

IN THE MATTER OF
THE JUNG ARCH BRACE COMPANY

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

Docket 4767. Complaint, May 28, 1942—Decision, May 2, 1945

Where a corporation engaged in the interstate sale and distribution of various devices and medicinal preparations for foot ailments; including its "Jung's Arch Braces," "Jung's Ankle and Foot Braces," etc.; through advertisements in newspapers, periodicals, circulars, pamphlets, letters and other advertising media—

- (a) Falsely represented that a feeling of discomfort or fatigue, tired, aching or strained sensations after use, dull aches in the calf of the leg, knee, hip or lumbar region, sensitiveness beneath the heel, loss of spring or inability to get comfortable shoes, cramps in toes, momentary sharp pains when stepping on uneven surfaces, aches or pains in the anterior or posterior metatarsal region, stiffness or sensitiveness upon arising in the morning or after sitting, a callosity beneath the metatarsal heads, bunions or hammertoes clearly indicate weak foot, splay foot or flat foot, and that its elastic braces constituted a competent treatment for all such symptoms and conditions; and that the use of its elastic braces had simplified and made easier the treatment of flat or splay foot;
- (b) Falsely represented that 90 percent of people do not have normal feet and that most people have undeveloped, relatively weak feet, notwithstanding the absence of any reliable statistics showing said facts, and represented falsely also that all foot troubles are caused by weakened muscles; that diagnosis of foot troubles by the use of the impression of the foot is not satisfactory or reliable; that rigid arch supports are always harmful; and that high arches are often more troublesome than lower ones and higher arched feet are generally weaker than flat feet;
- (c) Falsely represented that complicated and difficult examinations are never necessary in diagnosing foot ailments; that it could diagnose foot ailments and prescribe the right treatment without examination of the foot; that its diagnosis, advice, recommendations, or prescriptions were similar to those given by a doctor after a personal physical examination; that its advice and recommendations could be relied upon to stop foot pains, give complete relief, or permanently correct foot troubles; and that mental and body fatigue, backaches, pains in the hips, aching legs, nervousness, and the discomforts attributed to neuritis, sciatica, rheumatism, lumbago, and arthritis are frequently due to foot ailments;
- (d) Falsely represented that "Jung's Arch Braces" were more effective than the strapping process in the treatment of foot ailments; that they would lift metatarsal bones out of any incorrect position and thereafter hold them properly positioned; that the use of said braces would cure, or correct the cause of or prevent the recurrence of, pains in the feet, ankles, calf, knees, toes, instep, ball or heel of the foot, or prevent excess spreading of the feet; that said braces directly assisted the muscles to function properly and restore muscular activity; acted as an extra muscle; produced a massage action sufficient to stimulate the blood circulation and provided a fresh supply of energy; and that the use of said braces would give immediate relief to foot ailments generally, and that continued use would cure such ailments;
- (e) Falsely represented that "Jung's Ankle and Foot Braces" gave the ankle and foot more perfect bracing than all other devices or methods; that its stock-sized braces usually fitted the foot better than the highest grade, made-to-measure ankle brace;

that said braces would cure weak ankles or foot conditions, would prevent strains or turning of ankles, correct or prevent swellings, hold the muscles or ligaments in place, or restore the arch to normal; and that they would hold the foot and ankle in proper relation, or hold muscles and ligaments in place, or restore the arch to normal;

The facts being that while such braces, by furnishing a measure of support to the ankle, might aid in preventing simple sprains, strains, and turning of ankles, and furnish limited support to weak ankles, aforesaid claims in other respects were false and misleading;

(f) Falsely represented that its "Posture Correctos" would relieve aches and pains caused by improper posture, eliminate sagging ankles, prevent run-over heels, correct improper distribution of weight and bring about proper balance, and relieve extra strain on arches; and that its "Futuro Knee Braces" would help relieve weak or painful knees regardless of cause, and help secure comfort and relief in all cases of knee troubles whether traumatic, arthritis, neuralgia, ligamentous, or resulting from muscular injuries, and in cases of stiff, unsteady, and swollen knees when not due to infection or pathological changes;

(g) Falsely represented that its "Sanskin Corn Pads and Meds" would permanently remove corns, warts, calluses and bunions; that its "Callus Pads and Meds" would stop pain instantly and permanently remove calluses; and that its "Toe Guides" would straighten out the distorted large toe, relieve and correct bunions, crooked or overlapping toes and soreness between the toes;

The facts being that any relief afforded by said Callus Pads and Meds would be no more than temporary, and said Guides would not relieve and correct such soreness other than that caused by overlapping toes;

(h) Falsely represented that the use of its "Foot Balm" would relieve irritated and aching feet, stimulate blood circulation in feet and relieve soreness, sluggishness, and swelling due to congestion, invigorate weak or overstrained muscles, aid in healing irritations, relieve itching, and restore vitality to the feet; that the use of its Foot Soap cleansed the pores and thoroughly deodorized the feet; and that the use of its Nail-Rite quickly relieved ingrown toenails and aided in their correction;

The facts being that said Balm would not relieve irritated, itching and aching feet in excess of affording temporary relief from pain and itching in cases of minor irritations; and while its use stimulated the superficial circulation of the blood, such result would not relieve sluggishness and swelling of the feet due to congestion; and while use of said Nail-Rite might temporarily relieve the pain associated with such a condition, it had no remedial value in the correction thereof;

With the effect of misleading and deceiving a substantial portion of the purchasing public into the erroneous belief that such representations were true, and of inducing it, because of such belief, to purchase substantial quantities of its said products: *Held*, That such acts and practices were all to the prejudice of the public and constituted unfair and deceptive acts and practices in commerce.

Mr. Karl Stecher for the Commission.

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 Jung Arch Brace 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, Jung Arch Brace Company, is a corporation, duly chartered, organized and existing under and by virtue of the laws of the State of Ohio, with its principal office and place of business located in the city of Cincinnati, State of Ohio, at 109 West Central Parkway.

PAR. 2. Respondent is now, and for several years last past has been, engaged in manufacturing and offering for sale and selling various appliances, devices and medicinal preparations. Among such devices and medicinal preparations are those designated by respondent as "Jung's Arch Braces," "Jung's Ankle and Foot Braces," "Jung's Posture Correctors," "Jung's Futuro Knee Braces," "Jung's Sanskin Corn Pads and Meds," "Jung's Sanskin Callus Pads and Meds," "Jung's Toe Guide," "Jung's Foot Balm," "Jung's Foot Soap" and "Jung's Nail-Rite."

Respondent causes and has caused its products when sold to be transported from its place of business in the State of Ohio to purchasers thereof located in the various States of the United States other than the State of Ohio and in the District of Columbia.

Respondent maintains, and at all times herein mentioned has maintained, a course of trade in said products in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of its aforesaid business the respondent has disseminated and is now disseminating and has caused and is now causing the dissemination of, false advertisements concerning its said products by 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 is now disseminating and has caused and is now causing the dissemination of, false advertisements concerning its said products by various means for the purpose of inducing and which are likely to induce, directly or indirectly, the purchase of its said products in commerce, as "commerce" is defined in the Federal Trade Commission Act. Among and typical of the false, deceptive and misleading statements and representations contained in said false advertisements disseminated and caused to be disseminated as hereinabove set forth, by United States mails, by advertisements inserted in newspapers, magazines and periodicals, and by means of circulars, pamphlets, letters and other advertising media, all of general circulation and distribution in commerce, are the following:

General Advertisements:

Symptoms: A feeling of discomfort or fatigue. Tired, aching or strained sensations after use. Dull aches in the calf of the leg, knee, hip or lumbar region. Sensitiveness beneath the heel, loss of spring or inability to get comfortable shoes, Cramps in toes. Momentarily sharp pains when stepping on uneven surfaces. Aches or pains in the anterior or posterior metatarsal region. Stiffness or sensitiveness upon arising in the morning or after sitting. A callosity beneath the metatarsal heads, bunions or hammer-toes. Any of these common symptoms clearly indicate weak foot (splay foot; flat foot) which constitute more than 95% of all foot affections. "It's the most common and by far the most important of all foot disabilities" says T. L. Stedman, A. M., M. D. New Scientifically designed elastic braces now make the treatment of it simple and easy.

With a proper understanding of foot trouble, it is not difficult to realize why nearly ninety percent of the people do not have normal feet. Foot trouble or foot weakness is today the most prevalent affliction imposed upon us.

Because of present day foot wear, flat, smooth pavements and the universal aversion to walking, most people have undeveloped, relatively weak feet.

Careful studies of the foot and clinical records of every large orthopedic hospital have revealed this information which proves conclusively that almost all foot trouble is caused by weakened muscles. Therefore, foot troubles may generally be considered nothing more or less than weakened foot muscles.

High arches are often more troublesome than lower ones. Therefore the impression of the foot, most extensively used in the past, is a bugaboo which seldom indicates anything.

Because of this, many cases of weak foot, which are easily and quickly relieved, and corrected, receive an improper diagnosis. The impression of the foot, as shown above, does not necessarily indicate anything. Its popularity has been maintained by the "self appointed foot specialist" who has, and is still using it as a bugaboo to sponsor the sale of harmful rigid arch props.

Complicated and difficult examinations unnecessary.

Now, we offer direct to you the same services we have given many doctors for years.

Mr. Leahr wrote, "I have paid over \$200.00 for advice but your free recommendations were worth more. Thanks to you, I haven't the slightest pain."

Tell us about your corns, ingrown toenails, aches, weak ankles, enlarged joints, burning feet, etc. Also, how long you have been bothered . . . the same as you would your doctor. After careful study we will send you our FREE "expert advice and recommendations" showing how to get quick, safe relief.

We guarantee that we "advise and recommend," to give you this complete relief and aid in the permanent correction of your foot troubles.

Well-known doctors have proven that mental and body fatigue, back aches, pain in hips, aching legs, nervousness and the more severe discomforts often attributed to neuritis, sciatica, rheumatism, lumbago and arthritis, as well as the additional discomforts resulting therefrom, may be due to foot ailments.

Advertisements Respecting Jung's Arch Braces:

Jung's Arch Braces are the modern scientific method of relieving and correcting foot troubles. They are based on exactly the same fundamental principles as the strapping process but being elastic and self-sustaining, do away with all the disadvantages and are considerably more effective.

This scientifically constructed lift is not intended to force the metatarsal bones into place, but to lift them out of any incorrect position in which they may have become set. The elastic brace then holds them properly positioned, relieving the muscles of over-strain and assisting them in regaining their strength.

Let us show you how to end foot pains, tiredness, aches, calluses and other foot ailments quickly and surely with Jung's Arch Braces.

PAIN FREE FEET. Jung's "Wonder" arch braces assist weakened muscles, ending pains, aches and tiredness in the feet and legs.

They almost instantly relieve sudden cramp-like pains, Morton's Toe and annoying calluses. That burning, aching, tired or lifeless feeling in the feet and ankles, and pains in toes, instep, ball or heel quickly disappear. Excessive spreading of the feet is overcome as well as other numerous troubles (mentioned on page 6) resulting therefrom. Pains or aches in the ankle, calf or knee which are often the result of foot strain are quickly relieved.

The elastic braces used in the treatment give direct assistance to the muscles and ligaments upon which the foot depends for its support. It is this direct assistance which helps the muscles to function properly, that brings about prompt relief and restitution of muscular vitality.

Like an extra muscle, Jung's "Wonder" Arch Braces Aid Nature by assisting weak or overstrained muscles in restoring the displaced bones to normal.

* * * The painful pressure of the bones upon the sensitive nerves and blood vessels is ended. Then as you walk the massage action begins to stimulate blood circula-

tion. Congestion is removed and a fresh supply of energy begins to trickle through the veins.

Gradually the muscles become stronger and stronger and after a reasonable period of time, depending upon the severity of the trouble, the braces may be discarded. Your feet are well to stay.

Advertisements Respecting Jung's Ankle and Foot Braces:

The new scientific principle embodied in their unique design gives both the ankle and the foot more perfect bracing than has ever been known before.

A stock sized brace fits the foot better than the higher grade, made to measure, ordinary ankle brace.

Weak Ankles, Strains, Sprains. Jung's Ankle and Foot Brace supports and helps strengthen weak ankles. Quickly relieves sprains or strains by giving extra support to that portion of the foot or ankle which is most affected. Braces instep and holds foot and ankle in proper relation.

This new and different brace assists the muscles in holding foot and ankle in proper relation to each other and gives support to the anterior and forward arch as well as the longitudinal or instep arch. Like an extra muscle it helps in rapidly restoring the arch to normal.

Jung's Capital and Paragon Ankle and Foot Braces are exactly of the same design. They relieve and strengthen weakened ankle and foot conditions and prevent turning of ankles. They immediately relieve sprained ankles, reduce swelling and correct foot strains resulting therefrom.

They are designed to assist in the relief and correction of foot trouble as much as possible without impairing their value as a perfect support for the ankle and that portion of the foot which is in direct relation thereto.

Advertisements Respecting Jung's Posture Correctors:

Run-over Heels, Arch Weakness.—Jung's Posture Correctors relieve extra strain on instep arches or outer side of feet by correcting improper distribution of weight. They shift the weight to either side and thus bring about a proper balance. Relieve pains and aches caused by improper posture which usually accompanies all foot troubles. Eliminate inward or outward sagging of ankles and prevent run-over of heels.

Advertisements Respecting Jung's Futuro Knee Braces:

Weak or Painful Knees. New type elastic brace helps secure comfort and relief! Regardless of your knee trouble . . . whether it be traumatic, arthritis or neuralgia—ligamentous or muscular injuries—stiff, unsteady, painful or swollen knees not due to infection or pathological changes—this brace will help you secure comfort and relief—will make walking easier.

Advertisements Respecting Jung's Sanskin Corn Pads and Meds:

The constant wearing of Sanskin Pads or proper shoes is necessary to permanently end corns.

END CORNS, CALLUSES, BUNIONS.—Instant relief—Quick Removal. Jung's Sanskin pads * * * Medicated plasters called "Meds," remove corns and calluses quickly, soothe bunions.

Corns, Warts, Small Calluses, Jung's Sanskin Corn Pads give instant relief to the most pesky corns. These velvety-soft, cushioning pads completely remove the pressure or friction which causes corns * * * Complete relief is yours while separate medicated plasters called "Meds," safely and surely remove every trace of your corn.

Advertisements Respecting Jung's Sanskin Callus Pads and Meds:

Stop pain instantly and remove the callus.

The pain is instantly relieved (sic) when you apply Jung's Sanskin Callus pads * * *.

Advertisements Respecting Jung's Toe Guide:

For the relief and correction of bunions, crooked or overlapped toes and soreness between the toes, we recommend the use of Jung's Toe Guides.

The toe guide will help to correct such a condition by straightening out the distorted large toe.

Advertisements Respecting Jung's Foot Balm:

Jung's Foot Balm quickly relieves dry, burning, irritated and aching feet. A massage with this cooling, soothing analgesic balm, stimulates blood circulation in feet and relieves soreness, sluggishness and swelling due to congestion. Invigorates weak or overstrained muscles, softens dry, rough skin and calluses, aids in healing irritations, relieves itching and restores vitality.

Advertisements Respecting Jung's Foot Soap:

A warm foot bath with this soothing and refreshing cleanser removes surface impurities and thoroughly cleanses the pores. A quick relief for tired and irritated feet and an aid in most foot trouble. Thoroughly deodorizes and promotes foot health.

Advertisements Respecting Jung's Nail-Rite:

Ingrown Toe-Nails—Jung's Nail-Rite is an antiseptic and anesthetic compound which quickly relieves ingrown toenails and aids in their correction.

PAR. 4. Through the use of the statements, representations and advertisements hereinbefore set forth, and others of similar import and meaning, but not specifically set out herein, respondent has represented, and does now represent, directly and by implication:

General Representations:

That the various symptoms and conditions set out in the paragraph entitled "General Advertisements" in Paragraph Three above, clearly indicate weak foot, and that respondent's elastic braces constitute the proper treatment for such symptoms and conditions; that the use of respondent's elastic braces has simplified and made easier the treatment of flat or splay foot. That 90% of people do not have normal feet and most people have undeveloped, relatively weak feet; that almost all foot troubles are caused by weakened muscles; that proper diagnosis cannot be made by the use of the impression of the foot; that rigid arch supports are always harmful; that high arches are often more troublesome than lower ones and higher arched feet are generally weaker than flat feet; that complicated and difficult examinations are unnecessary in diagnosing foot ailments in order to prescribe the proper treatment; that it conducts a consultation service for doctors and that the service previously available only to doctors is now offered to the general public; that its free advice and recommendations are better and more valuable than paid-for advice of a doctor or trained technician; that it can quickly diagnose foot ailments and prescribe the right treatment without examination of the foot; that its diagnosis, advice, recommendations and prescriptions are similar to that given by a doctor after a personal physical examination; that its advice and recommendations are guaranteed to give complete relief and permanent correction of foot troubles and that mental and body fatigue, back aches, pains in the

hips, aching legs, nervousness and the discomforts attributed to neuritis, sciatica, rheumatism, lumbago and arthritis are due to foot ailments.

Representations with respect to Jung's Arch Braces:

That Jung's Arch Braces are more effective than the strapping process, lift metatarsal bones out of any incorrect position and thereafter hold them properly positioned; that the use of said braces ends foot pains, tiredness, aches, calluses and quickly relieves foot cramping pains, Morton's Toe, burning, aching, tired or lifeless feeling in feet, ankles, calves, knees, pains in toes, instep, ball or heel and excessive spreading of the feet; that said braces directly assist the muscles to function properly and restore muscular activity. That they act as an extra muscle; that they produce a massage action, stimulating the blood circulation and providing a fresh supply of energy; that the use of said braces will give immediate relief and if their use is continued for a reasonable time all foot ailments will be completely cured, and braces may be discarded.

Representations with respect to Jung's Ankle and Foot Braces:

That Jung's Ankle and Foot Brace gives the ankle and foot more perfect bracing than has ever been known before; that respondent's stock sized brace fits the foot better than the highest grade, made to measure, ordinary ankle brace; that said braces relieve strains and sprains, strengthen weakened ankles, reduce swelling, prevent turning of ankles, hold the foot and ankle in proper relation, assist in the relief and correction of foot troubles, and hold muscles and ligaments in place and restore the arch to normal.

Representations with respect to Jung's Posture Correctors:

That Jung's Posture Correctors relieve aches and pains caused by improper posture; eliminate sagging ankles, prevent run over heels, correct improper distribution of weight and bring about proper balance and relieve extra strain on arches.

Representations with respect to Jung's Futuro Knee Brace:

That Jung's Futuro Knee Braces will help relieve weak or painful knees regardless of cause and will help secure comfort and relief in all cases of knee troubles whether traumatic, arthritis, neuralgia, ligamentous or resulting from muscular injuries and in cases of stiff, unsteady and swollen knees, when not due to infection or pathological changes.

Representations with respect to Jung's Sanskin Corn Pads and Meds:

That Jung's Sanskin Corn Pads and Meds will permanently remove corns, warts, calluses and bunions.

Representations with respect to Jung's Callus Pads and Meds:

That Jung's Sanskin Callus Pads and Meds will stop pain instantly and permanently remove calluses.

Representations with respect to Jung's Toe Guide:

That the use of Jung's Toe Guides will straighten out the large distorted toe, relieve and correct bunions, crooked or overlapping toes and soreness between the toes.

Representations with respect to Jung's Foot Balm:

That the use of Jung's Foot Balm will relieve irritated and aching feet; stimulate blood circulation in feet and relieve soreness, sluggishness and swelling due to congestion; invigorate weak or overstrained muscles, aid in healing irritations, relieves itching and restores vitality to the feet.

Representations with respect to Jung's Foot Soap:

That the use of Jung's Foot Soap cleanses the pores and thoroughly deodorizes the feet.

Representations with respect to Jung's Nail-Rite:

That use of said product quickly relieves ingrown toe nails and aids in their correction.

PAR. 5. The foregoing statements and representations disseminated as aforesaid are grossly exaggerated, false, deceptive and misleading.

General Representations:

The various symptoms and conditions set out in the paragraph entitled "General Advertisements" in Paragraph Three hereof and any combinations of said symptoms or conditions do not clearly indicate weak or flat foot or splay foot and are not always symptomatic of or attributable to foot disorders or disabilities and respondent's elastic braces do not constitute the proper treatment of all such symptoms and conditions. Respondent's elastic braces have not simplified and made easier the treatment of weak feet. No reliable statistics have been compiled showing any definite proportion of the population to have abnormal feet or showing that most people have undeveloped, relatively weak feet. Most foot troubles are not caused by weakened muscles. The impression of the foot is of great value in properly diagnosing foot trouble. The use of rigid arch supports is not always harmful. Feet having higher arches are not generally weaker than flat feet nor are high arches more troublesome than lower ones. Complicated and difficult examinations are often necessary in diagnosing foot ailments in order to prescribe the proper treatment. Personal examination and individual prescription is essential to the correct diagnosis and proper treatment of many foot disorders and disabilities, and in such cases the services and advice offered by respondent and the use of its appliances does not eliminate the necessity for such examination. Accordingly the advice and service offered for the diagnosis of and prescription for foot troubles is not comparable to or an adequate substitute for the services of doctors and/or trained technicians, and following the respondent's advice and recommendation cannot be relied upon to stop foot pains, give complete relief or permanently correct foot troubles. It is impossible to guarantee that any advice, recommendation or device will give relief from or aid in the correction of foot troubles, disorders or disabilities. While mental and body fatigue, back aches, pains in hips, aching legs, nervousness and the discomforts associated with neuritis, sciatica, rheumatism, lumbago and arthritis may, in some instances, be due to foot ailments, this is an infrequent occurrence and cannot be relied upon to indicate or disclose foot ailments of any nature.

Jung's Arch Braces:

Respondent's arch braces are not more effective than the strapping process in the treatment of foot ailments and cannot be relied upon to

lift the metatarsal bones out of an incorrect position and thereafter hold them properly positioned. The use of said braces will not relieve, cure or correct the cause of or prevent the recurrence of pains in the feet, ankles, calf, knees, toes, instep, ball or heel of the foot and prevent excess spreading of the feet, nor will their use quickly relieve foot cramping pains, Morton's Toe, calluses and other foot ailments. Said device does not assist the muscles to function properly and does not restore muscular activity. They do not act as an extra muscle. They do not produce a sufficient massaging effect so as to stimulate the blood circulation to the extent of providing a fresh supply of energy. The use of said braces will not give immediate relief to foot ailments nor will their continued use cure such ailments.

Jung's Ankle and Foot Braces:

Respondent's ankle and foot braces do not give the ankle and foot more perfect bracing than other devices or methods. Its stock size brace does not give a better fit than a made to measure brace of high quality. Said braces will not relieve, cure, correct or aid in the correction of the causes of, or prevent the recurrence of sprains, strains, weakened ankles or foot conditions, swelling, turning of ankles, nor will they hold muscles or ligaments in place or restore the arch to normal.

Jung's Posture Correctors:

The use of respondent's Posture Correctors cannot be relied upon to relieve aches and pains caused by improper posture or to eliminate sagging ankles, prevent run-over heels, correct improper distribution of weight, relieve extra strain on the arches or bring about proper balance.

Jung's Futuro Knee Brace:

Respondent's knee braces will not help relieve all types of weak or painful knees and will not help secure comfort and relief in all cases of knee troubles not due to infection or pathological changes whether traumatic, arthritis, neuralgia, ligamentous, muscular injuries, stiff, unsteady and swollen knees. In truth and in fact all conditions of weak knees are due to infection or pathological changes.

Jung's Corn Pads and Meds:

Respondent's Corn Pads and Meds will not permanently remove corns, warts, calluses and bunions. Any relief afforded by their use will be only temporary in nature.

Jung's Callus Pads and Meds:

Respondent's Callus Pads and Meds will not stop pain instantly and will not permanently remove the callus. Any relief afforded by their use will be only temporary in nature.

Jung's Toe Guides:

Respondent's Toe Guides will not straighten out the large distorted toe nor will their use relieve and correct bunions, crooked or overlapping toes. They have no remedial or therapeutic value in the treatment of a condition of soreness between the toes.

Jung's Foot Balm:

Respondent's Foot Balm will not relieve irritated and aching feet nor will it invigorate weak or overstrained muscles, aid in healing irritations,

relieve itching nor will it restore vitality to the feet. While its use may stimulate the superficial circulation of the blood such result will not relieve soreness, sluggishness and swelling of the feet due to congestion.

Jung's Foot Soap:

Respondent's Foot Soap will not cleanse the pores nor will it thoroughly deodorize the feet.

Jung's Nail-Rite:

Respondent's Nail-Rite will not relieve ingrown toe nails nor aid in their correction. While its use may temporarily relieve the pain associated with such a condition, it has no remedial value in the correction of said condition.

PAR. 6. The use by the respondent of the foregoing false, deceptive and misleading statements, representations and advertisements disseminated as aforesaid with respect to the appliances, devices and medicinal preparations hereinbefore listed has had and now has the capacity and tendency to and does mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements, representations and advertisements are true, and to induce a substantial portion of the purchasing public, because of such erroneous and mistaken belief, to purchase substantial quantities of respondent's said products.

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 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 28, 1942, issued and subsequently served its complaint in this proceeding upon respondent, The Jung Arch Brace Company, a corporation, charging it with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondent's answer thereto, a stipulation was entered into whereby it was agreed that a statement of facts signed and executed by respondent and Richard P. Whiteley, Assistant Chief Counsel for the Federal Trade Commission, subject to the approval of the Commission, may be taken as the facts in this proceeding in lieu of testimony in support of or in opposition to the charges stated in the complaint and that the Commission may proceed upon said statement of facts to make its report, stating its findings as to the facts and its conclusion based thereon and enter its order disposing of the proceeding without the presentation of argument or the filing of briefs. Thereafter, this proceeding regularly came on for final hearing before the Commission on said complaint, answer, and stipulation, said stipulation having been approved, accepted, and filed; 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, Jung Arch Brace Company, is a corporation, organized and existing under and by virtue of the laws of the State of

Ohio, with its principal office and place of business located at 312 East Court Street, Cincinnati, Ohio.

PAR. 2. Respondent is now, and for several years last past has been, engaged in the sale and distribution of various devices and medicinal preparations, among which are those designated by respondent as "Jung's Arch Braces," "Jung's Ankle and Foot Braces," "Jung's Posture Correctors," "Jung's Futuro Knee Braces," "Jung's Sanskin Corn Pads and Meds," "Jung's Sanskin Callus Pads and Meds," "Jung's Toe Guide," "Jung's Foot-Balm," "Jung's Foot Soap," and "Jung's Nail-Rite." Respondent causes, and has caused, said products, when sold, to be transported from its place of business in the State of Ohio to purchasers thereof located in the various States of the United States other than the State of Ohio and in the District of Columbia, and maintains, and at all times herein mentioned has maintained, a course of trade in said products in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of its aforesaid business, the respondent has disseminated and is now disseminating, and has caused and is now causing the dissemination of false advertisements concerning its said products by 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 is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning its said products by various means for the purpose of inducing and which are likely to induce, directly or indirectly, the purchase of its said products in commerce, as "commerce" is defined in the Federal Trade Commission Act. Among the false, misleading, and deceptive statements and representations contained in said false advertisements disseminated and caused to be disseminated, as hereinabove set forth, by United States mails, by advertisements inserted in newspapers, magazines, and periodicals, and by means of circulars, pamphlets, letters, and other advertising media, all of general circulation and distribution in commerce, are the following:

General Advertisements:

Symptoms: A feeling of discomfort or fatigue. Tired, aching or strained sensations after use. Dull aches in the calf of the legs, knee, hip or lumbar region. Sensitiveness beneath the heel, loss of spring or inability to get comfortable shoes, cramps in toes.⁵ Momentarily sharp pains when stepping on uneven surfaces. Aches or pains in the anterior or posterior metatarsal region. Stiffness or sensitiveness upon arising in the morning or after sitting. A callosity beneath the metatarsal heads, bunions or hammertoes. Any of these common symptoms clearly indicate weak foot (splay foot; flat foot) which constitute more than 95% of all foot affections. "It's the most common and by far the most important of all foot disabilities" says T. L. Stedman, A.M., M.D. New Scientifically designed elastic braces now make the treatment of it simple and easy.

With a proper understanding of foot trouble, it is not difficult to realize why nearly ninety percent of the people do not have normal feet. Foot trouble or foot weakness is today the most prevalent affliction imposed upon us.

Because of present day foot wear, flat, smooth pavements and the universal aversion to walking, most people have undeveloped, relatively weak feet.

Careful studies of the foot and clinical records of every large orthopedic hospital have revealed this information which proves conclusively that almost all foot trouble is caused by weakened muscles. Therefore, foot troubles may generally be considered nothing more or less than weakened foot muscles.

High arches are often more troublesome than lower ones. Therefore the impression of the foot, most extensively used in the past, is a bugaboo which seldom indicates anything.

Because of this, many cases of weak foot, which are easily and quickly relieved, and corrected, receive an improper diagnosis. The impression of the foot, as shown above, does not necessarily indicate anything. Its popularity has been maintained by the "self appointed foot specialist" who has, and is still using it as a bugaboo to sponsor the sale of harmful rigid arch props.

Complicated and difficult examinations unnecessary.

Now, we offer direct to you the same services we have given many doctors for years.

Mr. Leahr wrote, "I have paid over \$200.00 for advice but your free recommendations were worth more. Thanks to you, I haven't the slightest pain."

Tell us about your corns, ingrown toenails, aches, weak ankles, enlarged joints, burning feet, etc. Also, how long you have been bothered . . . the same as you would your doctor. After careful study we will send you our FREE "expert advice and recommendations" showing how to get quick, safe relief.

We guarantee that we "advise and recommend," to give you this complete relief and aid in the permanent correction of your foot troubles.

Well-known doctors have proven that mental and body fatigue, back aches, pain in hips, aching legs, nervousness and the more severe discomforts often attributed to neuritis, sciatica, rheumatism, lumbago and arthritis, as well as the additional discomforts resulting therefrom, may be due to foot ailments.

Advertisements Respecting Jung's Arch Braces:

Jung's Arch Braces are the modern scientific method of relieving and correcting foot troubles. They are based on exactly the same fundamental principles as the strapping process but being elastic and self-sustaining, do away with all the disadvantages and are considerably more effective.

This scientifically constructed lift is not intended to force the metatarsal bones into place, but to lift them out of any incorrect position in which they may have become set. The elastic brace then holds them properly positioned, relieving the muscles of overstrain and assisting them in regaining their strength.

Let us show you how to end foot pains, tiredness, aches, calluses and other foot ailments quickly and surely with Jung's Arch Braces.

PAIN FREE FEET, Jung's "Wonder" arch braces assist weakened muscles, ending pains, aches and tiredness in the feet and legs.

They almost instantly relieve sudden cramp-like pains, Morton's Toe and annoying calluses. That burning, aching, tired or lifeless feeling in the feet and ankles, and pains in toes, instep, ball or heel quickly disappear. Excessive spreading of the feet is overcome as well as other numerous troubles (mentioned on page 6) resulting therefrom. Pains or aches in the ankle, calf or knee which are often the result of foot strain are quickly relieved.

The elastic braces used in the treatment give direct assistance to the muscles and ligaments upon which the foot depends for its support. It is this direct assistance which helps the muscles to function properly, that brings about prompt relief and restitution of muscular vitality.

Like an extra muscle, Jung's "Wonder" Arch Braces Aid Nature by assisting weak or overstrained muscles in restoring the displaced bones to normal.

* * * The painful pressure of the bones upon the sensitive nerves and blood vessels is ended. Then as you walk the massage action begins to stimulate blood circulation. Congestion is removed and a fresh supply of energy begins to trickle through the veins.

Gradually the muscles become stronger and stronger and after a reasonable period of time, depending upon the severity of the trouble, the braces may be discarded. Your feet are well to stay.

Advertisements Respecting Jung's Ankle and Foot Braces:

The new scientific principle embodied in their unique design gives both the ankle and the foot more perfect bracing than has ever been known before.

A stock sized brace fits the foot better than the highest grade, made to measure, ordinary ankle brace.

Weak Ankles, Strains, Sprains. Jung's Ankle and Foot Brace supports and helps strengthen weak ankles. Quickly relieves sprains or strains by giving extra support to that portion of the foot or ankle which is most affected. Braces instep and holds foot and ankle in proper relation.

This new and different brace assists the muscles in holding foot and ankle in proper relation to each other and gives support to the anterior and forward arch as well as the longitudinal or instep arch. Like an extra muscle it helps in rapidly restoring the arch to normal.

Jung's Capital and Paragon Ankle and Foot Braces are exactly of the same design. They relieve and strengthen weakened ankle and foot conditions and prevent turning of ankles. They immediately relieve sprained ankles, reduce swelling and correct foot strains resulting therefrom.

They are designed to assist in the relief and correction of foot trouble as much as possible without impairing their value as a perfect support for the ankle and that portion of the foot which is in direct relation thereto.

Advertisements Respecting Jung's Posture Correctors:

Run-over Heels, Arch Weakness. Jung's Posture Correctors relieve extra strain on instep arches or outer side of feet by correcting improper distribution of weight. They shift the weight to either side and thus bring about a proper balance. Relieve pains and aches caused by improper posture which usually accompanies all foot troubles. Eliminate inward or outward sagging of ankles and prevent run-over of heels.

Advertisements Respecting Jung's Futuro Knee Braces:

Weak or Painful Knees. New type elastic brace helps secure comfort and relief! Regardless of your knee trouble . . . whether it be traumatic, arthritis or neuralgia—ligamentous or muscular injuries—stiff, unsteady, painful or swollen knees not due to infection or pathological changes—this brace will help you secure comfort and relief—will make walking easier.

Advertisements Respecting Jung's Sanskin Corn Pads and Meds:

The constant wearing of Sanskin Pads or proper shoes is necessary to permanently end corns.

END CORNS, CALLUSES, BUNIONS.—Instant Relief—Quick Removal. Jung's Sanskin pads * * * Medicated plasters called "Meds," remove corns and calluses quickly, soothe bunions.

Corns, Warts, Small Calluses, Jung's Sanskin Corn Pads give instant relief to the most pesky corns. These velvety-soft, cushioning pads completely remove the pressure or friction which causes corns * * * Complete relief is yours while separate medicated plasters called "Meds," safely and surely remove every trace of your corn.

Advertisements Respecting Jung's Sanskin Callus Pads and Meds:

Stop pain instantly and remove the callus.

The pain is instantly relieved when you apply Jung's Sanskin Callus pads * * *.

Advertisements Respecting Jung's Toe Guide:

For the relief and correction of bunions, crooked or overlapped toes and soreness between the toes, we recommend the use of Jung's Toe Guides.

The toe guide will help to correct such a condition by straightening out the distorted large toe.

Advertisements Respecting Jung's Foot Balm:

Jung's Foot Balm quickly relieves dry, burning, irritated, and aching feet. A massage with this cooling, soothing, analgesic balm, stimulates blood circulation in feet and relieves soreness, sluggishness and swelling due to congestion. Invigorates weak or overstrained muscles, softens dry, rough skin and calluses, aids in healing irritations, relieves itching and restores vitality.

Advertisements Respecting Jung's Foot Soap:

A warm foot bath with this soothing and refreshing cleanser removes surface impurities and thoroughly cleanses the pores. A quick relief for tired and irritated feet and an aid in most foot trouble. Thoroughly deodorizes and promotes foot health.

Advertisements Respecting Jung's Nail-Rite:

Ingrown Toe-Nails—Jung's Nail-Rite is an antiseptic and anesthetic compound which quickly relieves ingrown toenails and aids in their correction.

PAR. 4. Through the use of the statements, representations and advertisements hereinbefore set forth, and others of similar import and meaning, but not specifically set out herein, respondent has represented, and does now represent, directly and by implication:

General Representations:

That the various symptoms and conditions set out under the heading "General Advertisements" in Paragraph Three above, clearly indicate weak feet and that respondent's elastic braces constitute the proper treatment for such symptoms and conditions; that the use of respondent's elastic braces has simplified and made easier the treatment of flat or splay foot; that 90 percent of people do not have normal feet and most people have undeveloped, relatively weak feet; that almost all foot troubles are caused by weakened muscles; that diagnosis of foot troubles by the use of the impression of the foot is not satisfactory or reliable; that rigid arch supports are always harmful; that high arches are often more troublesome than lower ones and higher arched feet are generally weaker than flat feet; that complicated and difficult examinations are unnecessary in diagnosing foot ailments in order to prescribe the proper treatment; that it conducts a consultation service for doctors and that the service previously available only to doctors is now offered to the general public; that its free advice and recommendations are better and more valuable than paid-for advice of a doctor or trained technician; that it can quickly diagnose foot ailments and prescribe the right treatment without examination of the foot; that its diagnosis, advice, recommendations and prescriptions are similar to that given by a doctor after a personal physical examination; that its advice and recommendations are guaranteed to give complete relief and permanent correction of foot troubles and that mental and body fatigue, back aches, pains in the hips, aching legs, nervousness, and the discomforts attributed to neuritis, sciatica, rheumatism, lumbago and arthritis are due to foot ailments.

Representations with respect to Jung's Arch Braces:

That Jung's Arch Braces are more effective than the strapping process, lift metatarsal bones out of any incorrect position and thereafter hold them properly positioned; that the use of said braces ends foot pains, tiredness, aches, calluses and quickly relieves foot cramping pains, Morton's Toe, burning, aching, tired or lifeless feeling in feet, ankles, calves, knees, pains in toes, instep, ball or heel and excessive spreading of the feet; that said braces directly assist the muscles to function properly and restore muscular activity. That they act as an extra muscle; that they produce a massage action, stimulating the blood circulation and providing a fresh supply of energy; that the use of said braces will give immediate relief and if their use is continued for a reasonable time all foot ailments will be completely cured, and braces may be discarded.

Representations with respect to Jung's Ankle and Foot Braces:

That Jung's Ankle and Foot Brace gives the ankle and foot more perfect bracing than has ever been known before; that respondent's stock-sized brace fits the foot better than the highest grade, made-to-measure, ordinary ankle brace; that said braces relieve strains and sprains, strengthen weakened ankles, reduce swelling, prevent turning of ankles, hold the foot and ankle in proper relation, assist in the relief and correction of foot troubles, and hold muscles and ligaments in place and restore the arch to normal.

Representations with respect to Jung's Posture Correctors:

That Jung's Posture Correctors relieve aches and pains caused by improper posture, eliminate sagging ankles, prevent run-over heels, correct improper distribution of weight and bring about proper balance, and relieve extra strain on arches.

Representations with respect to Jung's Futuro Knee Braces:

That Jung's Futuro Knee Braces will help relieve weak or painful knees regardless of cause and will help secure comfort and relief in all cases of knee troubles whether traumatic, arthritis, neuralgia, ligamentous, or resulting from muscular injuries, and in cases of stiff, unsteady, and swollen knees, when not due to infection or pathological changes.

Representations with respect to Jung's Sanskin Corn Pads and Meds:

That Jung's Sanskin Corn Pads and Meds will permanently remove corns, warts, calluses, and bunions.

Representations with respect to Jung's Callus Pads and Meds:

That Jung's Sanskin Callus Pads and Meds will stop pain instantly and permanently remove calluses.

Representations with respect to Jung's Toe Guide:

That the use of Jung's Toe Guides will straighten out the distorted large toe, relieve and correct bunions, crooked or overlapping toes, and soreness between the toes.

Representations with respect to Jung's Foot Balm:

That the use of Jung's Foot Balm will relieve irritated and aching feet, stimulate blood circulation in feet and relieve soreness, sluggishness, and

swelling due to congestion, invigorate weak or overstrained muscles, aid in healing irritations, relieve itching, and restore vitality to the feet.

Representations with respect to Jung's Foot Soap:

That the use of Jung's Foot Soap cleanses the pores and thoroughly deodorizes the feet.

Representations with respect to Jung's Nail-Rite:

That use of said product quickly relieves ingrown toenails and aids in their correction.

PAR. 5. The foregoing statements and representations, disseminated as aforesaid, are grossly exaggerated, false, deceptive, and misleading.

General Representations:

The various symptoms and conditions set out in the paragraph entitled "General Advertisements" in Paragraph Three hereof, and any combinations of said symptoms or conditions, do not clearly indicate weak or flat foot or splay foot and are not always symptomatic of or attributable to foot disorders or disabilities, and respondent's elastic braces do not constitute the proper treatment of all such symptoms and conditions. Respondent's elastic braces have not simplified and made easier the treatment of weak feet. No reliable statistics have been compiled showing that 90 percent of the population have abnormal feet or showing that most people have undeveloped, relatively weak feet. Most foot troubles are not caused by weakened muscles. The impression of the foot is of value in properly diagnosing many foot troubles. The use of rigid arch supports is not always harmful. Feet having higher arches are not generally weaker than flat feet nor are high arches generally more troublesome than lower ones. Complicated and difficult examinations are often necessary in diagnosing foot ailments in order to prescribe the proper treatment. Personal examination and individual prescription is essential to the correct diagnosis and proper treatment of many foot disorders and disabilities, and in such cases the services and advice offered by respondent and the use of its appliances does not eliminate the necessity for such examination. Accordingly, the advice and services offered for the diagnosis of and prescription for foot troubles is not comparable to or an adequate substitute for the services of doctors, and following the respondent's advice and recommendation cannot be relied upon to stop foot pains, give complete relief, or permanently correct foot troubles. It is impossible to guarantee that any advice, recommendation, or device will give relief from or aid in the correction of foot troubles, disorders, or disabilities. While mental and body fatigue, back aches, pains in hips, aching legs, nervousness, and the discomforts associated with neuritis, sciatica, rheumatism, lumbago, and arthritis may, in some instances, be due to foot ailments, this is an infrequent occurrence and cannot be relied upon to indicate or disclose foot ailments of any nature.

Jung's Arch Braces:

Respondent's arch braces are not more effective than the strapping process in the treatment of many foot ailments and cannot be relied upon to lift the metatarsal bones out of an incorrect position and thereafter hold them properly positioned. The use of said braces will not cure or correct

the cause of, or prevent the recurrence of, pains in the feet, ankles, calf, knees, toes, instep, ball or heel of the foot, and prevent excess spreading of the feet; nor will their use relieve many foot cramping pains, calluses, and other foot ailments. Said devices do not assist the muscles to function properly and do not restore muscular activity. They do not act as an extra muscle. They do not produce a sufficient massaging effect so as to stimulate the blood circulation to the extent of providing a fresh supply of energy. The use of said braces will not give immediate relief to foot ailments generally, nor will their continued use cure such ailments.

Jung's Ankle and Foot Braces:

Respondent's ankle and foot braces do not give the ankle and foot more perfect bracing than all other devices or methods. While respondent's stock-size braces may, in certain instances, give a better fit than a high-quality, made-to-measure brace, they cannot be depended upon to do so and it cannot be asserted as a fact that they will do so. Said braces will not cure, correct, or prevent the recurrence of sprains, strains, weakened ankles or foot conditions, swelling or turning of ankles; nor will they hold muscles or ligaments in place or restore the arch to normal. In certain instances these braces, by furnishing a measure of support to the ankle, may be of some assistance and aid in preventing simple sprains, strains, and turning of ankles, and will furnish limited support to weak ankles.

Jung's Posture Correctors:

The use of respondent's Posture Correctors cannot be relied upon to relieve aches and pains caused by improper posture or to eliminate sagging ankles, prevent run-over heels, correct improper distribution of weight, relieve extra strain on the arches, or bring about proper balance.

Jung's Futuro Knee Braces:

Respondent's knee braces will not help relieve all types of weak or painful knees and will not help secure comfort and relief in all cases of knee troubles.

Jung's Corn Pads and Meds:

Respondent's Corn Pads and Meds will not permanently remove corns, warts, calluses, and bunions. Any relief afforded by their use will be only temporary in nature.

Jung's Callus Pads and Meds:

Respondent's Callus Pads and Meds will not stop pain instantly and will not permanently remove the callus. Any relief afforded by their use will be only temporary in nature.

Jung's Toe Guides:

Respondent's Toe Guides will not straighten out the distorted large toe nor will their use relieve and correct bunions, crooked, or overlapping toes. They have no remedial or therapeutic value in the treatment of a condition of soreness between the toes except that caused by the overlapping of toes.

Jung's Foot Balm:

Respondent's Foot Balm will not relieve irritated, itching and aching feet in excess of affording temporary relief from pain and itching in cases

of minor irritations, nor will it invigorate weak or overstrained muscles. It will not restore vitality to the feet. While its use stimulates the superficial circulation of the blood, such result will not relieve sluggishness and swelling of the feet due to congestion.

Jung's Foot Soap:

Respondent's Foot Soap will not cleanse the pores, nor will it thoroughly deodorize the feet.

Jung's Nail-Rite:

Respondent's Nail-Rite will not relieve ingrown toenails or aid in their correction. While its use may temporarily relieve the pain associated with such a condition, it has no remedial value in the correction of said condition.

PAR. 6. The use by the respondent of the foregoing false, misleading, and deceptive statements, representations, and advertisements disseminated as aforesaid with respect to its devices and medicinal preparations hereinbefore listed has had, and now has, the capacity and tendency to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements, representations, and advertisements are true, and to induce a substantial portion of the purchasing public, because of such erroneous and mistaken belief, to purchase substantial quantities of respondent's said products.

CONCLUSION

The aforesaid acts and practices of the respondent are all to the prejudice of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondent findings as to the facts and its conclusion based thereon and an order disposing of the proceeding, 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 Jung Arch Brace Company, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of its Jung's Arch Braces, Jung's Ankle and Foot Braces, Jung's Posture Correctors, Jung's Futuro Knee Braces, Jung's Sanskin Corn Pads and Meds, Jung's Sanskin Callus Pads and Meds, Jung's Toe Guide, Jung's Foot Balm, and Jung's Nail-Rite, or any products of substantially similar construction or possessing substantially similar properties, whether sold under the same name or names or under any other name or names, do forthwith cease and desist from directly or indirectly:

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

(a) That a feeling of discomfort or fatigue, tired, aching or strained sensations after use, dull aches in the calf of the leg, knee, hip or lumbar region, sensitiveness beneath the heel, loss of spring or inability to get comfortable shoes, cramps in toes, momentary sharp pains when stepping on uneven surfaces, aches or pains in the anterior or posterior metatarsal region, stiffness or sensitiveness upon arising in the morning or after sitting, a callosity beneath the metatarsal heads, bunions or hammertoes, necessarily or clearly indicate weak foot, splay foot, or flat foot, or that respondent's elastic braces constitute a competent treatment for all such symptoms and conditions; that the use of respondent's elastic braces has simplified and made easier the treatment of flat or splay foot; that 90 percent, or any other percent, of people do not have normal feet and that most people have undeveloped, relatively weak feet, unless and until reliable statistics demonstrate such to be the fact; that almost all foot troubles are caused by weakened muscles; that diagnosis of foot troubles by the use of the impression of the foot is not satisfactory or reliable; that rigid arch supports are always harmful; that high arches are often more troublesome than lower ones and higher arched feet are generally weaker than flat feet; that complicated and difficult examinations are never necessary in diagnosing foot ailments in order to prescribe the proper treatment; that respondent's advice and recommendations are comparable to or an adequate substitute for the advice of a doctor; that it can diagnose foot ailments and prescribe the right treatment without examination of the foot; that its diagnosis, advice, recommendations, or prescriptions are similar to those given by a doctor after a personal physical examination; that its advice and recommendations, if followed, can be relied upon to stop foot pains, give complete relief, or permanently correct foot troubles; or that mental and body fatigue, backaches, pains in the hips, aching legs, nervousness, and the discomforts attributed to neuritis, sciatica, rheumatism, lumbago, and arthritis are frequently due to foot ailments.

(b) That Jung's Arch Braces are more effective than the strapping process in the treatment of foot ailments; that they will lift metatarsal bones out of any incorrect position and thereafter hold them properly positioned; that the use of said braces will cure, or correct the cause of, or prevent the recurrence of pains in the feet, ankles, calf, knees, toes, instep, ball or heel of the foot, or prevent excess spreading of the feet; that said braces directly assist the muscles to function properly and restore muscular activity; that they act as an extra muscle; that they produce a massage action sufficient to stimulate the blood circulation and provide a fresh supply of energy; that the use of said braces will give immediate relief to foot ailments generally, or that continued use will cure such ailments.

(c) That Jung's Ankle and Foot Braces give the ankle and foot more perfect bracing than all other devices or methods; that respondent's stock-sized braces usually fit the foot better than the highest grade, made-to-measure ankle brace; that said braces will cure weak ankles or foot conditions, will prevent strains or turning of ankles, correct or prevent swellings, hold the muscles or ligaments in place, or restore the arch to normal; that they will hold the foot and ankle in proper relation, or hold muscles and

ligaments in place, or restore the arch to normal; that they will hold the foot and ankle in proper relation, or hold muscles and ligaments in place, or restore the arch to normal. However, nothing in this paragraph shall be construed to prevent respondent representing that the use of said braces will provide some support and may be of some assistance and aid in preventing simple sprains and strains and turning of ankles, and will furnish limited support to weak ankles.

(d) That Jung's Posture Correctors will relieve aches and pains caused by improper posture, eliminate sagging ankles, prevent run-over heels, correct improper distribution of weight, bring about proper balance, or relieve extra strain on arches.

(e) That Jung's Futuro Knee Braces will help relieve weak or painful knees regardless of cause or will help secure comfort and relief in all types of knee troubles.

(f) That Jung's Sanskin Corn Pads and Meds will permanently remove corns, warts, calluses, and bunions.

(g) That Jung's Callus Pads and Meds will stop pain instantly, and permanently remove calluses; or that any relief afforded will be more than temporary in nature.

(h) That Jung's Toe Guides will straighten out the distorted large toe, relieve and correct bunions, crooked or overlapping toes and soreness between the toes, except such soreness as may be caused by overlapping toes.

(i) That Jung's Foot Balm will relieve irritated and aching feet in excess of affording temporary relief from pain and itching caused by minor irritations; will stimulate blood circulation in the feet to the extent that sluggishness and swelling of the feet, due to congestion, will be relieved, or that it will invigorate weak or overstrained muscles or restore vitality to the feet.

(j) That the use of Jung's Nail-Rite relieves ingrown toenails or aids in their correction.

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

It is further ordered, That said respondent, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of Jung's Foot Soap, or any similar product, under the same or any other name, do forthwith cease and desist from representing or implying that said product cleanses the pores or thoroughly deodorizes the feet.

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.

IN THE MATTER OF
W. A. SHEAFFER PEN COMPANY

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

Docket 4337. Complaint, Oct. 9, 1940—Decision, May 3, 1945

Where a corporation engaged in the manufacture and competitive interstate sale and distribution of fountain pens and mechanical pencils, including its "Lifetime" fountain pen which it began to sell under a guarantee for the life of the purchaser in 1925, with no charge for service and repair other than for transportation, but for which, following the adoption by leading fountain pen manufacturers of a code under the National Industrial Recovery Act in 1933, it began to make a flat service charge of 35¢ or 25¢ if the pen was delivered in person at its main or branch offices;

Making use of a "guarantee" form providing that it "guarantees for the life of the first user, the LIFETIME pen except against loss, theft and wilful damage, and no charge will be made for repairing so as to put it in good writing condition, except a service and handling charge of 35¢, provided the complete pen, including any broken parts, is sent to our factory or authorized service station accompanied by this guarantee coupon," etc.—

Represented, directly or by implication, through the use of the word "Lifetime" as a trade name for its pens, and statements such as "Lifetime Guaranteed," "Guaranteed for Life," etc. in large and extensive advertisements in periodicals of nationwide circulation and in newspapers published in the principal cities throughout the country in which the trade name "Lifetime" was featured, with no reference in the principal portions of the advertisements to the fact that a service charge was made for servicing and repairing the pen—that its pens were unconditionally guaranteed for the life of the user, that is, that if for any reason other than wilful damage or abuse the pen should fail to give satisfactory service for such period of time, it would be repaired or replaced without charge; and failed to avoid the misleading effects of said representations by the insertion, at or near the bottom of the advertisements and in small type, of a contradictory statement to the effect that such unconditional guarantee was "subject only to insurance, postage, handling charge—35¢";

The facts being that in view of the service charge imposed by it its pens could not properly be represented as guaranteed for life or for any other period of time; the purported guarantee was merely a contract whereby it agreed that during the life of the user it would make necessary repairs and adjustments to the pen at the flat rate of thirty-five cents each time the pen was returned to it for such service, and the most that could be said of the agreement was that it was a guarantee of repair service on the pen;

With tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous belief that its pens were unconditionally guaranteed for the life of the user, and to cause such public to purchase substantial quantities of its pens as a result, whereby substantial trade was diverted unfairly to it from its competitors, among whom were those who did not engage in such acts and practices:

Held, That said acts and practices were all to the prejudice of the public and competitors, and constituted unfair methods of competition and unfair and deceptive acts and practices in commerce.