

IN THE MATTER OF
**CHESTER D. FRENCH, DOING BUSINESS AS FRENCO
LABORATORIES**

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

Docket 4885. Complaint, Jan. 6, 1943—Decision, Feb. 27, 1946

Where an individual engaged in the interstate sale of certain preparations which were known and designated as "Pap-Tabs," "Py-O-Ten," and "Pap-Tea," principal ingredient of the first two of which was papain, a drug derived from the juice of the fruit of the papaya tree, while last named product was the dried, cured, ground and blended papaya leaves; through statements in advertisements disseminated by radio continuities and by other means in commerce—

- (a) Represented that said "Pep-Tabs" digested food in the stomach and was the complete answer to all digestive needs; healed and soothed the stomach; would prevent and was a complete remedy for all stomach and digestive disorders and distress; was an adequate remedy for sea, car, and air sickness; that there was nothing known in the field of chemistry that would digest food in the stomach as rapidly as papain; and that said preparation prevented putrefaction of food and formation of gas in the digestive system and alleviated the pain and discomfort produced by a gas condition in the intestinal tract; and that the use of bicarbonate of soda in treating distress caused by gas and indigestion results in ulcers, cancers, and perforations of the stomach walls;

The facts being said "Pep-Tabs" had no significant therapeutic value in excess of affording temporary relief from gastric hyperacidity; other drugs and materials well known in chemistry act much more quickly as a digestant in the stomach than papain; and the other aforesaid representations were similarly false and misleading;

- (b) Represented falsely that food treated with "Py-O-Ten" was easily digested and that said preparation had a healing effect on sore and irritated spots in the stomach and intestines; and that its use on meats stopped bleeding and shrinkage in the process of cooking, thus preserving all food values, including all vitamins; that coffee contains substantial quantities of fatty acids which cause indigestion, and the use of this product neutralized all such fatty acid and prevented indigestion caused by acid reaction; that all vegetables were more digestible when prepared therewith; that starches in raw form are practically indigestible to many persons and produce toxic poisons when taken into the stomach; that starch in an unchanged form produces excessive fat; that the human digestive system is unable to combat excessive starch, and introduction of excessive starch into the system results in indigestion, gas, heartburn, and sour stomach and develops in the digestive system a fermenting process which defeats the action of digestive juices; and that said preparation rendered starches readily digestible;
- (c) Represented falsely that the use of said preparation in cooking vegetables would reduce the cooking time to one-half of the ordinary time, and that vegetables so prepared might be eaten by all without digestive distress or disturbances, and would be twice as nourishing as otherwise;

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(d) Represented falsely that use of the product "Pap-Tea" aided the entire digestive system and enabled one to indulge in many foods and drinks which would otherwise give distress; it relieved nausea caused by over-indulgence in alcoholic beverages, would digest all foods, and contained Vitamins A, B, C, and D in sufficient quantities to provide good nutrition; that it had a soothing effect, relieved tired and nervous conditions and was effective in the relief of headaches, heartburn, and gas pressure due to hyperacidity; With capacity and tendency to mislead and deceive a substantial portion of the purchasing public into the erroneous belief that said representations were true, and thereby induce its purchase of said products:

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

Mr. Jesse D. Kash for the Commission.

Mr. James V. Robins, of Nogales, Ariz., 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 Chester D. French, an individual doing business under the name and style of Frenco Laboratories, 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, Chester D. French, is an individual doing business under the name and style of Frenco Laboratories, with his principal office and place of business located at 3390 Long Beach Boulevard, Long Beach, Calif.

PAR. 2. Respondent is now and for some time last past has been engaged in the sale of certain medicinal preparations or products known and designated as "Pap-Tabs," "Py-O-Ten," and "Pap-Tea," some of which preparations are compounded by respondent. The ingredient in the preparations Pap-Tabs and Py-O-Ten particularly stressed by respondent in his advertising is Papain, a drug derived from the juice of the fruit of the Papaya tree. The product Pap-Tea is the dried, cured, and ground leaves of the Papaya tree. Respondent causes said preparations, when sold, to be shipped from his place of business in the State of California to the purchasers thereof located in various States other than the State of California.

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

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PAR. 3. In the course and conduct of his aforesaid business, respondent has disseminated and is now disseminating, and has caused and is now causing the dissemination of false advertisements concerning his products by the use of the United States mails and by various means in commerce, as commerce is defined in the Federal Trade Commission Act; and respondent has disseminated and is now disseminating and has caused and is now causing the dissemination of false advertisements concerning his said products by various means for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of said products 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 the United States mails, by circulars, pamphlets and other written and printed matter and by radio continuities, are the following:

Advertisements with respect to "PAP-TABS"

When you get indigestion * * * that's not news. But when you eat a tablet which actually digests the food * * * that is news. Pap Tabs made from the amazing tropical Papaya melon will do it.

For indigestion and all of its misery there IS a quick relief, Try Pap Tabs * * * Pap Tabs actually digest food in your stomach. * * *

You never know when you will eat or drink too much, or the wrong thing. It's the dry Papaya juice in Pap Tabs which goes right to work and digests it RIGHT NOW. * * * In short, Pap Tabs are the complete answer to your digestive needs.

You will be amazed with the healing, soothing effect of Pap Tabs.

If you contemplate a sea voyage or a long train or car trip, and are subject to sea sickness, or car sickness, there is absolutely no better remedy on the market than Pap Tabs.

For air sickness they are also par-excellence. * * *

They can be taken any time you feel any distress through the mid-section, no matter what the cause, and act marvelously in acute indigestion. * * * I don't know of any stomach condition yet that has not yielded splendidly to Pap Tabs, and that within the usual 10 minute period of time after taking them.

The box of Pap Tabs * * * is your best insurance against stomach distress, no matter what the cause.

You who suffer with any form of stomach distress, I do not care what its cause, are suffering needlessly today. I know this to be an actual fact from my own experience in the field of suffering humanity and I can recommend Pap Tabs to you with every confidence that they will give you quick and lasting relief from that terrible stomach suffering that you have had for years.

Pap Tabs contain the most powerful digestant, known to chemistry, called papain. * * *

Papain will digest 3,000 times its own weight in egg albumen alone * * * That is the reason it goes immediately to work, and quietly digests the food

in your stomach without fuss or disturbance of any kind and in a few minutes you have that blessed relief so long sought by other routes.

There is nothing in the field of chemistry that will digest food right in your stomach as rapidly as Papain.

The detoxifier in Pap Tabs acts to prevent putrefaction of foods and the formation of gas in the digestive system, thereby saving you all the pain and discomfort produced by gas collections throughout your midsection.

If you have any form of digestive or stomach disturbances, no matter what the cause, you really owe it to yourself to get Pap Tabs.

If you stick with the Bi-carbonate, you are headed for some real trouble ahead. I have watched many of these bi-carbonate cases and know what I am talking about. They all end up disastrously, some with ulcers, some with cancers, some with complete perforations of the stomach walls.

Advertisements with respect to "PY-O-TEN"

* * * food treated with PY-O-TEN is easily digested and PY-O-TEN in the food has a healing effect on any sore or irritated spots in the stomach or intestines.

RETAINS VITAMINS.—One of the most important features in the use of PY O TEN is the fact that it stops bleeding and shrinkage and retains all the natural juices in the body of the meat, thus preserving all the food value and strength which is contained in the juices. Because PY O TEN shortens cooking time and stops shrinkage, all the vitamins are retained. **THUS IT CAN BE SEEN THAT PY O TEN IMPROVES ANY MEAT SUBSTANCE AND PRESERVES ITS VALUE, WHETHER IT BE THE MOST EXPENSIVE OR CHEAPEST CUTS.**

COFFEE MADE MORE DIGESTIBLE. PY O TEN neutralizes the fatty-acid in coffee, thus making it possible to drink without fear of acid reaction and indigestion.

VEGETABLES MADE MORE DIGESTIBLE BY USE OF PY O TEN.

PY O TEN works on starches as well as proteins and practically all vegetables are of high starch content. PY O TEN applied to the cold water in which vegetables are placed before cooking acts upon the starches very rapidly. The action of PY O TEN on starch is a splitting process which changes them into dextrin and saccharines which are digestible food properties. Most starches in their raw form are practically indigestible to many people and in this state become toxic poisons. Furthermore, starch in its unchanged state is a producer of excessive fat. The digestive system of the human being is unable to combat excessive starch and reacts in indigestion, gas, heartburn, and sour stomach and develops within the digestive system a fermenting process which defeats the action of the digestive juices.

The application of PY O TEN, say a teaspoonful, to the water in which the vegetables are placed for an average family of six persons will accomplish a thorough cooking of these vegetables (when heat is applied) in half the time it takes to cook the vegetables with such application.

Thus vegetables treated with PY O TEN may be eaten by old or young whether suffering from digestive troubles or not with no fear of starch reaction or over acid condition and be twice as nourishing as without.

Advertisements with respect to "PAP-TEA."

GREAT AID TO THE ENTIRE DIGESTIVE SYSTEM. need follow no diet prohibitions, for while drinking this wonderful beverage one can indulge in

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many foods and drinks which in the past have given them distress. It is excellent for relief of nausea, caused by over-indulgence in alcoholic beverages.

The analysis of Pap-Tea shows it to contain vitamins A, B, C and D, all of which are most essential to good nutrition * * *. This digestive ferment or enzyme will digest any food but has not the slightest effect on live tissue.

MANY BENEFITS. Drink PAP-TEA when tired or nervous. It has a soothing effect; is very effective in the relief of headaches, heartburn and gas pressure (due to hyperacidity).

PAR. 4. Through the use of the statements and representations hereinabove set forth with reference to the preparation Pap-Tabs, and others similar thereto not specifically set forth herein, respondent represents that said preparation digests food in the stomach and is the complete answer to all digestive needs; that it heals and soothes the stomach; that it will prevent and is a complete remedy for all stomach and digestive disorders and distress; that said product is an adequate remedy for sea, car, and air sickness; that there is nothing known in the field of chemistry that will digest food in the stomach as rapidly as Papain; that said preparation prevents putrefaction of food and formation of gas in the digestive system and alleviates the pain and discomfort produced by a gas condition in the intestinal tract; that the use of bicarbonate of soda in treating distress caused by gas and indigestion results in ulcers, cancers, and perforations of the stomach walls.

PAR. 5. The aforesaid statements and representations disseminated by respondent are false, misleading, and deceptive. In truth and in fact, respondent's preparation Pap-Tabs has no significant therapeutic value in excess of affording temporary relief from gastric hyperacidity. It will not digest food in the stomach in any appreciable degree and has no significant value as a digestant of food in the stomach. It will not heal and soothe the stomach and has no therapeutic value in cases of stomach and digestive disorders and distress. It cannot be depended upon to prevent or alleviate sea, car and air sickness. While the proteolytic enzyme of Papain has high digestant qualities under controlled conditions, such conditions do not exist in the stomach, and there are other drugs and materials well known in chemistry which will act much more quickly as a digestant in the stomach, than Papain. Said product cannot be depended upon to prevent putrefaction of food and formation of gas in the digestive system nor to prevent or avoid the pain and discomfort produced by a gas condition in intestinal tract. The use of bicarbonate of soda in treating distress caused by gas and indigestion does not result in ulcers, cancers, or perforations of the stomach walls.

PAR. 6. Through the use of the statements and representations hereinabove set forth with reference to the preparation Py-O-Ten, and others similar thereto not specifically set forth herein, respondent represents that food treated with Py-O-Ten is easily digested and that said preparation has a healing effect on sore and irritated spots in the stomach and intestines; that its use on meats stops bleeding and shrinkage in the process of cooking, thus preserving all food values, including all vitamins; that coffee contains substantial quantities of fatty acids which cause indigestion and the use of this product neutralizes all such fatty acid and prevents indigestion caused by acid reaction; that all vegetables are more digestible when prepared with this preparation; that starches in raw form are practically indigestible to many persons and produce toxic poisons when taken into the stomach; that starch in an unchanged form produces excessive fat; that the human digestive system is unable to combat excessive starch, resulting in indigestion, gas, heartburn, and sour stomach and develop in the digestive system a fermenting process which defeats the action of digestive juices; that this preparation renders starches readily digestible; that the use of this preparation in the process of cooking vegetables will reduce the cooking time to one-half the ordinary time and all vegetables so prepared may be eaten by all without digestive distress or disturbance, and that vegetables so prepared will be twice as nourishing as otherwise.

PAR. 7. The aforesaid statements and representations disseminated by respondent are false, misleading, and deceptive. In truth and in fact all foods treated by Py-O-Ten are not easily digested. Said preparation does not have a healing effect on sore and irritated spots in the stomach and intestines. The use of said preparation on meats may stop bleeding and shrinkage to an extent and may be of value in retaining juices and food values in meats, but it cannot be stated that it prevents all bleeding and shrinkage and consequent loss of food values in the process of cooking. Coffee as consumed does not contain any substantial quantities of fatty acids and such fatty acids as are found in coffee do not ordinarily cause indigestion. Respondent's preparation will have no significant effect in neutralizing fatty acids or preventing indigestion that may be caused by an acid reaction. All vegetables are not more digestible when prepared with this product. The protein of high protein containing vegetables, such as legumes, may be partially digested by the use of said preparation but in other vegetables the preparation would serve no useful purpose. The digestive system of human beings is well equipped to handle starches through digestion and absorption, and toxic poisons are

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not ordinarily produced when raw starches are taken into the stomach, and raw starches do not necessarily result in indigestion, gas, heartburn and sour stomach. Starches do not have a greater fat producing ability, weight for weight, than many other kinds of food. Starches do not develop a fermenting process in the digestive system which defeats the action of digestive juices, and the use of this preparation does not render starches more readily digestible, in an appreciable degree than ordinary cooking. The use of this preparation in the process of cooking vegetables will not reduce the cooking time one-half or any significant amount in all cases, and vegetables prepared by the use of said preparation cannot be eaten by all persons without digestive distress or disturbances. Vegetables so prepared will not be more nourishing than otherwise.

PAR. 8. Through the use of the statements and representations hereinabove set forth with reference to Pap-Tea and others similar thereto not specifically set forth herein, respondent represents that the use of the product Pap-Tea aids the entire digestive system and enables one to indulge in many foods and drinks which would otherwise give distress; that the use of said product relieves nausea caused by overindulgence in alcoholic beverages, will digest all foods, and contains vitamins A, B, C, and D in sufficient quantities necessary to provide good nutrition; that the use of said product has a soothing effect, relieves tired and nervous conditions and is effective in the relief of headaches, heartburn and gas pressure due to hyperacidity.

PAR. 9. The aforesaid statements and representations disseminated by respondent are false, misleading, and deceptive. In truth and in fact the use of said product will have no significant favorable effect upon the digestive system and will not ordinarily enable one to indulge in any foods or drinks which would otherwise give distress. It will have no effect in relieving nausea caused by over-indulgence in alcoholic beverages and will not digest all foods. While this product may contain small amounts of vitamins A, B, C, and D, such amounts are not sufficient to be of any value to the human system. It has no value in the treatment of tired or nervous conditions and is not effective in the relief of headaches, heartburn, and gas pressure due to hyperacidity.

PAR. 10. The use by the respondent of the foregoing false, deceptive and misleading statements and representations 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 said statements and representations are true, and that said preparations and products will accomplish the results respondent

claims for them and induces a substantial portion of the public, because of such erroneous and mistaken belief, to purchase respondent's said products.

PAR. 11. The 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 January 6, 1943, issued and subsequently served its complaint in this proceeding upon the respondent, Chester D. French, an individual, trading as Frenco 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 respondent filed his answer in this proceeding, a stipulation was entered into whereby it was stipulated and agreed that a statement of facts signed and executed by the respondent and Richard P. Whiteley, assistant chief counsel for the Commission, subject to the approval of the Commission, may be taken as the facts in this proceeding and in lieu of testimony in support of the charges stated in the complaint or in opposition thereto, and that the said 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 this proceeding without the presentation of argument of the filing of briefs. The respondent expressly waived the filing of the trial examiner's report upon the evidence. 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, Chester D. French, is an individual doing business under the name and style of Frenco Laboratories, with his principal office and place of business formerly located at 330 Long Beach Boulevard, Long Beach, Calif., now located at 159 Terrace Avenue, Nogales, Ariz. He is now, and for 2 years last past has been, engaged in the sale of certain preparations or products known and

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designated as "Pap-Tabs," "PY-O-TEN," and "Pap-Tea." The principal ingredient in the preparations Pap-Tabs and Py-O-Ten is papain, a drug derived from the juice of the fruit of the papaya tree, and the product Pap-Tea is the dried, cured, ground, and blended leaves of the papaya tree.

PAR. 2. The respondent causes the aforesaid preparations, when sold, to be shipped from his place of business in the State of Arizona, to purchasers thereof located in various States of the United States other than the State of Arizona, and maintains, and at all times mentioned herein has maintained, a course of trade in the said preparations in commerce between and among the various States of the United States.

PAR. 3. In the course and conduct of his aforesaid business, respondent has disseminated and caused the dissemination of false advertisements concerning his said products by means of the United States mails and by various other means in commerce, as "commerce" is defined in the Federal Trade Commission Act; and respondent has disseminated and caused the dissemination of false advertisements concerning his said products by various means for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of 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 by respondent by means of radio continuities and by other means in commerce, are the following:

Advertisements with respect to Pap-Tabs:

When you get indigestion * * * that's not news. But when you eat a tablet which actually digests the food * * * that is news. Pap-Tabs made from the amazing tropical Papaya melon will do it.

* * * * *
For indigestion and all of its misery there IS a quick relief. Try Pap-Tabs
* * * Pap-Tabs actually digest food in your stomach. * * *
* * * * *

You never know when you will eat or drink too much, or the wrong thing. It's the dry Papaya juice in Pap-Tabs which goes right to work and digests it RIGHT now * * * In short, Pap-Tabs are the complete answer to your digestive needs.

* * * * *
You will be amazed with the healing, soothing effect of Pap-Tabs.
* * * * *

If you contemplate a sea voyage or a long train or car trip, and are subject to sea sickness, or car sickness, there is absolutely no better remedy on the market than Pap-Tabs.

* * * * *

For air sickness they are also par-excellence. * * *

They can be taken any time you feel any distress through the mid-section, no matter what the cause, and act marvelously in acute indigestion. * * * I don't know of any stomach condition yet that has not yielded splendidly to Pap-Tabs, and that within the usual 10-minute period of time after taking them.

* * * * *

The box of Pap-Tabs * * * is your best insurance against stomach distress, no matter what the cause.

* * * * *

You who suffer with any form of stomach distress, I do not care what its cause, are suffering needlessly today. I know this to be an actual fact from my own experience in the field of suffering humanity and I can recommend Pap-Tabs to you with every confidence that they will give you quick and lasting relief from that terrible stomach suffering that you have had for years.

* * * * *

Pap-Tabs contain the most powerful digestant, known to chemistry, called Papain. * * *

* * * * *

Papain will digest 3,000 times its own weight in egg albumen alone. * * * That is the reason it goes immediately to work, and quietly digests the food in your stomach without fuss or disturbance of any kind and in a few minutes you have that blessed relief so long sought by other routes.

* * * * *

There is nothing in the field of chemistry that will digest food right in your stomach as rapidly as Papain.

* * * * *

The detoxifier in Pap-Tabs acts to prevent putrefaction of foods and the formation of gas in the digestive system, thereby saving you all the pain and discomfort produced by gas collections throughout your mid-section.

* * * * *

If you have any form of digestive or stomach disturbances, no matter what the cause, you really owe it to yourself to get Pap-Tabs.

* * * * *

If you stick with the Bi-carbonate, you are headed for some real trouble ahead. I have watched many of these bi-carbonate cases and know what I am talking about. They all end up disastrously, some with ulcers, some with cancers, some with complete perforations of the stomach walls.

Advertisements with respect to Py-O-Ten:

* * * food treated with PY-O-TEN is easily digested and PY-O-TEN in the food has a healing effect on any sore or irritated spots in the stomach or intestines.

* * * * *

RETAINS VITAMINS—One of the most important features in the use of PY-O-TEN is the fact that it stops bleeding and shrinkage and retains all the natural juices in the body of the meat, thus preserving all the food value and strength which is contained in the juices. Because PY-O-TEN shortens cooking time and stops shrinkage, all the vitamins are retained. **THUS IT CAN BE SEEN THAT PY-O-TEN IMPROVES ANY MEAT SUBSTANCE AND PRE-**

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SERVES ITS VALUE, WHETHER IT BE THE MOST EXPENSIVE OR CHEAPEST CUTS.

* * * * *

COFFEE MADE MORE DIGESTIBLE. PY-O-TEN neutralizes the fatty acid in coffee, thus making it possible to drink without fear of acid reaction and indigestion.

* * * * *

VEGETABLES MADE MORE DIGESTIBLE BY USE OF PY-O-TEN.

* * * * *

PY-O-TEN works on starches as well as proteins and practically all vegetables are of high starch content. PY-O-TEN applied to the cold water in which vegetables are placed before cooking acts upon these starches very rapidly. The action of PY-O-TEN on starch is a splitting process which changes them into dextrin and saccharines which are digestible food properties. Most starches in their raw form are practically indigestible to many people and in this state become toxic poisons. Furthermore, starch in its unchanged state is a producer of excessive fat. The digestive system of the human being is unable to combat excessive starch and reacts in indigestion, gas, heartburn, and sour stomach and develops within the digestive system a fermenting process which defeats the actions of the digestive juices.

* * * * *

The application of PY-O-TEN, say a teaspoonful, to the water in which the vegetables are placed for an average family of six persons will accomplish a thorough cooking of these vegetables (when heat is applied), in half the time that it takes to cook the vegetables without such application.

* * * * *

Thus vegetables treated with PY-O-TEN may be eaten by old or young whether suffering from digestive troubles or not with no fear of starch reaction or over-acid condition and be twice as nourishing as without.

Advertisements with respect to Pap-Tea:

GREAT AID TO THE ENTIRE DIGESTIVE SYSTEM Need follow no diet prohibitions, for while drinking this wonderful beverage one can indulge in many foods and drinks which in the past have given them distress. It is excellent for relief of nausea, caused by over-indulgence in alcoholic beverages.

* * * * *

The analysis of Pap-Tea shows it to contain vitamins A. B. C. and D, all of which are most essential to good nutrition. * * * This digestive ferment or enzyme will digest any food but has not the slightest effect on live tissue.

* * * * *

MANY BENEFITS. Drink Pap-Tea when tired or nervous. It has a soothing effect; is very effective in the relief of headaches, heartburn and gas pressure (due to hyperacidity).

PAR. 4. Through the use of the statements and representations hereinabove set forth with reference to the preparation Pap-Tabs, and others similar thereto not specifically set forth herein, respondent represents that said preparation digests food in the stomach and is

the complete answer to all digestive needs; that it heals and soothes the stomach; that it will prevent and is a complete remedy for all stomach and digestive disorders and distress; that said product is an adequate remedy for sea, car, and air sickness; that there is nothing known in the field of chemistry that will digest food in the stomach as rapidly as papain; that said preparation prevents putrefaction of food and formation of gas in the digestive system and alleviates the pain and discomfort produced by a gas condition in the intestinal tract; that the use of bicarbonate of soda in treating distress caused by gas and indigestion results in ulcers, cancers, and perforations of the stomach walls.

PAR. 5. The aforesaid statements and representations disseminated by respondent are false, misleading, and deceptive. In truth and in fact, respondent's preparation Pap-Tabs has no significant therapeutic value in excess of affording temporary relief from gastric hyperacidity. It will not digest food in the stomach in any appreciable degree and has no significant value as a digestant of food in the stomach. It will not heal and soothe the stomach and has no therapeutic value in cases of stomach and digestive disorders and distress. It cannot be depended upon to prevent or alleviate sea, car, and air sickness. While the proteolytic enzyme of papain has high digestant qualities under controlled conditions, such conditions do not exist in the stomach, and there are other drugs and materials well known in chemistry which will act much more quickly as a digestant in the stomach than papain. Said product cannot be depended upon to prevent putrefaction of food and formation of gas in the digestive system nor to prevent or avoid the pain and discomfort produced by a gas condition in intestinal tract. The use of bicarbonate of soda in treating distress caused by gas and indigestion does not result in ulcers, cancers, or perforations of the stomach walls.

PAR. 6. Through the use of the statements and representations hereinabove set forth with reference to the preparation Py-O-Ten, and others similar thereto not specifically set forth herein, respondent represents that food treated with Py-O-Ten is easily digested and that said preparation has a healing effect on sore and irritated spots in the stomach and intestines; that its use on meats stops bleeding and shrinkage in the process of cooking, thus preserving all food values, including all vitamins; that coffee contains substantial quantities of fatty acids which cause indigestion and the use of this product neutralizes all such fatty acid and prevents indigestion caused by acid reaction; that all vegetables are more digestible when prepared with this preparation; that starches in raw form are practically in-

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digestible to many persons and produce toxic poisons when taken into the stomach; that starch in an unchanged form produces excessive fat; that the human digestive system is unable to combat excessive starch, and introduction of excessive starch into the system results in indigestion, gas, heartburn, and sour stomach and develops in the digestive system a fermenting process which defeats the action of digestive juices; that this preparation renders starches readily digestible; that the use of this preparation in the process of cooking vegetables will reduce the cooking time to one-half of the ordinary time and all vegetables so prepared may be eaten by all without digestive distress or disturbances, and that vegetables so prepared will be twice as nourishing as otherwise.

PAR. 7. The aforesaid statements and representations disseminated by respondent are false, misleading, and deceptive. In truth and in fact, all foods treated by Py-O-Ten are not easily digested. Said preparation does not have a healing effect on sore and irritating spots in the stomach and intestines. The use of said preparation on meats may stop bleeding and shrinkage to an extent and may be of value in retaining juices and food values in meats, but it cannot be stated that it prevents all bleeding and shrinkage and consequent loss of food values in the process of cooking. Coffee as consumed does not contain any substantial quantities of fatty acids and such fatty acids as are found in coffee do not ordinarily cause indigestion. Respondent's preparation will have no significant effect in neutralizing fatty acids or preventing indigestion that may be caused by an acid reaction. All vegetables are not more digestible when prepared with this product. The protein of high protein-containing vegetables, such as legumes, may be partially digested by the use of said preparation but in other vegetables the preparation would serve no useful purpose. The digestive system of human beings is well equipped to handle starches through digestion and absorption, and toxic poisons are not ordinarily produced when raw starches are taken into the stomach, and raw starches do not necessarily result in indigestion, gas, heartburn, and sour stomach. Starches do not have a greater fat-producing ability, weight for weight, than many other kinds of food. Starches do not develop a fermenting process in the digestive system which defeats the action of digestive juices, and the use of this preparation does not, in an appreciable degree, render starches more readily digestible than ordinary cooking. The use of this preparation in the process of cooking vegetables will not reduce the cooking time one-half, or any significant amount in all cases, and vegetables prepared by the use of said preparation cannot be eaten by all persons without digestive dis-

tress or disturbances. Vegetables so prepared will not be more nourishing than otherwise.

PAR. 8. Through the use of the statements and representations hereinabove set forth with reference to Pap-Tea, and others similar thereto not specifically set forth herein, respondent represents that the use of the product Pap-Tea aids the entire digestive system and enables one to indulge in many foods and drinks which would otherwise give distress; that the use of said product relieves nausea caused by over-indulgence in alcoholic beverages, will digest all foods, and contains vitamins A, B, C, and D in sufficient quantities necessary to provide good nutrition; that the use of said product has a soothing effect, relieves tired and nervous conditions and is effective in the relief of headaches, heartburn, and gas pressure due to hyperacidity.

PAR. 9. The aforesaid statements and representations disseminated by respondent are false, misleading, and deceptive. In truth and in fact, the use of said product will have no significant favorable effect upon the digestive system and ordinarily will not enable one to indulge in any foods or drinks which would otherwise give distress. It will have no effect in relieving nausea caused by over-indulgence in alcoholic beverages and will not digest all foods. While this product may contain small amounts of vitamins A, B, C, and D, such amounts contained therein are not sufficient to be of any value to the human system. It has no value in the treatment of tired or nervous conditions, and is not effective in the relief of headaches, heartburn, and gas pressure due to hyperacidity.

PAR. 10. The use by the respondent of the foregoing false, deceptive, and misleading statements and representations has had, and now has, the capacity and tendency to mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that said statements and representations are true, and to induce a substantial portion of the public, because of such erroneous and mistaken belief, to purchase respondent's said products.

CONCLUSION

The foregoing 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, the answer of the

respondent, and a stipulation as to the facts entered into between the respondent and Richard P. Whiteley, assistant chief counsel for the Federal Trade Commission, which provides, among other things that without further evidence or other intervening procedure the Commission may issue and serve upon the respondent herein its findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, Chester D. French, individually and trading as Frenco Laboratories, or under any other name or names, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of the preparations designated "Pap-Tabs," "Py-O-Ten," and "Pap-Tea," or any preparations of substantially similar compositions or possessing similar properties, whether sold under the same names or 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 the product Pap-Tabs will digest food in the stomach or has any significant value as a digestant of food in the stomach; that it heals or soothes the stomach; that it has any therapeutic value in the treatment of stomach and digestive disorders and distress, or otherwise, in excess of affording temporary relief from such disorders and distress as may result from gastric hyperacidity; that it can be depended upon to prevent or alleviate sea, car, or air sickness; that said product can be depended upon to prevent putrefaction of food or the formation of gas in the digestive system, or will prevent or avoid the discomfort or pain produced by gas in the intestinal tract; or that the use of bicarbonate of soda will result in ulcers, cancer or perforations of the stomach walls.

(b) That the product Py-O-Ten has a healing effect on sore or irritated spots in the stomach or intestines; that the use of said product on meats prevents all bleeding or shrinkage, or that it prevents all loss of food values in the process of cooking; that the use of said product on food makes all foods more easily digestible; that coffee as consumed contains significant quantities of fatty acids which cause indigestion, or that the use of this product neutralizes such fatty acids and prevents indigestion caused by acid reaction; that vegetables other

than those of high protein content are more digestible when treated with this product; that starches in raw form are indigestible and defeat the action of the digestive juices; that the use of this product makes starches more readily digestible than ordinary cooking; that the use of this product in preparing starchy foods will reduce any tendency of such foods to produce excessive fat; that the use of this product will reduce the cooking time for all vegetables, or that vegetables prepared by the use of this product can be eaten by all persons without digestive distress or disturbances; or that vegetables prepared with this product are more nourishing than otherwise.

(c) That the use of the product Pap-Tea will have any significant favorable effect upon the digestive system or enable a person to indulge in foods or drink which would otherwise cause distress; that it is effective in relieving nausea by over-indulgence in alcoholic beverages; that it will digest all foods, that said product contains sufficient amounts of vitamins A, B, C, and D to be of value to the human system; or that it is of value in the treatment of tired or nervous conditions, or will relieve headaches, heartburn, or gas pressure due to hyperacidity.

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

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

IN THE MATTER OF

M. PORTNOW

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

Docket 4887. Complaint, Jan. 20, 1943—Decision, Feb. 27, 1946

Trusses for hernia are useful in furnishing temporary support to hernias, thereby relieving pain and discomfort temporarily in the average case, and in certain cases of hernia—in the aged, for instance, where operation would be inadvisable—properly fitted trusses would be indicated.

Where an individual engaged in the manufacture and interstate sale and distribution of trusses for rupture or hernia; through statements in advertisements disseminated through the mails and in newspapers, directly and by implication—

- (a) Represented that the use of his said devices, which were made for reducible hernias only, would end all rupture troubles and furnish sure rupture relief for all types and kinds of ruptures, and would provide relief for all ruptures without surgery;

The facts being that, with the exception of umbilical hernias in the new born, no valid claim can be made that a truss will close abnormal or hernial openings in the sense of bringing about an organic union of tissues, which can be accomplished only by means of a surgical operation; while said device might help to hold a reducible hernia in place, some hernias will not remain reduced under movement and internal pressure, and will reappear even while any truss is being used; it would be of no value whatsoever in conditions of irreducible hernias; no external device, truss, or belt of any kind will of itself cure hernia and obviate the necessity of surgical procedure;

- (b) Represented that his said device was new in principle or design and essentially different from other trusses;

The facts being that while his said truss device—which was made in accordance with patents for improvements on truss devices in common use issued to his father—was new in that it differed in construction, design, and material from other trusses, it was not new in the sense that it operated in the control of rupture in a different manner or upon a different principle from others;

- (c) Represented that he was a famous hernia specialist known as such since 1898;

The facts being that while the business was founded in 1898 by said individual's father, and while he worked for his father for many years, until the latter's retirement in 1940, and subsequently conducted the business continuously, and had devoted himself to and made a study of the truss business during his entire business life, and hence might appropriately be termed a "truss specialist" or "specialist in trusses," he was not a graduate in medicine or surgery and therefore could not properly represent himself to be a hernia specialist;

- (d) Represented that he had been a member of the Jewish Workman's Circle for 32 years, and that he conducted the largest truss store in the city of New York;