

FEDERAL TRADE COMMISSION DECISIONS

FINDINGS AND ORDERS, JULY 1, 1945, TO DECEMBER 31, 1945

IN THE MATTER OF

MARCUS A. WEINBERG AND BELLE WEINBERG, TRADING AS PACIFIC CHINA COMPANY; AND RAY Y. CLIFFE, TRADING AS PACIFIC CHINA COMPANY

MODIFIED CEASE AND DESIST ORDER

Docket 3385. Order, July 5, 1945

Modified order in proceeding in question, in which original order issued on Feb. 17, 1939, 28 F.T.C. 618, requiring respondents, their representatives, etc., in connection with the offer, etc., of earthenware or so-called china-ware products and so-called sales plans, including redeemable cards, coupons, etc., to cease and desist from using the terms "free," "without cost," etc., to describe products offered to holders of "punch cards," or "certificates" in redemption thereof; and from representing that the offer of any of said products is "introductory," or constitutes a "special" offer; or that respondents manufacture the products sold by them.

Mr. J. W. Brookfield, Jr. for the Commission.

Hickey, Hall & Junge, of Chicago, Ill., for respondents.

MODIFIED 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 respondents, in which answer respondents admitted all material allegations of fact set forth in said complaint and waived all intervening procedure and further hearing as to said facts, and the Commission having duly made and issued its findings as to the facts, conclusion, and order to cease and desist dated February 17, 1939, and the Commission having further considered said order to cease and desist heretofore issued and having on July 13, 1944, in the case of Marcus A. Weinberg, February 16, 1945, in the case of Ray Y. Cliffe, and May 2, 1945, in the case of Mrs. Belle Weinberg served upon each of said respondents due notice to appear and show cause at a time and place fixed why this case should not be reopened for the

Order

41 F. T. C.

purpose of modifying said order to cease and desist in the manner and to the extent set out in said notice, to which notice respondents failed to make a return; and having considered the matter and the record herein and having concluded that the public interest requires such action, the Commission issues this its modified order to cease and desist:

It is ordered That the respondents Marcus A. Weinberg, Belle Weinberg, and Ray Y. Cliffe, their representatives, agents, and employees, individually and directly, or trading as the Pacific China Company, or through any corporate or other device, in connection with the offering for sale, sale, and distribution of earthenware or so-called chinaware products and so-called sales plans, inclusive of redeemable cards, coupons, certificates, bonds, and literature relating to said products, in interstate commerce and in the District of Columbia, do forthwith cease and desist from:

1. Using the terms "free," "without cost," or any other terms of similar import or meaning, to describe, designate, or refer to products offered or delivered to holders of so-called "punch cards" or "certificates" in redemption thereof.

2. Representing that the offer of any of said products is "introductory," or for the purpose of advertising and introducing the same, when in fact said offer is made for the purpose of selling the particular items or set of products included in said offer, and constitutes an offer regularly and continuously made and used in the course of offering for sale and selling said products.

3. Representing that the offer of any of said products, or any catalog prices listed in connection, therewith, constitutes or partakes of the nature of a "special" offer or opportunity provided by respondents for a limited time only, when in fact the same constitutes an offer or prices regularly and continuously made or used in the course of offering for sale and selling such products.

4. Representing that the respondents, or any of them, are the manufacturers of the products sold by them, unless and until such respondents actually own and operate, or directly and absolutely control, a manufacturing plant wherein such products are manufactured by them.

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

Syllabus

IN THE MATTER OF

STANDARD CHEMICAL MANUFACTURING COMPANY

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

Docket 4912. Complaint, Dec. 21, 1943¹—Decision, July 11, 1945

Where a corporation engaged in the interstate sale and distribution of its various "Standard" medicinal preparations for poultry and livestock, as below set forth; through advertisements in catalogs, circulars, leaflets, pamphlets and other media—

- (a) Represented falsely that, when used in connection with swine, its preparations "Standard P-O," "Standard Hog Regulator," "Standard Swine Capsules," "Hog Worm Oil," "In-Ha-Lo," "Standard Scour Remedy," "Standard Hog Tabs," "Farmers' Reliable Worm Treatment," "Standard Stan-O-Septic" and, "Standard Feeding Oil," used singularly or in prescribed combinations, were effective variously, in the prevention or treatment and cure of all sorts of worms, including tape worms, of necro, scours, indigestion, thumps, gastro-enteritis, bronchitis, flu, pneumonia and pleurisy, rheumatism, paralysis of the hindquarters; would prevent fermentation, act as a blood purifier and intestinal antiseptic and build vigor, reduce fever, dry up ulcerated conditions, etc.; and that said "Standard Hog Tabs" was endorsed or approved by Government veterinarians as a treatment for necro;

When in fact hogs are not subject to tape worm infection so that said references thereto related to a non-existent condition; and aforesaid other claims were likewise grossly exaggerated, false and misleading;

- (b) Represented falsely that when used for poultry, its aforesaid preparations "Standard P-O," "Stan-O-Septic" and "In-Ha-Lo," and in addition its "Standard Poultry Pills," "Standard Sulpho-Carb Tablets" and "Standard Stock Dip" were, variously, competent and effective preventives and remedies for worms, bronchitis, roup, fowl pox or diphtheria, mycosis, coccidiosis, blackhead, fowl typhoid, bacillary, white diarrhea, limber-neck or botulism, fowl cholera, infections of the digestive tract, fevers, etc.;
- (c) Represented falsely that its "Standard Sheep Regulator" would aid in eliminating stomach worms from sheep, prevent stomach and digestive ailments and was an effective remedy therefor, helped to produce bloat, prevented breeding troubles, eliminated worms and served as a blood purifier;
- (d) Represented falsely that in the case of livestock, its "Standard Dairy Cow Regulator," together with "Standard Stock Tonic" would steady the nerves, correct digestive faults, strengthen cows for milk production and reproduction; that it was necessary to use the former to avoid Bang's disease, abortion, tuberculosis and mastitis; that would expel worms, help prevent and overcome breeding troubles, help prevent scours in calves, prevent weak calves, save feed, aid digestion, and serve as an

¹Amended.