

## Complaint

- 41 F. T. C.

IN THE MATTER OF  
FREDERICK A. CLARKE, TRADING AS BONCQUET  
LABORATORIES

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

*Docket 3660. Complaint, Dec. 8, 1938—Decision, Aug. 7, 1945*

Where an individual engaged in the interstate sale and distribution of a preparation designated "Boncquet Blood Building Tablets," "Boncquet Hemo-Tabs," or "Boncquet Tablets," through advertisements in newspapers and periodicals and in circulars, leaflets, pamphlets and other advertising material—

Represented that his said preparation contained the active principle of raw liver and vegetable iron in effective therapeutic amounts; was a cure or remedy for, and constituted a competent and effective treatment for, both pernicious and secondary anemia; would regenerate one-third of the blood in nine days and entirely rebuild the blood in thirty days; and would nourish and stimulate the bone marrow to produce red blood corpuscles and hemoglobin and bring the blood to normal red cell count;

The facts being that it did not contain the active principle of raw liver or any extractive of liver, or vegetable iron—respectively employed in the treatment of pernicious and of secondary anemia—in effective therapeutic amounts, even disregarding his practice of discarding from the liver extract used by him, the filtrate, in which is found the value of said substance in the treatment of pernicious anemia; and preparation in question, because of its negligible liver content and low iron content, could not be considered as effective in regenerating the blood, stimulating the bone marrow to produce red blood corpuscles or hemoglobin, and bringing the blood to normal red cell count;

With effect of misleading and deceiving a substantial portion of the purchasing public into the erroneous belief that such false advertisements were true, and of causing it, as a result, to purchase a substantial amount of his said preparation:

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

Before *Mr. Edward E. Reardon* and *Mr. Miles J. Furnas*, trial examiners.

*Mr. Merle P. Lyons* and *Mr. Clark Nichols* for the Commission.

*Mr. Eldon V. Soper*, *Mr. Oliver O. Clark*, *Mr. Charles T. Lester* and *Mr. J. Paul Elliott*, Receiver, of Los Angeles, Calif., 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 Frederick A. Clarke, an individual, trading as Bonequet Laboratories, hereinafter referred to as respondent, has violated the provisions of the said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, Frederick A. Clarke, is an individual trading and doing business under the name of Bonequet Laboratories, with his office and principal place of business located at 1416-18 South Central Avenue, Glendale, Calif. Respondent is now, and for more than one year last past, has been engaged in the business of selling and distributing a drug variously designated as "Bonequet Blood Building Tablets," "Bonequet Hemo-Tabs" or "Bonequet Tablets."

In the course and conduct of his said business respondent causes said preparation when sold to be transported from his place of business in the State of California to wholesale and retail druggists and other purchasers thereof located in various States of the United States other than the State of California, and in the District of Columbia.

PAR. 2. In the course and conduct of his business respondent now maintains and at all times mentioned herein has maintained a course of trade in said preparation 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 his aforesaid business the respondent has disseminated, and has caused the dissemination of, false advertisements for the purpose of inducing, and which were likely to induce, directly or indirectly, the purchase of respondent's said preparation. Said false advertisements were and are disseminated by use of the United States mails, by insertion in newspapers, and periodicals having a general circulation, and also in circulars and other printed matter, all of which are distributed in commerce among and between the various States of the United States and in the District of Columbia. Various other means have been and are used by respondent to disseminate or cause the dissemination of said false advertisements for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase in commerce among and between the various States of the United States and in the District of Columbia of respondent's said preparation. Among and typical of the statements and representations contained in said false advertisements so used and disseminated, as aforesaid, are the following:

New Fighting Blood in 9 days

Blood Poverty Can Now Be Overcome with Bonequet Tablets. In nine days,

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one-third of your blood is regenerated—in little more than a week's time, you will begin to feel the results of Boncquet's Tablets—you will "feel better," more "alive," more able to face the day's demands, less fatigued at night. In 30 days the blood will be entirely rebuilt and by taking Boncquet Blood Building Tablets this new blood will be rich in the fighting qualities that help defeat disease.

What are Boncquet (Bon Kay) Tablets?

(They constitute a food, not a drug.)

Comparatively recent scientific discoveries prove that the best blood builder is composed of these ingredients: Active Principle of Raw Liver, Vegetable Iron, Vitamins B and G. Boncquet Blood Building Tablets are guaranteed to contain the above ingredients in effective therapeutic amounts. Boncquet Tablets are scientifically processed to retain maximum Vitamins A, B, E, G and essential minerals in their true organic colloidal form, easily assimilated and are strongly alkaline. They are rich in organic mineral salts, digestive enzymes, oxidizers, glandular hormones, vegetable and animal hemopocitins (blood makers). They also contain a rich supply of milk minerals giving to the body calcium and phosphorus in their true and natural proportions as found in milk. Boncquet Tablets are the discovery of Dr. Pierre Auguste Boncquet, internationally noted Bio-chemist.

Boncquet Tablets increase the number and color of your blood corpuscles. Boncquet Tablets increase the blood's energizing power, and its capacity to burn toxic poisons in the system. Your body rebuilds one-third of your blood every nine days, but if your diet lacks the essential ingredients such as are combined in Boncquet Tablets the same thin, inefficient, weak, anemic blood will be rebuilt. This is why it takes Boncquet Tablets but a short time—hardly more than a week—to improve your condition. As you continue you add new rich fighting blood. Toxic poisons are destroyed, the balance and chemical content of your system is improved, and Nature herself battles the ills that have upset you.

Every Diseased Condition Directly or Indirectly Related to Bloodstream.

Boncquet Tablets are designed to nourish and stimulate the bone marrow where every red blood cell is manufactured before being thrown into the blood stream. To the best of our knowledge and belief, we do not know of a single failure of Boncquet Tablets to nourish and stimulate the bone marrow, and if this is done, new red blood cells, rich in hemoglobin, are built just as surely as you can expect power when you turn on the switch of an electric motor.

It is futile to treat the symptoms of any disease without first calling to your aid the most important organ of your body—your bloodstream. Nine out of ten are deficient in red blood cells and hemoglobin, but they call it by every name but the right one—Secondary Anemia. Boncquet Blood Building Tablets correct this condition.

Boncquet Tablets supply quickly those elements essential to rebuild to normal, thin, weak, anemic blood. By taking Boncquet Tablets you provide your system with *new*, rich, fighting blood. In less than a month your blood is revitalized, made richer, and in most cases, brought to normal red cell count.

Hemo-Tabs stimulate production of blood and increase its corpuscle-count, improve its color, and enable it to carry more oxygen to your body's tissues. Hemo-Tabs speed up your blood's food-burning or energizing power, enabling your system to destroy toxic poisons that mean, first a "let-down," and then

serious illness. Hemo-Tabs increase elimination of the by-products of digestions, thus increasing the nutritional value of the food you eat. Hemo-Tabs are prescribed by physicians, and are indicated wherever the bloodstream has become unable to fight disease. Available directly from your druggist, Hemo-Tabs represent a distinct advance in man's ability to fight his greatest enemy—disease.

Through the use of the statements and representations hereinabove set forth and others similar thereto not set out herein, all of which purport to be descriptive of respondent's drug and of its effectiveness in use, respondent represents that his preparation, Boncquet Blood Building Tablets, also known as Boncquet Tablets or Boncquet Hemo-Tabs, is not a drug but a food; that this preparation has the power to and will regenerate the blood in 9 to 30 days; that it is a valuable aid and remedy in the treatment and cure of anemia; that this preparation is scientifically processed so as to have and retain Vitamins A, B, E and G in the maximum amounts; that this preparation is rich in organic mineral salts, digestive enzymes, glandular hormones and vegetable and animal blood makers; that this preparation assists in the formation of red blood corpuscles or hemoglobin and beneficially affects the metabolic processes of the body; that it increases the energizing power of the blood, nourishes and stimulates the bone marrow and destroys toxic poisons; that this preparation is the discovery of Dr. Pierre Auguste Boncquet, an internationally noted biochemist; that a large number of bodily ailments and symptoms are due to anemia and can be cured by self-administration of respondent's preparation without the aid of diagnosis by a competent physician.

PAR. 4. In truth and in fact respondent's preparation is not a food but a drug; it has no significant effect on the blood or the bloodstream and will not regenerate the blood. It contains no ingredient which has any value in the treatment of anemia, except liver, which is useful only in the treatment of pernicious anemia and then only if given in relatively large amounts. This preparation contains Vitamins A, B, E and G in small amounts only. It is no richer in organic mineral salts, digestive enzymes, glandular hormones and vegetable and animal blood makers than any ordinary food. This preparation has no power to increase the number or affect the color of red blood corpuscles or hemoglobin and has no effect on the metabolic processes of the body. It does not increase the energizing power of the blood, nourish or stimulate the bone marrow or destroy toxic poisons. Pierre Auguste Boncquet is not a medical doctor and has no reputation whatsoever as an authority on food and nutrition. He has no connection with respondent's business whatsoever nor did he "discover" respondent's preparation. Anemia can be diagnosed

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only by a competent physician, and the various symptoms and ailments mentioned in respondent's advertising may or may not be the result of an anemic condition. Boncquet Tablets have no significant value in any anemic condition.

PAR. 5. The use by respondent of the foregoing false, deceptive and misleading advertisements with respect to said drug disseminated as aforesaid 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 false advertisements are true and causes a substantial portion of the purchasing public because of said erroneous and mistaken belief to purchase a substantial amount of respondent's said drug.

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 December 8, 1938, issued and subsequently served its complaint in this proceeding upon the respondent, Frederick A. Clarke, an individual, trading as Boncquet Laboratories, charging him with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondent's answer thereto, testimony and other evidence in support of, and in opposition to, the allegations of said complaint were introduced before trial examiners of the Commission theretofore duly designated by it, and said testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, this proceeding regularly came on for final hearing before the Commission upon said complaint, answer, testimony and other evidence, report upon the evidence by Trial Examiners W. G. Reeves and John J. Keenan and exceptions filed thereto, supplemental report upon the evidence filed by Trial Examiner Miles J. Furnas, brief and supplemental brief filed in support of the complaint, and brief of respondent filed in opposition thereto (respondent not having filed supplemental brief and oral argument not having been requested); and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts and its conclusion drawn therefrom.

## FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent, Frederick A. Clarke, is an individual, trading and doing business under the name of Boncquet Laboratories, with his office and principal place of business located at 1416-18 South Central Avenue, Glendale, Calif. For several years last past, said respondent has been engaged in the sale and distribution of a preparation designated "Boncquet Blood Building Tablets," "Boncquet Hemo-Tabs," or "Boncquet Tablets."

In the course and conduct of his said business respondent caused said preparation, when sold, to be transported from his place of business in the State of California to wholesale and retail druggists and to other purchasers thereof located in various States of the United States other than the State of California.

During the times mentioned herein, the respondent has maintained a course of trade in said preparation 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, respondent has disseminated and has caused the dissemination of false advertisements concerning his said preparation by 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 preparation by various means for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of his said preparation in commerce as "commerce" is defined in the Federal Trade Commission Act.

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

#### New Fighting Blood in 9 Days

Blood poverty can now be overcome with Boncquet Tablets. In nine days, one-third of your blood is regenerated—in little more than a week's time, you will begin to feel the results of Boncquet's Tablets—you will 'feel better,' more 'alive,' more able to face the day's demands, less fatigued at night. In 30 days the blood will be entirely rebuilt and by taking Boncquet Blood Building Tablets this new blood will be rich in the fighting qualities that help defeat disease.

Comparatively recent scientific discoveries prove that the best blood builder is composed of these ingredients: Active Principle of Raw Liver, Vegetable

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Iron, Vitamins B and G. Bonquet Blood Building Tablets are guaranteed to contain the above ingredients in effective therapeutic amounts.

Bonquet Tablets increase the number and color of your blood corpuscles.

Bonquet Tablets increase the blood's energizing power, and its capacity to burn toxic poisons in the system. Your body rebuilds one-third of your blood every nine days, but if your diet lacks the essential ingredients such as are combined in Bonquet Tablets the same thin, inefficient, weak, anemic blood will be rebuilt. That is why it takes Bonquet Tablets but a short time—hardly more than a week—to improve your condition. As you continue you add new rich fighting blood. Toxic poisons are destroyed, the balance and chemical content of your system is improved, and Nature herself battles the ills that have upset you.

Bonquet Tablets are designed to nourish and stimulate the bone marrow where every red blood cell is manufactured before being thrown into the blood stream. To the best of our knowledge and belief, we do not know of a single failure of Bonquet Tablets to nourish and stimulate the bone marrow, and if this is done, new red blood cells, rich in hemoglobin, are built just as surely as you can expect power when you turn on the switch of an electric motor.

It is futile to treat the symptoms of any disease without first calling to your aid the most important organ of your body—your bloodstream. Nine out of ten are deficient in red blood cells and hemoglobin, but they call it by every name but the right one—Secondary Anemia. Bonquet Blood Building Tablets correct this condition.

Bonquet Tablets supply quickly those elements essential to rebuild to normal, thin, weak, anemic blood. By taking Bonquet Tablets you provide your system with new, rich, fighting blood. In less than a month your blood is revitalized, made richer, and in most cases, brought to normal red cell count.

A former instructor at UCLA compelled to resign by pernicious anemia, using liver treatment prescribed by his physician, called on July 18th. His blood count: red cells, 3,650,000; hemoglobin, 72%; color index, normal. Used 18 Bonquet Tablets daily until August 27th. His count: red cells, 5,040,000; hemoglobin, 95%; color index, normal.

PAR. 3. Through the use of the statements and representations hereinabove set forth and others similar thereto not specifically set out herein, all of which purports to be descriptive of the therapeutic value of respondent's preparation and its effectiveness in use, respondent represents that his preparation, Bonquet Blood Building Tablets, also known as Bonquet Tablets or Bonquet Hemo-Tabs, contains active principle of raw liver and vegetable iron in effective therapeutic amounts; that said preparation is a cure or remedy for, and constitutes a competent and effective treatment for, both pernicious and secondary anemia; that the use of said preparation will regenerate one-third of the blood in nine days and entirely rebuild the blood in a period of thirty days; and that said preparation will nourish and stimulate the bone marrow to produce red blood corpuscles and hemoglobin and bring the blood to normal red cell count.

PAR. 4. In truth and in fact respondent's preparation does not

contain active principle of raw liver or any extractive of liver in an amount sufficient to have any therapeutic value nor does said preparation contain vegetable iron in effective therapeutic amounts.

According to the testimony of the respondent, his preparation, Boncquet Tablets, is made up in batches of 309.71 pounds each, which is sufficient to make 210,000 tablets. Each of such batches contains 19 pounds of extractive from 300 pounds of raw liver, 115 pounds of parsley concentrate, 100 pounds dried brewer's strain G yeast, 60 pounds dehydrated milk whey, 6 pounds dextrose, 1.85 pounds ferrous sulphate, and 7.86 pounds phosphoric acid, to which have been added additional unspecified amounts of riboflavin and other vitamins. It was the further testimony of the respondent that, by an undisclosed process, 300 pounds of raw liver are washed down to a residue of 19 pounds and that this residue is used in the manufacture of his preparation and that the filtrate is discarded.

The value of respondent's preparation in the treatment of pernicious anemia depends upon its liver content. Pernicious anemia is a condition caused by the failure of the red bone marrow to produce and empty normal red blood cells into the blood stream, as distinguished from secondary anemia, which may be caused by an inadequate supply of iron to make up the normal amount of hemoglobin. The liver substance which is used in the treatment of pernicious anemia is found in the filtrate. Since the respondent discards the filtrate, the liver extract used by him has no value in the treatment of pernicious anemia. Even if it be assumed that the 19 pound of liver concentrate contained all the liver substance, the distribution of this over 210,000 tablets with a prescribed daily dosage of 12 tablets would not give a sufficient quantity of liver to be of any value.

Based upon the testimony of the respondent as to the ingredients of his product and the expert testimony thereon, the Commission finds that respondent's preparation does not contain iron in effective therapeutic amounts. If respondent's preparation be considered upon the basis of maximum possible iron obtainable from the ingredients, including the ferrous sulphate content, a daily dosage of 12 tablets as prescribed by respondent would give a maximum dosage of less than one-third of the customary or recognized daily dosage prescribed for secondary anemia.

Respondent's preparation, because of its negligible liver content and its low iron content, cannot be considered as effective in regenerating or rebuilding the blood. Said preparation will not stimulate the bone marrow to produce red blood corpuscles or hemoglobin and under conditions of use will not bring the blood to normal red

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cell count when there is a deficiency of red corpuscles because of anemia or other conditions.

PAR. 5. The use by the respondent of the foregoing false, deceptive, and misleading advertisements with respect to said preparation, disseminated as aforesaid, 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 false advertisements are true and causes a substantial portion of the purchasing public, because of such erroneous and mistaken belief, to purchase a substantial amount of respondent's preparation.

## CONCLUSION

The 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, answer thereto, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, report upon the evidence by Trial Examiners W. C. Reeves and John J. Keenan and exceptions filed thereto, supplemental report upon the evidence filed by Trial Examiner Miles J. Furnas, brief and supplemental brief filed in support of the complaint, and brief of respondent filed in opposition thereto (respondent not having filed supplemental brief and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act.

*It is ordered*, That the respondent, Frederick A. Clarke, an individual, trading as Bonquet Laboratories or trading under any other name, and 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 preparation designated "Bonquet Blood Building Tablets," "Bonquet Hemo-Tabs," or "Bonquet Tablets," or any other preparation of similar composition or possessing substantially similar properties, whether sold under the same names or under any other name, do forth with cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement

by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act which advertisement represents directly or through inference,

*a.* That respondent's preparation is a cure or remedy for pernicious anemia or that it has any therapeutic value in the treatment of such condition.

*b.* That respondent's preparation contains iron in effective therapeutic amounts.

*c.* That respondent's preparation will regenerate or rebuild the blood.

*d.* That respondent's preparation will bring to normal-red-cell count the blood of persons suffering from a deficiency of red corpuscles because of anemia or other conditions.

*e.* That respondent's preparation, under conditions of use, will stimulate the bone marrow to produce red blood corpuscles.

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

*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.

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## IN THE MATTER OF

GEORGIE A. COLEMAN, TRADING AS LIBERTY  
CHEMICAL COMPANYCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION  
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 4869. Complaint, Nov. 9, 1942—Decision, Aug. 20, 1945*

Where an individual engaged in the interstate sale and distribution of various medicinal preparations, including one designated as "Liberty Nose and Throat Cream" or "Liberty Nasal Cream;" in advertisements thereof in newspapers and other advertising literature—

Falsely represented, directly and by implication, that the use of her said medicinal preparation prevented colds and influenza and prevented the development in the nose and throat of organisms causing colds and influenza;

With tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous belief that such false representations were true, and thereby to induce the purchase of her said preparation:

*Held*, that such acts and practices were all to the prejudice and injury of the public, and constituted unfair and deceptive acts and practices.

Before *Mr. Andrew B. Duvall*, trial examiner.

*Mr. B. G. Wilson* for the Commission.

*Mr. Thurman L. Dodson*, of Washington, D. C., 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 Georgie A. Coleman, individually, and trading under the style and firm name of Liberty Chemical 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, Georgie A. Coleman, is an individual, trading under the style and firm name of Liberty Chemical Company, with her principal place of business located at 1813 18th Street, N. W., Washington, D. C.

PAR. 2. Acting in her individual capacity and trading under the style and firm name of Liberty Chemical Company, respondent is now, and for more than one year last past has been, engaged in the advertising, sale and distribution of a medicinal preparation de-