geroca Herb Compound" and "Trilax Herb Tea" were safe for use, and thereby causing substantial purchase of his products:

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 in commerce.

Before *Mr. Randolph Preston*, trial examiner.

Mr. William L. Taggart for the Commission.

Mr. Murray Miller, of Chicago, Ill., 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 Charles A. Bilgman, individually, and trading as Illinois Herb Company, 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, Charles A. Bilgman, is an individual, trading and doing business under the name and style of Illinois Herb Company with his office and principal place of business located at 542 South Dearborn Street in the city of Chicago, State of Illinois.

Respondent is now, and for more than one year last past has been, engaged in the sale and distribution of various medicinal and cosmetic preparations in commerce among and between the various States of the United States and in the District of Columbia. Respondent causes said preparations, when sold, to be transported from his place of business in the State of Illinois to purchasers thereof located in various States of the United States other than the State of Illinois, and in the District of Columbia.

Respondent now maintains, 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 and in the District of Columbia.

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. Through said false advertisements, disseminated and caused to be disseminated as hereinabove set forth, by the United States mails, by advertisements in newspapers and periodicals, and in almanacs, circulars, leaflets, pamphlets and other printed or written advertising literature, the respondent represents and has represented, directly or by implication:

1. That respondent's preparation *Calexa Herb Compound* is a cure or remedy for chronic constipation, bloating, gas, and sour stomach, and constitutes a competent and effective treatment therefor.

2. That respondent's preparation *Baya Mate* is of substantial value as a tonic, that it promotes mental alertness and induces sound sleep, that it feeds the nervous system, that it is of substantial benefit to the genital organs, and that it is of substantial value in combatting alcoholism.

3. That respondent's preparation *Sonada Tonic* is a cure or remedy for headaches, gas, bloating, and biliousness, and constitutes a competent and effective treatment therefor, and that it stimulates the assimilation of food; that it is a competent and effective tonic.

4. That respondent's preparation *Diatol* is a competent and effective antiseptic and astringent for use as a nasal and vaginal douche and as a gargle or mouth wash and for use in the treatment of wounds.

5. That respondent's preparation *Verbata Tonic* is a competent and effective tonic and a competent and effective treatment for nervous disorders.

6. That respondent's preparation *Mari-Tabs* is a competent and effective tonic and is of substantial therapeutic value for those who are weak, run-down, tired, sluggish, restless, nervous and underweight.

7. That respondent's preparation *Tamrex Herb Compound* is a competent and effective treatment for rheumatism and for the pains and discomforts associated therewith.

8. That respondent's preparation *Lura* is of substantial value in the elimination of halitosis.

9. That respondent's preparation *Dorelle Herb Douche* is a competent and effective vaginal douche.

10. That respondent's preparation *I.H.C. Pectora Compound* is a cure or remedy for asthma and constitutes a competent and effective treatment therefor.

11. That respondent's preparation *Coltsfoot* is a cure or remedy for pleurisy, bronchitis, asthmatic attacks, coughs, and congestions and constitutes a competent and effective treatment therefor.

12. That respondent's preparation *Garlic Tablets* possesses substantial therapeutic value in the treatment of high blood pressure.

13. That respondent's preparation *Golden Seal* is an effective tonic for the stomach and liver, that it stimulates the circulation, and that it is of substantial therapeutic value in the treatment of nervousness.

14. That respondent's preparation *Blue Vervain* constitutes a competent and effective treatment for simple nervous conditions.

15. That respondent's preparation *Golden Goose Ointment* is a cure or remedy for inflammation and congestion due to bronchial irritation of the chest and throat.

16. That respondent's preparation *Boneset* is a cure or remedy for colds, La Grippe and influenza, and constitutes a competent and effective treatment therefor.

17. That respondent's preparation *Horsetail Rush* constitutes a cure or remedy for diseases and disorders of the kidneys and bladder generally, that it removes stones from the kidneys and bladder, and that it is a cure or remedy for blood in the urine and for inflammation and catarrh of the kidneys and bladder.

18. That respondent's preparation *Life Everlasting* is a cure or remedy for colds and constitutes a competent and effective treatment therefor.

19. That respondent's preparation *Mormon Herb Compound* is a competent and effective treatment for minor disorders of the female organs, including menstrual disorders, and for simple skin eruptions.

20. That respondent's preparation *Mullein Leaves* is a cure or remedy for catarrh and constitutes a competent and effective treatment therefor.

21. That respondent's preparation *Podex Compound Tablets* is a cure or remedy for sluggish liver, and constitutes a competent and effective treatment therefor.

22. That respondent's preparation *Red Clover Tea* is a cure or remedy for coughs and constitutes a competent and effective treatment therefor.

23. That respondent's preparation *Rexora Herb Compound* is a cure or remedy for bladder weakness and bladder irritations, and constitutes a competent and effective treatment therefor.

24. That respondent's preparation *U. U. Herb Compound* is a cure or remedy for bladder weakness and constitutes a competent and effective treatment therefor.

25. That respondent's preparation composed of the herbs *Wild Plum Bark*, *Coltsfoot Leaves*, *Wild Cherry Bark* and *Linden Flowers*, is a competent and effective treatment for asthmatic attacks.

26. That respondent's preparation composed of the herbs *Marshmallow Root*, *Couch Grass*, *Kidney Liver Leaf* and *Juniper Berries*, is a cure or remedy for bladder and urinary disorders and constitutes a competent and effective treatment therefor.

27. That respondent's preparation composed of the herbs *Blue Scullcap*, *Blue Vervain*, *German Chamomile* and *Catnip Leaves*, is a competent and effective treatment for nervousness.

28. That respondent's preparation composed of the herbs *May Apple*, *Cascara Bark*, *Black Root* and *Jamaica Ginger*, is a cure or remedy for sluggish liver and constitutes a competent and effective treatment therefor.

29. That respondent's preparation composed of the herbs *Wahoo Bark*, *Rocky Mt. Grape*, *Black Cohosh* and *Wintergreen Leaves*, constitutes a competent and effective treatment for rheumatic pains.

30. That respondent's preparation composed of the herbs *Gentian Root*, *Cascara Bark*, *Colombo Root* and *Peruvian Bark*, is a cure or remedy for impotency.

31. That respondent's preparation composed of the herbs *Marshmallow*, *Couch Grass*, *Uvi Ursi* and *Slippery Elm*, is a cure or remedy for back pain and kidney strain and constitutes a competent and effective treatment therefor.

32. That respondent's preparation composed of the herbs *Yellow Dock Root*, *Dandelion Root*, *Red Clover* and *Burdock Root*, is capable of cleansing the blood of impurities.

33. That respondent's preparation composed of the herbs *Yarrow Plant*, *Blessed Thistle*, *Yellow Dock Root* and *Dandelion Root*, is a cure or

remedy for anaemia and constitutes a competent and effective treatment therefor.

34. That respondent's preparation composed of the herbs *Blue Scullcap*, *Catnip* and *Peppermint*, is a cure or remedy for sleeplessness and constitutes a competent and effective treatment therefor.

35. That respondent's preparation composed of the herbs *Uva Ursi Leaves*, *Buchu Leaves*, *Horsetail Grass* and *Couch Grass*, constitutes a competent and effective treatment for bed wetting.

36. That respondent's preparation composed of the herbs *Am. Sarsaparilla*, *Yellow Dock*, *Licorice Root* and *Boneset*, is a cure or remedy for catarrh and constitutes a competent and effective treatment therefor.

37. That respondent's preparation *I.H.C. Dorelle Hair Tonic* stimulates the growth of hair and prevents falling hair.

38. That respondent's preparation *Wahoo Bark* is a competent and effective treatment for dyspepsia, torpid liver, constipation and rheumatic pains, that it is a competent and effective tonic, and that it is safe for use.

39. That respondent's preparation *Geroxa Herb Compound* is a combination of roots and barks which is entirely safe for use.

40. That respondent's preparation *Trilax Herb Tea* is a competent and effective treatment for excess weight, and that said preparation is entirely safe for use.

PAR. 3. The aforesaid statements, representations, implications and claims, as well as others of similar import which have not been specifically set out herein, are grossly exaggerated, false and misleading, and constitute false advertisements. In truth and in fact:

1. Respondent's preparation *Calexa Herb Compound* is not a cure or remedy for constipation, bloating, gas, sour stomach or indigestion. Said preparation does not possess any therapeutic value in the treatment of constipation except insofar as the laxative properties of said preparation may afford temporary relief by assisting in the evacuation of the intestinal tract. Said preparation possesses no therapeutic value in the treatment of bloating, gas, sour stomach or indigestion in excess of affording temporary relief from constipation in those cases where such conditions are due to constipation.

2. Respondent's preparation *Baya Mate* is of no substantial therapeutic value as a tonic. It does not promote mental alertness nor induce sound sleep. It is wholly incapable of feeding the nervous system. It is of no substantial benefit to the genital organs nor does it possess any substantial value in the treatment of alcoholism.

3. Respondent's preparation *Sonada Tonic* is not a cure or remedy for headaches, gas, bloating or biliousness, nor does it stimulate the assimilation of food. Said preparation possesses no therapeutic value in the treatment of headaches, gas, bloating or biliousness, in excess of such temporary and palliative relief as it may afford by reason of its laxative properties in those cases in which said conditions are due to constipation. Said preparation possesses no therapeutic value as a tonic.

The use by the respondent of the word "tonic" to designate said preparation constitutes within itself a false and misleading representation that said preparation possesses substantial therapeutic value as a tonic.

4. Respondent's preparation *Diatol* is not a competent or effective antiseptic or astringent for use as a nasal or vaginal douche. It is of no substantial therapeutic value as a gargle or mouth wash, nor does it possess any substantial value in the treatment of wounds.

5. Respondent's preparation *Verbita Tonic* does not constitute a competent or effective tonic, nor does it possess any substantial therapeutic value in the treatment of nervous disorders.

The use by the respondent of the word "tonic" to designate said preparation constitutes within itself a false and misleading representation that said preparation possesses substantial therapeutic value as a tonic.

6. Respondent's preparation *Mari-Tabs* is not a competent or effective tonic, nor does its use constitute a competent or effective treatment for those who are weak, run-down, tired, sluggish, restless, nervous or underweight.

7. Respondent's preparation *Tamrex Herb Compound* is not a competent or effective treatment for rheumatism or for the pains or discomforts associated with such condition.

8. Respondent's preparation *Lura* is wholly incapable of eliminating halitosis. Said preparation has no effect upon halitosis other than to mask such condition temporarily.

9. Respondent's preparation *Dorelle Herb Douche* possesses no substantial value as a vaginal douche.

10. Respondent's preparation *I. H. C. Pectora Compound* does not constitute a cure or remedy for asthma, nor does it possess any substantial therapeutic value in the treatment thereof.

11. Respondent's preparation *Collsfoot* is not a cure or remedy for pleurisy, bronchitis, asthmatic attacks, coughs, or congestions, nor does it possess any substantial therapeutic value in the treatment of any of said conditions.

12. Respondent's preparation *Garlic Tablets* possesses no therapeutic value in the treatment of high blood pressure.

13. Respondent's preparation *Golden Seal* is not an effective tonic for the stomach or liver. It does not stimulate the circulation, nor does it possess any substantial therapeutic value in the treatment of nervousness.

14. Respondent's preparation *Blue Vervain* is wholly without therapeutic value in the treatment of nervous conditions.

15. Respondent's preparation *Golden Goose Ointment* does not constitute a cure or remedy for inflammation or congestion due to bronchial irritation of the chest, or throat, nor does said preparation possess any substantial therapeutic value in the treatment of such conditions.

16. Respondent's preparation *Boneset* is not a cure or remedy for colds, La Grippe or influenza, nor does said preparation possess any substantial therapeutic value in the treatment of such conditions.

17. Respondent's preparation *Horsetail Rush* does not constitute a cure or remedy for any diseases or disorders of the kidneys or bladder. It is wholly incapable of removing stones from the kidneys or bladder. It is not a cure or remedy for blood in the urine or for inflammation or catarrh of the kidneys or bladder.

18. Respondent's preparation *Life Everlasting* is not a cure or remedy for colds, nor does it constitute a competent or effective treatment for such condition.

19. Respondent's preparation *Mormon Herb Compound* is not a competent or effective treatment for any disorders of the female organs generally, or for menstrual disorders. It has no substantial therapeutic value in the treatment of skin eruptions.

20. Respondent's preparation *Mullein Leaves* does not constitute a cure or remedy for catarrh, nor does it possess any substantial therapeutic value in the treatment of such condition.

21. Respondent's preparation *Podex Compound Tablets* is not a cure or remedy for sluggish liver, nor does it possess any substantial therapeutic value in the treatment of such condition.

22. Respondent's preparation *Red Clover Tea* is not a cure or remedy for coughs, nor does it constitute a competent or effective treatment therefor.

23. Respondent's preparation *Rexora Herb Compound* does not constitute a cure or remedy or a competent or effective treatment for bladder weakness. Said preparation possesses no therapeutic value in the treatment of irritations of the bladder, in excess of such slight relief as it may afford by reason of its properties as a weak diuretic.

24. Respondent's preparation *U. U. Herb Compound* is not a cure or remedy for bladder weakness, nor does it possess any therapeutic value in the treatment of such condition.

25. Respondent's preparation composed of the herbs *Wild Plum Bark*, *Coltsfoot Leaves*, *Wild Cherry Bark* and *Linden Flowers*, is of no substantial therapeutic value in the treatment of asthmatic attacks.

26. Respondent's preparation composed of the herbs *Marshmallow Root*, *Couch Grass*, *Kidney Liver Leaf* and *Juniper Berries*, does not constitute a cure or remedy for bladder or urinary disorders, nor does said preparation possess any substantial therapeutic value in the treatment of such conditions.

27. Respondent's preparation composed of the herbs *Blue Scullcap*, *Blue Vervain*, *German Chamomile* and *Catnip Leaves*, possesses no substantial therapeutic value in the treatment of nervousness.

28. Respondent's preparation composed of the herbs *May Apple*, *Cascara Bark*, *Black Root* and *Jamaica Ginger*, does not constitute a cure or remedy for sluggish liver, nor does it possess any therapeutic value in the treatment of such condition.

29. Respondent's preparation composed of the herbs *Wahoo Bark*, *Rocky Mt. Grape*, *Black Cohosh* and *Wintergreen Leaves*, does not constitute a competent or effective treatment for rheumatic pains.

30. Respondent's preparation composed of the herbs *Gentian Root*, *Cascara Bark*, *Colombo Root* and *Peruvian Bark*, does not constitute a cure or remedy for impotency, nor does said preparation possess any therapeutic value in the treatment of such condition.

31. Respondent's preparation composed of the herbs *Marshmallow*, *Couch Grass*, *Uvi Ursi*, and *Slippery Elm*, is not a cure or remedy for back pain or kidney strain, nor does it possess any therapeutic value in the treatment of such conditions.

32. Respondent's preparation composed of the herbs *Yellow Dock Root*, *Dandelion Root*, *Red Clover* and *Burdock Root*, is wholly incapable of cleansing the blood of impurities.

33. Respondent's preparation composed of the herbs *Yarrow Plant*, *Blessed Thistle*, *Yellow Dock Root* and *Dandelion Root*, is not a cure or remedy for anaemia, nor does it possess any therapeutic value in the treatment of such condition.

34. Respondent's preparation composed of the herbs *Blue Scullcap*, *Catnip* and *Peppermint*, does not constitute a cure or remedy for sleeplessness, nor does it possess any substantial therapeutic value in the treatment of such condition.

35. Respondent's preparation composed of the herbs *Uva Ursi Leaves*, *Buchu Leaves*, *Horsetail Grass* and *Couch Grass*, is not a competent or effective treatment for bed wetting.

36. Respondent's preparation composed of the herbs *Am. Sarsaparilla*, *Yellow Dock*, *Licorice Root* and *Boneset*, does not constitute a cure or remedy for catarrh, nor does it possess any therapeutic value in the treatment thereof.

37. Respondent's preparation *I. H. C. Dorelle Hair Tonic* is wholly incapable of stimulating the growth of hair. It is of no value in preventing falling hair, except insofar as it may assist in the temporary removal of dandruff scales.

38. Respondent's preparation *Wahoo Bark* possesses no therapeutic value as a tonic, nor does it possess any therapeutic value in the treatment of rheumatic pains. It possesses no therapeutic value in the treatment of constipation in excess of such temporary relief as its laxative properties may afford by assisting in the temporary evacuation of the intestinal tract. Said preparation possesses no therapeutic value in the treatment of dyspepsia or torpid liver, in excess of such temporary relief as may be afforded by its laxative properties in those cases where such conditions are due to constipation.

Moreover, said preparation is not safe for use, as it is capable of causing serious injury to health, when used under the conditions prescribed in said advertisements or under such conditions as are customary or usual. *Wahoo Bark* has a powerful digitalis-like action on the heart, and its unsupervised use may produce severe toxic effects upon the heart and circulation, resulting in nausea, vomiting, diarrhea, dizziness, and general muscular weakness, with prostration.

39. Respondent's preparation *Geroeca Herb Compound* is not in all cases safe for use, as it contains the drug *Mistletoe*, and may cause serious injury to health when used under the conditions prescribed in said advertisements or under such conditions as are customary or usual. The use of said preparation, as aforesaid, in the case of pregnant women, may cause contraction of the uterus, resulting possibly in abortion.

40. Respondent's preparation *Trilax Herb Tea* is not a competent or effective treatment for excess weight. It is of no therapeutic value in a reducing program in excess of such slight assistance as it may afford by reason of its laxative properties.

Said preparation is not in all cases safe for use, as it contains iodine and by reason thereof is capable of causing, in some cases, serious injury to health if used under the conditions prescribed in said advertisements or under such conditions as are customary or usual. Said preparation should not be used by those having goiter or arrested tuberculosis. In cases of goiter the tendency of iodine is to convert a benign adenoma to a toxic adenoma. In cases of arrested tuberculosis the tendency of iodine is to dissolve the fibrous tissues about the healed lesions and thereby to reactivate the tubercular process.

PAR. 4. The advertisements with respect to the preparations *Wahoo Bark*, *Geroeca Herb Compound* and *Trilax Herb Tea*, disseminated by the respondent as aforesaid, constitute false advertisements for the further reason that they fail to reveal facts material in the light of the representations contained in said advertisements, and fail to reveal that the use of said preparations under the conditions prescribed in said advertisements or under such conditions as are customary or usual, may result in serious injury to health.

PAR. 5. The use by the respondent of the aforesaid false advertisements with respect to his said product, disseminated as aforesaid, has the tend-

ency and capacity to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that the false and misleading representations, implications and claims contained in said advertisements are true, and that the preparations Wahoo Bark, Geroca Herb Compound and Trilax Herb Tea are safe for use. And respondent's said advertisements also have the tendency and capacity to, and do, cause a substantial number of the purchasing public to purchase respondent's products as a result of such erroneous and mistaken belief.

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 February 4, 1941, issued, and on February 7, 1941, served its complaint in this proceeding upon the respondent, Charles A. Bilgman, trading as Illinois Herb Company, 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, the Commission, by order herein, granted respondent's motion for permission to withdraw said answer and to substitute therefor an answer admitting all the material allegations of fact set forth in said complaint and waiving all intervening procedure and further hearing as to said facts, which substitute answer was duly filed in the office of the Commission.

Thereafter, this proceeding regularly came on for final hearing before the Commission on the said complaint and substitute answer, 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. Respondent, Charles A. Bilgman, is an individual, trading and doing business under the name and style of Illinois Herb Company with his office and principal place of business located at 542 South Dearborn Street in the city of Chicago, State of Illinois.

Respondent is now, and for more than one year last past has been, engaged in the sale and distribution of various medicinal and cosmetic preparations in commerce among and between the various States of the United States and in the District of Columbia. Respondent causes said preparations, when sold, to be transported from his place of business in the State of Illinois to purchasers thereof located in various States of the United States other than the State of Illinois, and in the District of Columbia.

Respondent now maintains, 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 and in the District of Columbia.

PAR. 2. In the course and conduct of his aforesaid business the respondent has disseminated, and has caused the dissemination of, false advertise-

ments 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 has caused 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. Through said false advertisements, disseminated and caused to be disseminated as hereinabove set forth, by the United States mails, by advertisements in newspapers and periodicals, and in almanacs, circulars, leaflets, pamphlets and other printed or written advertising literature, the respondent represents and has represented, directly or by implication:

1. That respondent's preparation Calnexa Herb Compound is a cure or remedy for chronic constipation, bloating, gas, and sour stomach, and constitutes a competent and effective treatment therefor.

2. That respondent's preparation Baya Mate is of substantial value as a tonic, that it promotes mental alertness and induces sound sleep, that it feeds the nervous system, that it is of substantial benefit to the genital organs, and that it is of substantial value in combatting alcoholism.

3. That respondent's preparation Sonada Tonic is a cure or remedy for headaches, gas, bloating, and biliousness, and constitutes a competent and effective treatment therefor, and that it stimulates the assimilation of food; that it is a competent and effective tonic.

4. That respondent's preparation Diatol is a competent and effective antiseptic and astringent for use as a nasal and vaginal douche and as a gargle or mouth wash and for use in the treatment of wounds.

5. That respondent's preparation Verbita Tonic is a competent and effective tonic and a competent and effective treatment for nervous disorders.

6. That respondent's preparation Mari-Tabs is a competent and effective tonic and is of substantial therapeutic value for those who are weak, run-down, tired, sluggish, restless, nervous and underweight.

7. That respondent's preparation Tamrex Herb Compound is a competent and effective treatment for rheumatism and for the pains and discomforts associated therewith.

8. That respondent's preparation Lura is of substantial value in the elimination of halitosis.

9. That respondent's preparation Dorelle Herb Douche is a competent and effective vaginal douche.

10. That respondent's preparation I.H.C. Pectora Compound is a cure or remedy for asthma and constitutes a competent and effective treatment therefor.

11. That respondent's preparation Coltsfoot is a cure or remedy for pleurisy, bronchitis, asthmatic attacks, coughs, and congestions and constitutes a competent and effective treatment therefor.

12. That respondent's preparation Garlic Tablets possesses substantial therapeutic value in the treatment of high blood pressure.

13. That respondent's preparation Golden Seal is an effective tonic for the stomach and liver, that it stimulates the circulation, and that it is of substantial therapeutic value in the treatment of nervousness.

14. That respondent's preparation Blue Vervain constitutes a competent and effective treatment for simple nervous conditions.

15. That respondent's preparation Golden Goose Ointment is a cure or remedy for inflammation and congestion due to bronchial irritation of the chest and throat.

16. That respondent's preparation Boneset is a cure or remedy for colds, La Grippe and Influenza, and constitutes a competent and effective treatment therefor.

17. That respondent's preparation Horsetail Rush constitutes a cure or remedy for diseases and disorders of the kidneys and bladder generally, that it removes stones from the kidneys and bladder, and that it is a cure or remedy for blood in the urine and for inflammation and catarrh of the kidneys and bladder.

18. That respondent's preparation Life Everlasting is a cure or remedy for colds and constitutes a competent and effective treatment therefor.

19. That respondent's preparation Mormon Herb Compound is a competent and effective treatment for minor disorders of the female organs, including menstrual disorders, and for simple skin eruptions.

20. That respondent's preparation Mullein Leaves is a cure or remedy for catarrh and constitutes a competent and effective treatment therefor.

21. That respondent's preparation Podex Compound Tablets is a cure or remedy for sluggish liver, and constitutes a competent and effective treatment therefor.

22. That respondent's preparation Red Clover Tea is a cure or remedy for coughs and constitutes a competent and effective treatment therefor.

23. That respondent's preparation Rexora Herb Compound is a cure or remedy for bladder weakness and bladder irritations, and constitutes a competent and effective treatment therefor.

24. That respondent's preparation U. U. Herb Compound is a cure or remedy for bladder weakness and constitutes a competent and effective treatment therefor.

25. That respondent's preparation composed of the herbs Wild Plum Bark, Coltsfoot Leaves, Wild Cherry Bark and Linden Flowers, is a competent and effective treatment for asthmatic attacks.

26. That respondent's preparation composed of the herbs Marsh-mallow Root, Couch Grass, Kidney Liver Leaf and Juniper Berries, is a cure or remedy for bladder and urinary disorders and constitutes a competent and effective treatment therefor.

27. That respondent's preparation composed of the herbs Blue Scull-cap, Blue Vervain, German Chamomile and Catnip Leaves is a competent and effective treatment for nervousness.

28. That respondent's preparation composed of the herbs May Apple, Cascara Bark, Black Root and Jamaica Ginger is a cure or remedy for sluggish liver and constitutes a competent and effective treatment therefor.

29. That respondent's preparation composed of the herbs Wahoo Bark, Rocky Mt. Grape, Black Cohosh and Wintergreen Leaves, constitutes a competent and effective treatment for rheumatic pains.

30. That respondent's preparation composed of the herbs Gentian Root, Cascara Bark, Colombo Root and Peruvian Bark is a cure or remedy for impotency.

31. That respondent's preparation composed of the herbs Marshmallow, Couch Grass, Uva-ursi and Slippery Elm is a cure or remedy for back pain and kidney strain and constitutes a competent and effective treatment therefor.

32. That respondent's preparation composed of the herbs Yellow Dock Root, Dandelion Root, Red Clover and Burdock Root is capable of cleansing the blood of impurities.

33. That respondent's preparation composed of the herbs Yarrow Plant, Blessed Thistle, Yellow Dock Root and Dandelion Root is a cure or remedy for anemia and constitutes a competent and effective treatment therefor.

34. That respondent's preparation composed of the herbs Blue Scullcap, Catnip and Peppermint, is a cure or remedy for sleeplessness and constitutes a competent and effective treatment therefor.

35. That respondent's preparation composed of the herbs Uva-ursi Leaves, Buchu Leaves, Horsetail Grass and Couch Grass constitutes a competent and effective treatment for bed wetting.

36. That respondent's preparation composed of the herbs Am. Sarsaparilla, Yellow Dock, Licorice Root and Boneset, is a cure or remedy for catarrh and constitutes a competent and effective treatment therefor.

37. That respondent's preparation I.H.C. Dorelle Hair Tonic stimulates the growth of hair and prevents falling hair.

38. That respondent's preparation Wahoo Bark is a competent and effective treatment for dyspepsia, torpid liver, constipation and rheumatic pains, that it is a competent and effective tonic, and that it is safe to use.

39. That respondent's preparation Gerocha Herb Compound is a combination of roots and barks which is entirely safe for use.

40. That respondent's preparation Trilax Herb Tea is a competent and effective treatment for excess weight, and that said preparation is entirely safe for use.

PAR. 3. The aforesaid statements, representations, implications and claims, as well as others of similar import which have not been specifically set out herein, are grossly exaggerated, false and misleading, and constitute false advertisements. In truth and in fact:

1. Respondent's preparation Calixa Herb Compound is not a cure or remedy for constipation, bloating, gas, sour stomach or indigestion. Said preparation does not possess any therapeutic value in the treatment of constipation except insofar as the laxative properties of said preparation may afford temporary relief by assisting in the evacuation of the intestinal tract.

2. Respondent's preparation Baya Mate is of no substantial therapeutic value as a tonic. It does not promote mental alertness nor induce sound sleep. It is wholly incapable of feeding the nervous system. It is of no substantial benefit to the genital organs, nor does it possess any substantial value in the treatment of alcoholism.

3. Respondent's preparation Sonada Tonic is not a cure or remedy for headaches, gas, bloating or biliousness, nor does it stimulate the assimilation of food. Said preparation possesses no therapeutic value in the treatment of headaches, gas, bloating or biliousness, in excess of such temporary and palliative relief as it may afford by reason of its laxative properties in those cases in which said conditions are due to constipation. Said preparation possesses no therapeutic value as a tonic.

The use by the respondent of the word "tonic" to designate said preparation constitutes within itself a false and misleading representation that said preparation possesses substantial therapeutic value as a tonic.

4. Respondent's preparation Diatol is not a competent or effective antiseptic, or astringent, for use as a nasal or vaginal douche. It is of no substantial therapeutic value as a gargle or mouth wash, nor does it possess any substantial value in the treatment of wounds.

5. Respondent's preparation Verbita Tonic does not constitute a competent or effective tonic, nor does it possess any substantial therapeutic value in the treatment of nervous disorders.

The use by the respondent of word "tonic" to designate said preparation constitutes within itself a false and misleading representation that said preparation possesses substantial therapeutic value as a tonic.

6. Respondent's preparation Mari-Tabs is not a competent or effective tonic, nor does its use constitute a competent or effective treatment for those who are weak, run-down, tired, sluggish, restless, nervous or underweight.

7. Respondent's preparation Tamrex Herb Compound is not a competent or effective treatment for rheumatism or for the pains or discomforts associated with such condition.

8. Respondent's preparation Lura is wholly incapable of eliminating halitosis. Said preparation has no effect upon halitosis other than to mask such condition temporarily.

9. Respondent's preparation Dorelle Herb Douche possesses no substantial value as a vaginal douche.

10. Respondent's preparation I.H.C. Pectora Compound does not constitute a cure or remedy for asthma, nor does it possess any substantial therapeutic value in the treatment thereof.

11. Respondent's preparation Coltsfoot is not a cure or remedy for pleurisy, bronchitis, asthmatic attacks, coughs, or congestions, nor does it possess any substantial therapeutic value in the treatment of any of said conditions.

12. Respondent's preparation Garlic Tablets possesses no therapeutic value in the treatment of high blood pressure.

13. Respondent's preparation Golden Seal is not an effective tonic for the stomach or liver. It does not stimulate the circulation, nor does it possess any substantial therapeutic value in the treatment of nervousness.

14. Respondent's preparation Blue Vervain is wholly without therapeutic value in the treatment of nervous conditions.

15. Respondent's preparation Golden Goose Ointment does not constitute a cure or remedy for inflammation or congestion due to bronchial irritation of the chest, or throat, nor does said preparation possess any substantial therapeutic value in the treatment of such conditions.

16. Respondent's preparation Boneset is not a cure or remedy for colds, La Grippe or influenza, nor does said preparation possess any substantial therapeutic value in the treatment of such conditions.

17. Respondent's preparation Horsetail Rush does not constitute a cure or remedy for any diseases or disorders of the kidneys or bladder. It is wholly incapable of removing stones from the kidneys or bladder. It is not a cure or remedy for blood in the urine or for inflammation or catarrh of the kidneys or bladder.

18. Respondent's preparation Life Everlasting is not a cure or remedy for colds, nor does it constitute a competent or effective treatment for such condition.

19. Respondent's preparation Mormon Herb Compound is not a competent or effective treatment for any disorders of the female organs generally, or for menstrual disorders. It has no substantial therapeutic value in the treatment of skin eruptions.

20. Respondent's preparation Mullein Leaves does not constitute a cure or remedy for catarrh, nor does it possess any substantial therapeutic value in the treatment of such condition.

21. Respondent's preparation Podex Compound Tablets is not a cure or remedy for sluggish liver, nor does it possess any substantial therapeutic value in the treatment of such condition.

22. Respondent's preparation Red Clover Tea is not a cure or remedy for coughs, nor does it constitute a competent or effective treatment therefor.

23. Respondent's preparation Rexora Herb Compound does not constitute a cure or remedy or a competent or effective treatment for bladder weakness. Said preparation possesses no therapeutic value in the treatment of irritations of the bladder in excess of such slight relief as it may afford by reason of its properties as a weak diuretic.

24. Respondent's preparation U. U. Herb Compound is not a cure or remedy for bladder weakness, nor does it possess any therapeutic value in the treatment of such condition.

25. Respondent's preparation composed of the herbs Wild Plum Bark, Coltsfoot Leaves, Wild Cherry Bark and Linden Flowers is of no substantial therapeutic value in the treatment of asthmatic attacks.

26. Respondent's preparation composed of the herbs Marshmallow Root, Couch Grass, Kidney Liver Leaf, and Juniper Berries does not constitute a cure or remedy for bladder or urinary disorders, nor does said preparation possess any substantial therapeutic value in the treatment of such conditions.

27. Respondent's preparation composed of the herbs Blue Scullcap, Blue Vervain, German Chamomile and Catnip Leaves possesses no substantial therapeutic value in the treatment of nervousness.

28. Respondent's preparation composed of the herbs May Apple, Cascara Bark, Black Root and Jamaica Ginger, does not constitute a cure or remedy for sluggish liver, nor does it possess any therapeutic value in the treatment of such condition.

29. Respondent's preparation composed of the herbs Wahoo Bark, Rocky Mt. Grape, Black Cohosh and Wintergreen Leaves does not constitute a competent or effective treatment for rheumatic pains.

30. Respondent's preparation composed of the herbs Gentian Root, Cascara Bark, Colombo Root and Peruvian Bark, does not constitute a cure or remedy for impotency, nor does said preparation possess any therapeutic value in the treatment of such condition.

31. Respondent's preparation composed of the herbs Marshmallow, Couch Grass, Uva-ursi, and Slippery Elm is not a cure or remedy for back pain or kidney strain, nor does it possess any therapeutic value in the treatment of such conditions.

32. Respondent's preparation composed of the herbs Yellow Dock Root, Dandelion Root, Red Clover, and Burdock Root is wholly incapable of cleansing the blood of impurities.

33. Respondent's preparation composed of the herbs Yarrow Plant, Blessed Thistle, Yellow Dock Root and Dandelion Root is not a cure or remedy for anemia, nor does it possess any therapeutic value in the treatment of such condition.

34. Respondent's preparation composed of the herbs Blue Scullcap, Catnip and Peppermint, does not constitute a cure or remedy for sleeplessness, nor does it possess any substantial therapeutic value in the treatment of such condition.

35. Respondent's preparation composed of the herbs Uva-ursi Leaves, Buchu Leaves, Horsetail Grass and Couch Grass is not a competent or effective treatment for bed wetting.

36. Respondent's preparation composed of the herbs Am. Sarsaparilla, Yellow Dock, Licorice Root and Boneset does not constitute a cure or

remedy for catarrh, nor does it possess any therapeutic value in the treatment thereof.

37. Respondent's preparation I.H.C. Dorelle Hair Tonic is wholly incapable of stimulating the growth of hair. It is of no value in preventing falling hair, except insofar as it may assist in the temporary removal of dandruff scales.

38. Respondent's preparation Wahoo Bark possesses no therapeutic value as a tonic, nor does it possess any therapeutic value in the treatment of rheumatic pains. It possesses no therapeutic value in the treatment of constipation in excess of such temporary relief as its laxative properties may afford in assisting in the temporary evacuation of the intestinal tract. Said preparation is not safe for use, as it is capable of causing serious injury to health, when used under the conditions prescribed in said advertisements or under such conditions as are customary or usual. Wahoo Bark has a powerful digitalis-like action on the heart, and its unsupervised use may produce severe toxic effects upon the heart and circulation, resulting in nausea, vomiting, diarrhea, dizziness, and general muscular weakness, with prostration.

39. Respondent's preparation Geroca Herb Compound is not in all cases safe for use, as it contains the drug Mistletoe, and may cause serious injury to health when used under the conditions prescribed in said advertisements or under such conditions as are customary or usual. The use of said preparation, as aforesaid, in the case of pregnant women, may cause contraction of the uterus, resulting possibly in abortion.

40. Respondent's preparation Trilax Herb Tea is not a competent or effective treatment for excess weight. It is of no therapeutic value in a reducing program in excess of such slight assistance as it may afford by reason of its laxative properties.

Said preparation is not in all cases safe for use, as it contains iodine and by reason thereof is capable of causing, in some cases, serious injury to health if used under the conditions prescribed in said advertisements or under such conditions as are customary or usual. Said preparation should not be used by those having goiter or tuberculosis. In cases of goiter the tendency of iodine is to convert a benign adenoma into a toxic adenoma. In cases of arrested tuberculosis the tendency of iodine is to dissolve the fibrous tissues about the healed lesions and thereby to reactivate the tubercular process.

PAR. 4. The advertisements with respect to the preparations Wahoo Bark, Geroca Herb Compound and Trilax Herb Tea, disseminated by the respondent as aforesaid, constitute false advertisements for the further reason that they fail to reveal facts material in the light of the representations contained in said advertisements, and fail to reveal that the use of said preparations under the conditions prescribed in said advertisements or under such conditions as are customary or usual, may result in serious injury to health.

PAR. 5. The use by the respondent of the aforesaid false advertisements with respect to his said products, disseminated as aforesaid, has the tendency and capacity to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that the false and misleading representations, implications and claims contained in said advertisements are true, and that the preparations Wahoo Bark, Geroca Herb Compound and Trilax Herb Tea are safe for use. And respondent's said advertisements also have the tendency and capacity to,

and do, cause a substantial number of the purchasing public to purchase respondent's products as a result of such erroneous and mistaken belief.

CONCLUSION

The aforesaid acts and practices of the 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 and the answer of the respondent, in which answer respondent admits all of the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts; and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That respondent, Charles A. Bilgman, individually, and trading as Illinois Herb Company, or trading 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, or distribution of his medicinal and cosmetic preparations hereinafter named, or any other preparation or preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name or names, do forthwith cease and desist from, directly or indirectly,

I. 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 by inference:

1. That the preparation Calixa Herb Compound is a cure or remedy for constipation, bloating, gas, sour stomach, or indigestion; or that said preparation possesses any therapeutic value in the treatment of constipation in excess of providing temporary relief from constipation by reason of its laxative properties.

2. That the preparation Baya Mate has any substantial therapeutic value as a tonic; that it promotes mental alertness or induces sound sleep; that it is capable of feeding the nervous system; that it is of substantial benefit to the genital organs; or that it possesses substantial value in the treatment of alcoholism.

3. That the preparation Sonada Tonic is a cure or remedy for headache, gas, bloating, or biliousness; that it stimulates the assimilation of food; or that said preparation possesses therapeutic value as a tonic.

4. That the preparation Diatol is a competent or effective antiseptic or astringent for use as a nasal or vaginal douche; that it possesses any substantial therapeutic value as a gargle or mouth wash; or that it possesses substantial value in the treatment of wounds.

5. That the preparation Verbita Tonic constitutes a competent or effective tonic, or that it possesses therapeutic value in the treatment of nervous disorders.

6. That the preparation Mari-Tabs is a competent or effective tonic, or that its use constitutes a competent or effective treatment for those who

are weak, run-down, tired, sluggish, restless, nervous, or underweight.

7. That the preparation Tamrex Herb Compound is a competent or effective treatment for rheumatism or for the pains or discomforts associated with such condition.

8. That the preparation Lura is capable of eliminating halitosis or that it has any effect upon halitosis in excess of temporarily masking such condition.

9. That the preparation Dorelle Herb Douche possesses any substantial value as a vaginal douche.

10. That the preparation I.H.C. Pectora Compound constitutes a cure or remedy for asthma or that it possesses any substantial therapeutic value in the treatment of asthma.

11. That the preparation Coltsfoot is a cure or remedy for pleurisy, bronchitis, asthmatic attacks, coughs, or congestions or that it possesses any substantial therapeutic value in the treatment of any of said conditions.

12. That the preparation Garlic Tablets has any therapeutic value in the treatment of high blood pressure.

13. That the preparation Golden Seal is an effective tonic for the stomach or liver; or that it will stimulate the circulation or that it possesses any substantial therapeutic value in the treatment of nervousness.

14. That the preparation Blue Vervain has any therapeutic value in the treatment of nervous conditions.

15. That the preparation Golden Goose Ointment constitutes a cure or remedy for inflammation or congestion due to bronchial irritation of the chest or throat or that it has any therapeutic value in the treatment of such conditions.

16. That the preparation Boneset is a cure or remedy for colds, La Grippe, or influenza or that it possesses any substantial therapeutic value in the treatment of such conditions.

17. That the preparation Horsetail Rush constitutes a cure or remedy for any disease or disorder of the kidneys or bladder; that it is capable of removing stones from the kidneys or bladder; or that it is a cure or remedy for blood in the urine or for inflammation or catarrh of the kidneys or bladder.

18. That the preparation Life Everlasting is a cure or remedy for colds, or that it constitutes a competent or effective treatment for such conditions.

19. That the preparation Mormon Herb Compound is a competent or effective treatment for any disorders of the female organs or for menstrual disorders; or that it has any substantial therapeutic value in the treatment of skin eruptions.

20. That the preparation Mullein Leaves constitutes a cure or remedy for catarrh or that it possesses any substantial therapeutic value in the treatment of such condition.

21. That the preparation Podex Compound Tablets is a cure or remedy for sluggish liver, or that it possesses any substantial therapeutic value in the treatment of such condition.

22. That the preparation Red Clover Tea is a cure or remedy for coughs, or that said preparation constitutes a competent or effective treatment therefor.

23. That the preparation Rexora Herb Compound is a cure or remedy or constitutes a competent or effective treatment for bladder weakness; or

that it possesses any therapeutic value in the treatment of irritations of the bladder, in excess of such slight relief as may be afforded by the use of a weak diuretic.

24. That the preparation U. U. Herb Compound is a cure or remedy for bladder weakness, or that it possesses any therapeutic value in the treatment of such condition.

25. That the preparation composed of the herbs Wild Plum Bark, Coltsfoot Leaves, Wild Cherry Bark, and Linden Flowers has any substantial therapeutic value in the treatment of asthmatic attacks.

26. That the preparation composed of the herbs Marshmallow Root, Couch Grass, Kidney Liver Leaf and Juniper Berries, constitutes a cure or remedy for bladder or urinary disorders, or that it possesses any substantial therapeutic value in the treatment of such conditions.

27. That the preparation composed of the herbs Blue Scullcap, Blue Vervain, German Chamomile, and Catnip Leaves possesses any substantial therapeutic value in the treatment of nervousness.

28. That the preparation composed of the herbs May Apple, Cascara Bark, Black Root, and Jamaica Ginger constitutes a cure or remedy for sluggish liver, or that it possesses any therapeutic value in the treatment of such condition.

29. That the preparation composed of the herbs Wahoo Bark, Rocky Mt. Grape, Black Cohosh, and Wintergreen Leaves constitutes a competent or effective treatment for rheumatic pains.

30. That the preparation composed of the herbs Gentian Root, Cascara Bark, Colombo Root, and Peruvian Bark is a cure or remedy for impotency, or that it possesses any therapeutic value in the treatment of such condition.

31. That the preparation composed of the herbs Marshmallow, Couch Grass, Uva-ursi, and Slippery Elm is a cure or remedy for back pain or kidney strain, or that it possesses any therapeutic value in the treatment of such conditions.

32. That the preparation composed of the herbs Yellow Dock Root, Dandelion Root, Red Clover, and Burdock Root is capable of cleansing the blood of impurities.

33. That the preparation composed of the herbs Yarrow Plant, Blessed Thistle, Yellow Dock Root, and Dandelion Root is a cure or remedy for anemia, or that it possesses any therapeutic value in the treatment of such condition.

34. That the preparation composed of the herbs Blue Scullcap, Catnip, and Peppermint constitutes a cure or remedy for sleeplessness, or that it possesses any substantial therapeutic value in the treatment of such condition.

35. That the preparation composed of the herbs Uva-ursi Leaves, Buchu Leaves, Horsetail Grass, and Couch Grass is a competent or effective treatment for bed wetting.

36. That the preparation composed of the herbs Am. Sarsaparilla, Yellow Dock, Licorice Root, and Boneset constitutes a cure or remedy for catarrh, or that it possesses any therapeutic value in the treatment thereof.

37. That the preparation I.H.C. Dorelle Hair Tonic is capable of stimulating the growth of hair, or that it is of any value in preventing falling hair, except insofar as it may assist in the temporary removal of dandruff scales.

38. That the preparation Wahoo Bark possesses any therapeutic value as a tonic, or that it possesses any therapeutic value in the treatment of

rheumatic pains; that it possesses any therapeutic value in the treatment of constipation in excess of providing temporary relief by reason of its laxative qualities; or that said preparation Wahoo Bark is harmless and safe in use.

39. That the preparation Gerocha Herb Compound is harmless and safe in use.

40. That the preparation Trilax Herb Tea is a competent or effective treatment for excess weight, or possesses any therapeutic value in a reducing program in excess of such slight assistance as it may afford by reason of its laxative properties; or that the said preparation is harmless and safe in use.

II. 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 advertisement fails to reveal:

1. That the unsupervised use of the preparation Wahoo Bark may produce severe toxic effects upon the heart and circulation;

2. That the use of the preparation Gerocha Herb Compound may cause serious injury to health.

3. That the preparation Trilax Herb Tea should not be used by persons having goiter or tuberculosis and that to do so may result in serious injury to health.

Provided, however, that advertisements relating to the preparations designated in this paragraph need contain only the statement, "CAUTION: Use Only as Directed," if and when the directions for use, wherever they appear, on the label, in the labeling, or both on the label or in the labeling, contain a warning to the above effect.

III. Disseminating or causing to be disseminated any advertisements by any means for the purpose of inducing or 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, which advertisements contain any representation prohibited by paragraph I hereof or which fail to comply with the affirmative requirement set forth in paragraph II hereof.

IV. Using the word "tonic" alone or in association with any other word or words to designate, describe, or refer to any preparation which is not a tonic and which does not produce any general tonic effect upon the body or which does not possess any substantial therapeutic value as a tonic.

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.

IN THE MATTER OF

EDWIN M. FREEMAN, WILLIAM A. FREEMAN AND MICHAEL
J. FREEMAN, TRADING AS FREEMAN & FREEMAN

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

Docket 4735. Complaint, Mar. 18, 1942—Decision, May 2, 1945

Where three individuals engaged in manufacture and interstate sale of an automobile polish or paste which was designated "Porcelainize" and which they sold through wholesale jobbers, distributors, garages, and filling stations, for sale to the ultimate consumer-purchaser only "by the job" in units packaged for use in treating only one car; through statements on labels on the product and in advertising circulars, catalogs and periodicals and other matter;

Represented that said product was not an automobile polish but, instead, had properties which structurally changed the finish of the automobile, imparting to it a hard, smooth finish comparable to that produced in the annealing of porcelain, and that use thereof would prevent oxidation of the finish under all conditions of weather, make it more resistant to scratching, preserve the color and finish, and restore the finish of old cars;

The facts being said "Porcelainize" was an automobile polish and contained no ingredients similar to those found in porcelain; it contained very fine abrasives, which made the surface smooth, and polished by removing a portion of the finish; it had no properties which could structurally change the finish of an automobile or impart to it a hard, smooth finish comparable to that produced in the annealing of porcelain; and use thereof would not prevent oxidation of the finish or harden the paint or finish so as to make it more resistant to scratching, nor preserve the color or finish of a car or restore the finish to old cars;

With the effect of misleading and deceiving prospective purchasers thereof into the mistaken belief that the said representations were true and of causing a substantial portion of them, because of such belief, to purchase a substantial quantity of their said product:

Held, That said acts and practices, under the circumstances set forth, were all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce.

Before *Mr. J. Earl Cox*, trial examiner.

Mr. James M. Hammond and *Mr. D. E. Hoopingarner* for the Commission.

Honorable Lowell B. Mason, of Chicago, Ill., for respondents.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said act, the Federal Trade Commission, having reason to believe that Edwin M. Freeman, William A. Freeman and Michael J. Freeman, individually, and trading as Freeman & Freeman, hereinafter referred to as respondents, have violated the provisions of the said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows: