

IN THE MATTER OF

WILLIAM A. WICKLAND AND MYNDALL CAIN WICKLAND,
DOING BUSINESS AS THE MYNDALL CAIN HOUSE OF
BEAUTYCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 5466. Complaint, Oct. 10, 1946—Decision, May 19, 1947*

Where two partners engaged in the interstate sale and distribution of their "Myndall Cain" line of cosmetic products; through advertisements in pamphlets, circulars, newspapers and periodicals, and by radio continuities, directly and by implication—

- (a) Falsely represented that use of their "Gardenia Cleansing Oil" was a natural way to complexion loveliness; that it would enrich and revitalize the skin; that all lovely women with beautiful young complexions used beauty oils and that only their said cleansing oil could give the user thereof clear, transparent beauty; and that they had brought to America a new method of using beauty oils, use of which would cleanse and enrich the user's complexion; and
- (b) Falsely represented that said product was composed of richly blended oils which were as near the skin's natural secretions as scientists can produce and that it replaced the natural oils in the skin whenever they are absent therefrom, irrespective of the cause; that the product was an outstanding scientific triumph or achievement and that all other methods of cleansing a person's skin were old fashioned; that it would relieve sallowness and eliminate large pores, penetrate deeply into the skin, flush away all dirt and foreign matter in the skin, bring deep pore purity to the user's skin, and that a single treatment would make the complexion clearer;
- (c) Falsely represented that their "Nu-Rich-ing Oil" was composed of ingredients which are a new discovery in cosmetics and that its use would nourish the skin; that the skin would absorb it; that it penetrated to the third layer of the skin tissue and replenished the parched skin cells with nourishment and protected the skin against drying and parching under all conditions; that it was rich in honey, would replenish the natural oils in the skin and act as a natural refreshment to the skin; and that its use would eliminate wrinkles and give the skin new life and color;
- (d) Falsely represented that their "Facial Oil" relieved crinkling and fine lines in the skin, was a natural way to care for the skin, and penetrated into and was absorbed by it; that use thereof would eliminate sallowness and relieve dryness and flakiness of the skin, give it new life and color and a smooth texture, and that only their said product and their "Nu-Rich-ing Oil" could achieve these results; and
- (e) Falsely represented that said product was made from rare, precious oils and that Myndall Cain discovered the formula therefor while studying in the beauty centers of Europe and America; that it was like a doctor's prescription and was as effective as a doctor's prescription would be for any given skin condition for any particular individual, and was effective even with the

most difficult skins and was necessary for the proper care of a person's skin irrespective of what preparations a person was using;

- (f) Falsely represented that their "Youth Skin Oil" was a vitalized oil which would eliminate fine lines, wrinkles and crinkling of the skin; was stimulating and would rejuvenate exhausted or aging skin; was composed of the same ingredients as those in the skin and contained an active hormone which was absorbed thereby; that it was revolutionary and there was no other product like it for soothing and rejuvenating the skin; that it acted to restore a person's youth; and that it could be obtained at most department stores;
- (g) Falsely represented that their "Amber Oil" would eliminate lines and wrinkles and that their "Facial Masque" flushed a sluggish skin, relieved sallowness, blemishes, and facial fatigue;
- (h) Falsely represented that their "Eye Tissue Oil" would eliminate crow's feet and fine lines around the eyes and that their "Morning Dew" would aid in refining the texture of the skin and make it smooth, and act as a skin protection;
- (i) Falsely represented that their "Foundation Lotion" was a beauty necessity for the skin and that use of their "Muscle Massage Oil" would increase the circulation of the blood and constitute an effective treatment for sagging facial muscles;
- (j) Falsely represented that use of their "Pine Oil Freshener" would improve the texture or structure of the skin and eliminate enlarged pores and coarsened skin; when in fact its only effect was that of a temporary astringent action;
- (k) Falsely represented that their preparations were different from other beauty preparations and that their use would keep the complexion young; that beauty oils were discovered by the greatest skin specialists of Europe and that they had perfected such oils until their beauty oils were considered the greatest achievement in cosmetology; and that their said oils were absorbed by the skin and were a natural way to complex loveliness; and
- (l) Falsely represented that their said products nourished and revitalized the skin and possessed secret beautifying powers; that their oils were rare and composed of ingredients the same as or as near as those of the skin's natural secretions as scientists can blend; that their expert consultants could prescribe the necessary oils to correct any complexion faults; that the most beautiful and lovely women in every group are patrons of theirs and that said products are so famous and in such demand that they are shipped to women all over America, and can be purchased at all local stores;
- (m) Stressed and emphasized benefits which might be experienced from use of their various products because of the various oils therein and their alleged penetrating effects; when in fact benefits to the skin from use of such oils were limited to their ability to facilitate the removal by mechanical means of foreign matter on the surface of the skin and to soften temporarily dry skin when caused by external conditions; any tendency to protect against drying due to exposure to heat, wind or sun was temporary only; and they would not penetrate to any significant degree; and
- (n) Falsely represented, through use in their advertisements of designations "Youth Skin Oil", "Eye Tissue Oil", and "Muscle Massage Oil" that products

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thus designated would, respectively, make the skin youthful, be of benefit to the tissue around the eyes, and benefit the muscles;

With effect of misleading and deceiving a substantial portion of the purchasing public into the erroneous belief that aforesaid representations were true, and thereby into the purchase of substantial quantities of said products, and with capacity and tendency so to do:

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.

Mr. Charles S. Cox 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 William A. Wickland and Myndall Cain Wickland, individually and as copartners doing business under the trade name and style of the Myndall Cain House of Beauty, hereinafter referred to as respondents, have violated the provisions of the said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. William A. Wickland and Myndall Cain Wickland are individuals and copartners doing business under the trade name and style the Myndall Cain House of Beauty with their offices and principal place of business at 808 LaSalle Avenue, Minneapolis, Minn.

PAR. 2. Respondents are now, and have been for more than 8 years last past, engaged in the business of selling and distributing various cosmetic products as "cosmetics" is defined in the Federal Trade Commission Act.

The designations used by respondent for some of said products and the formulas and directions for use thereof are as follows:

Designation: Myndall Cain Gardenia Cleansing Oil (also known as Myndall Cain Cleansing Oil and formerly known as Myndall Cain Liquid Cleansing Cream).

Formula: Sesame Oil, Mineral oil, petrolatum, absorption base (lanolin alcohol), color and perfume.

Directions: "* * * Follow with Myndall Cain Nu-Rich-ing Oil. * * * Use twice daily for best results."

Designation: Myndall Cain Nu-Rich-ing Oil (formerly known as Myndall Cain Liquid Nourishing Cream).

Formula: Peach kernel oil, lanolin, mineral oil, color and perfume.

Directions: "* * * Apply morning and night. * * * Be especially liberal in application if wrinkles are apparent. Apply twice daily after using the

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Myndall Cain Cleansing Oil. Apply with warmed facial oil following. * * *"

Designation: Myndall Cain Facial Oil.

Formula: Mineral oil, cholestrin, lecithin, linoleic acid esters, linolenic acid esters, color, perfume.

Directions: "Make facial sachets by warming tablespoonful of oil and applying to face with gauze or cotton. Apply over the Nu-Rich-ing Oil for quick, satinizing treatment. * * * Use nightly."

Designation: Myndall Cain Youth Skin Oil (also known as Youth Oil).

Formula: Olive oil, mineral oil, lanolin, lecithin, Vitamin D, Linoleic acid esters, linolenic acid esters, color, and perfume.

Directions: Use liberal applications if complexion is crinkly or where wrinkles are deeply formed. Apply after using the Myndall Cain Cleansing Oil. * * * Apply before retiring.

Designation: Myndall Cain Amber Oil (formerly known as Myndall Cain Brazilian Oil).

Formula: Linolenic acid esters, linoleic acid esters, lecithin, cholestrin, mineral oil, color, and perfume.

Directions: "A highly concentrated oil recommended for use every 48 hours if lines or wrinkles are apparent. Apply well over throat, face and bust * * *"

Designation: Myndall Cain Facial Masque (also known as Myndall Cain Facial Exerciser).

Formula: Bentonite, Water q. s., Color, perfume.

Directions: "Use nightly." "* * * First . . . Cleanse the skin with the Myndall Cain Cleansing Oil. Then use the cushions of the fingertips to smooth on a thin layer of the Masque. After 12 minutes remove with tepid water. Follow with the Myndall Cain Nuriching Oil for a luxurious home treatment."

Designation: Myndall Cain Tissue Oil (formerly known as Myndall Cain Eye Muscle Oil).

Formula: (Not known).

Directions: "* * * Smooth around the lids and where crow's feet are apparent, using cushion of the fingertips with a lifting movement. Apply warm cotton compresses following oil for quick results."

Designation: Myndall Cain Morning Dew.

Formula: Zinc phenolsulphonate, ethyl alcohol (12%), water, color, and perfume.

Directions: * * * Apply chilled, or on chilled cotton to throat and face.

Designation: Myndall Cain Foundation Lotion.

Formula: Potassium stearate, glycerol monostearate, lanolin, glycerin, color, and perfume.

Directions: Apply a few drops on a sponge or with fingertips and massage. Smooth evenly over throat and face. Work well into tiny crevices. Apply powder following.

Designation: Myndall Cain Muscle Massage Oil (formerly known as Myndall Cain Muscle Strengtheners).

Formula: Lanolin, petrolatum, mineral oil, color, and perfume.

Directions: "To be applied only to the neck and lower part of the face, every other day * * *"

Designation: Myndall Cain Pine Oil Freshener (formerly known as Myndall Cain Pine Oil astringent and as Myndall Cain Pine Scent Freshener).

Formula: (Not known).

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Directions: * * * Apply on moistened cotton to areas where needed.
* * * Use twice daily for best results.

Respondents cause said products, when sold, to be transported from their place of business in the State of Minnesota to purchasers thereof located in other States of the United States and in the District of Columbia. Respondents maintain and at all times mentioned herein have maintained a course of trade in their said products in commerce, among and between the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of their said business, respondents, subsequent to March 21, 1938, have disseminated and caused the dissemination of certain advertisements concerning their said products by the United States mails and by various means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing and which were likely to induce, directly or indirectly, their purchase, including but not limited to certain pamphlets, circulars, and advertisements in newspapers and magazines, and especially the Minneapolis Star Journal and Minneapolis Tribune, daily newspapers of Minneapolis, Minn., and the Northwest Life, a monthly magazine, and by radio continuities and especially over radio station WTCN of Minneapolis, Minn.; and respondents have disseminated and caused the dissemination of advertisements concerning their said products by various other means, including, but not limited to, the circulars radio continuities, and advertisements referred to above, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of their said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. Among the statements and representations contained in the said advertisements disseminated as aforesaid with respect to said Myndall Cain Gardenia Cleansing Oil and specifically in advertisements in the Minneapolis Star Journal and Minneapolis Tribune on various dated and in radio continuities broadcast from radio station WTCN on April 21, 23, 26, 28, and 30, 1939; May 9, 1943; June 10, 1945; January 28, 1946; February 17, 1946, and other dates are the following:

Begin the modern, *natural* way to complexion loveliness . . . using finely blended oils to cleanse . . . oils to nourish and oils to revitalize your skin.

Whenever you see a lovely woman with a beautiful, young complexion . . . you *know* that she uses *Beauty Oils*. Only the Myndall Cain Cleansing Oil, for instance, can give that clear, transparent beauty to a woman's skin.

* * * Myndall Cain has brought to America a new method of using oils . . . beauty oils to cleanse and to nourish your complexion.

Miss Cain has introduced a new, modern method of oils instead of surface creams . . . oils . . . richly blended oils . . . oils to replenish the natural oils in your skin that are so often robbed by cheating winds, fatigue, illness . . . or just time. The youth secret then is to restore these oils. Myndall Cain Cleansing Oil is your first beauty ally. . . .

This Cleansing Oil is so finely blended it can penetrate deep into the skin and flush away all dirt and stale make-up.

Make the Myndall Cain Cleansing Oil your first beauty ally. Cleanse with it once—feel it gently coax your skin to refreshment . . . to renewed vitality.

Here is what one lovely lady has to say of Myndall Cain Gardenia Cleansing Oil: “* * * I don't have the enlarged pores that I had when using a jar cream.”

* * * they use Myndall Cain Gardenia Cleansing Oil to bring deep pore purity.

The moment you pour this finely blended, white oil into your skin, it flushes away facial fatigue.

The Myndall Cain Facial Oil and this gardenia white Cleansing Oil are scientific triumphs.

The cold winds and overheated homes of a Minnesota winter all conspire to rob your skin of its precious supply of oils. But Myndall Cain has found a way to replace nature's lack with beauty oils as near to the skin's natural secretions as scientists can blend.

Use this modern method of cleansing your skin. Feel the refreshing, satinizing effect of this Myndall Cain Cleansing Oil . . . and you will never go back to old-fashioned cosmetics . . . * * *.

Sallowness was relieved by the gardenia Cleansing Oil.

* * * improve your complexion with Myndall Cain's Gardenia Cleansing Oil * * *. Your complexion will become clearer in a single treatment.

* * * Myndall Cain Cleansing Oil is only one of a series of beauty builders that the greatest dermatologists of this age have formulated. Truly a beauty prescription that your doctor would advise. A beauty oil with powers beyond your greatest expectations. * * *

PAR. 5. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 4 and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that the use of Myndall Cain Gardenia Cleansing Oil is a natural way to complexion loveliness and that respondents' said cleansing oil will nourish and revitalize the skin of the user; that all lovely women with beautiful young complexions use beauty oils and that only respondents' cleansing oil can give the user thereof clear, transparent beauty; that respondent Myndall Cain brought to America a new method of using beauty oils and that their use will cleanse and nourish the users' complexion; that said product is composed of richly blended oils which are as near

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the skin's natural secretions as scientists can produce and that it replaces the natural oils in the skin whenever it is absent therefrom irrespective of the cause; that this product is an outstanding scientific triumph or achievement and that all other methods of cleansing a person's skin are old fashioned; that this product will relieve sallowness and will eliminate large pores, will penetrate deeply into the skin, flush away all dirt and foreign matter in the skin, bring deep pore purity to the user's skin, and a single treatment will make the complexion clearer.

PAR. 6. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact the use of respondents' product is not a natural way to complexion loveliness and its use will neither nourish the skin nor will it revitalize a person's skin. It will not relieve sallowness and will not eliminate large pores nor clear the pores of the user's skin. It will not penetrate the skin to any significant degree and will not "flush" away dirt and other foreign matter in the skin. It acts only as a cleanser when said product is removed from the skin with whatever foreign matter is attached thereto. The use of said product will not produce a clear, transparent beauty, for many women and there are many women with beautiful young complexions who do not use so-called beauty oils nor respondents' said product. The use of oils in so-called beauty preparations or cosmetics is neither new nor novel in America and respondents were not the first to introduce the use of oils in so-called beauty preparations or cosmetics in America and neither this said product nor any combination of respondents' products constitutes an outstanding scientific triumph or achievement. The oils and ingredients in said product are not of the same composition as the skin's natural secretions and there has been no attempt on the part of scientists to replace the skin's natural secretion in compounding respondents' said product. The use of respondents' said product will not replace the natural oils in a person's skin. A single or any number of treatments of the skin with respondents' said product will not make the skin clearer in many cases and especially where the skin is marred by blemishes, scars or pimples.

PAR. 7. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to said Myndall Cain Nu-Rich-ing Oil and specifically in the circular An Invitation from Myndall Cain to Make the Most of Yourself, advertisements through radio continuities broadcast from radio station WTCN on April 21, 23, and 26, 1939, May 9, 1943, and February 17, 1946, and other dates, are the following:

You'll almost *feel* the little skin cells drinking in nourishment.

Only the Myndall Cain Nourishing Oil can thoroughly feed the starved skin cells.

A single treatment with the Myndall Cain Nourishing Oil * * * will convince you that there is a new era in cosmetics * * * a thrilling remarkable method of * * * nourishing your skin with pure, rich oils.

* * * the Nourishing Oil is a silken blend of doubly-rich oils that brings a satin smoothness to exhausted complexions.

The Nourishing Oil doesn't stop at surface feeding; . . . it penetrates to the third layer of skin tissue and replenishes the parched cells with youthifying nourishment.

Myndall Cain Nourishing Oil . . . a honey-rich oil that penetrates and protects against drying and parching. Thirsty skins respond eagerly to this natural refreshment.

Nu-Rich-ing Oil for replenishing nature's own oils . . .

* * * Myndall Cain has found a way to replace Nature's lack with beauty oils as near to the skin's natural secretions as scientists can blend. The powerful combination recommended for this time of year is the Myndall Cain honey-like Facial Oil and the rich, penetrating Nu-Rich-ing Oil. Smooth them on . . . feel your thirsty skin DRINK them in as you gently massage with your fingertips. You'll literally SEE the rough, flakiness and the drabness disappear . . . You'll see a new life and color . . . a smoother texture . . . a velvety touch that your complexion never before had. But remember—ONLY the MYNDALL CAIN oils . . . the honey-like Facial Oil . . . and the soothing Nu-Rich-ing Oil . . . can achieve these results for you.

The Myndall Cain Nourishing Oil * * * smooths away crinkling * * *.

PAR. 8. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 7 and others similar thereto not specifically set out herein, respondents have represented directly and by implication that their said Nu-Rich-ing Oil is composed of ingredients which are a new discovery in cosmetics and that its use will nourish the skin; that the skin will absorb said product; that it penetrates to the third layer of the skin tissue and replenishes the parched skin cells with youthifying nourishment and protects the skin against drying and parching under all conditions; that it is rich in honey and will replenish the natural oils in the skin and act as a natural refreshment to the skin; that its use will eliminate wrinkles of the skin and give it new life and color.

PAR. 9. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact, the use of respondents' said Nu-Rich-ing Oil does not nourish the skin nor does it feed the skin cells. The ingredients in said product are not a new discovery in the cosmetic field and said product does not penetrate to the third layer of the skin tissue or to any significant extent. It does not replenish starved or parched skin cells with youthifying nourishment or any

other nourishment. Skin will not absorb said product to any significant extent. Its use will not protect the skin against drying and parching under all conditions as it will only tend to temporarily protect against drying or parching of the skin due to exposure to heat, wind or sun. Said product contains no honey. It is not a natural refreshment for the skin nor will it replenish the natural oils of the skin. Its use will not eliminate wrinkles or have any significant effect upon them or give the skin new life or color.

PAR. 10. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to Myndall Cain Facial Oil, and specifically in advertisements appearing in the Minneapolis Star Journal and Minneapolis Tribune on various dates in the circular An Invitation from Myndall Cain to Make the Most of Yourself and through radio continuities broadcast from radio station WTCN on April 30, 1939, January 27, 1946, February 10 and 17, 1946, and on other dates, are the following:

* * * Relieves crinkling and the fine lines.

* * * readily absorbed by the skin . . .

Try it—see how your thirsty skin drinks it in.

The pure, luscious drops of oil will * * * eliminate sallowness, * * *.

* * * they relieve dryness and flakiness with Myndall Cain Facial Oil * * *.

Remember that the Myndall Cain Facial Oil . . . these finely blended beauty preparations are the natural way to care for your skin.

You'll literally SEE the rough, flakiness and drabness disappear . . . you'll see a new life and color . . . a smoother texture . . . a velvety touch that your complexion never before had.

* * * ONLY the Myndall Cain oils . . . the honey-like Facial Oil * * * . . . and the soothing Nu-Rich-Ing Oil * * * . . . can achieve these results for you.

The formula for this rare, precious oil was discovered by Myndall Cain herself as she studied in the beauty centers of both Europe and America. Like a doctor's prescription . . . so fine and pure . . . so rich and effective with even the most difficult skins.

* * * regardless of other preparations you may be using, you NEED Myndall Cain Facial Oil. Visit the Myndall Cain House of Beauty where there are five EXPERT CONSULTANTS, TRAINED TO UNDERSTAND YOUR PARTICULAR COMPLEXION PROBLEMS. Have a careful, sensible analysis . . . then let these experts suggest the proper oils and treatments to correct your complexion faults * * *.

PAR. 11. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 10, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that their Facial Oil relieves crinkling and fine lines in the skin and is a natural way to

care for the skin; that it penetrates into and is absorbed by the skin; that its use will eliminate sallowness and relieve dryness and flakiness of the skin, give it new life and color, and a smooth texture and that only respondents' said product and respondents' "Nu-Rich-Ing Oil" can achieve these results; that said product is made from rare, precious oils and that Myndall Cain, one of respondents, discovered the formula for said product while studying in the beauty centers of Europe and America; that said product is like a Doctor's prescription; that it is as effective as a Doctor's prescription would be for any given skin condition for any particular individual and that it is effective even with the most difficult skins; that said product is necessary for the proper care of a person's skin irrespective of what preparations a person is using.

PAR. 12. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact the use of respondents' facial oil will not relieve crinkling and fine lines in the skin nor is its use a natural way to care for the skin. Said product will not penetrate into and is not absorbed by the skin to any significant degree. Its use will not eliminate sallowness; its use will temporarily relieve dryness or flakiness caused by chapping of the skin but will not relieve dryness or flakiness arising from many other causes. Its use will not give new life and color nor a smooth texture to the skin. The ingredients in said product are neither rare nor precious and there are many like or similar preparations on the market composed of the same or substantially the same ingredients. Said preparation is not like a doctor's prescription in that it is not individually compounded for any particular person nor upon a doctor's particular prescription but is manufactured in bulk and packaged from said bulk material. Said preparation is not effective when used on many types of skin, and is neither essential nor necessary to the proper care of a person's skin.

PAR. 13. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to said Myndall Cain's Youth Skin Oil and specifically in a circular An Invitation From Myndall Cain to Make the Most of Yourself, advertisements in the Minneapolis symphony programs and advertisements in the Minneapolis Star Journal and Minneapolis Tribune on January 20, 1946, and on other dates, and in radio continuities broadcast from radio station WTCN on September 23, 1945, November 11, 1945, January 27, 1946 and on other dates are the following:

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MYNDALL CAIN'S YOUTH SKIN OIL . . . a vitalized oil that we recommend for wrinkles, crinkling, or aging skins. Highly concentrated, it is a stimulating youthifying Beauty Oil . . . doubly rich, to rejuvenate exhausted skins.

THE MYNDALL CAIN YOUTH OIL * * * It contains cholesterols (The skin itself is composed of cholesterols). Highly recommended for lines and wrinkles because of its hormone powers. * * * Mail orders filled, too.

Nothing else like it Revolutionary in its soothing, youthifying effect upon your skin. A highly concentrated oil containing an active hormone ingredient that's actually absorbed by the skin. Every precious drop has beauty powers.

"I can't tell you what a joy it is to use your wonderful oil. It is so easy to apply and has taken away all those ugly lines and wrinkles," Yes, ladies, you too can expect the same youthifying results.

* * * this highly concentrated youthifying oil * * *.

These women guard against fine lines and wrinkles by the daily application of Myndall Cain's Youth Oil. * * *

"* * * I have taken at least ten years off my face during the short time I have been using your Youth Oil" . . . Another lady writes: "* * * It's so easy to apply and has taken away all those ugly lines and wrinkles" . . . Yes, ladies you too can expect the same youthifying results. Make your dreams of beauty come true. * * * Most department stores have it. * * * Find out for yourself what this fountain-of-youth oil in a bottle will do. * * *

PAR. 14. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 13, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that their said Youth Skin Oil is a vitalized oil which will eliminate fine lines, wrinkles, and crinkling of the skin; that it is stimulating and will rejuvenate exhausted or aging skin; that it is composed of the same ingredients as those in the skin and contains an active hormone ingredient which is absorbed by the skin; that it is revolutionary and there is no other product like it for soothing and rejuvenating the skin; that it acts to restore a person's youth; and that it can be obtained at most department stores.

PAR. 15. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act and in truth and in fact the use of respondents' said Youth Skin Oil will not eliminate fine lines, wrinkles, or crinkling of the skin and will not stimulate and rejuvenate exhausted or aging skin; nor will its use restore a youthful appearance to the skin. It is not composed of the same ingredients as those in the skin itself and does not contain hormones of any kind. The said product is not revolutionary and there are many products on the market composed of the same or substantially the same ingredients as those of respondents' said product. The use of said product does not produce rejuvenating

results. Its use will not restore a person's youth nor have any youthifying effects whatsoever. Said product is for sale in only a limited number of stores in States adjacent to the State of Minnesota.

PAR. 16. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to said Myndall Cain's Amber Oil and specifically in the circulars Facial Exercises by Myndall Cain and An Invitation from Myndall Cain to Make the Most of Yourself, are the following:

* * * A highly concentrated oil recommended for use every forty-eight hours if lines or wrinkles are apparent.

* * * a combination of tropical oils that has excited such comment as "a remarkable, instantaneous, youth treatment for wrinkles."

PAR. 17. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 16 and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that their said Myndall Cain Amber Oil will eliminate lines and wrinkles.

PAR. 18. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact the use of respondents' said Amber Oil will not eliminate lines and wrinkles or have any significant effect upon them.

PAR. 19. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to Myndall Cain Facial Masque and specifically in the circular An Invitation from Myndall Cain to Make the Most of Yourself, is the following:

Myndall Cain Facial Masque. . . * * * flushes sluggish skins . . . relieving sallowness, blemishes and facial fatigue.

PAR. 20. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 19 and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that their Facial Masque flushes sluggish skins, relieves sallowness, blemishes, and facial fatigue.

PAR. 21. The said advertisement is misleading in material respects and is a "false advertisement" as that term is defined in the Federal Trade Commission Act and in truth and in fact the use of Myndall Cain Facial Masque does not flush sluggish or any other type skin and its use will not relieve or eliminate sallowness, blemishes of the skin, nor facial fatigue.

PAR. 22. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to said

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Myndall Cain Eye Tissue Oil, and specifically in the circulars An Invitation from Myndall Cain to Make the Most of Yourself and Facial Exercises by Myndall Cain, are the following:

MYNDALL CAIN EYE MUSCLE OIL * * * Excellent for crows-feet . . .
MYNDALL CAIN EYE TISSUE OIL . . . A special blend of oils prepared for fine lines around the eyes.

PAR. 23. Through the use of the advertisements containing the statements and representations hereinabove set forth in Paragraph Twenty-Two and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that their Eye Tissue Oil will eliminate crows-feet and fine lines around the eyes.

PAR. 24. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act and in truth and in fact the use of said eye tissue oil will not eliminate crows-feet or fine lines around the eyes or have any significant effect upon such conditions.

PAR. 25. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to said Myndall Cain Morning Dew and specifically in the circular Facial Exercises by Myndall Cain are the following:

* * * aids in refining the texture. When used before make-up the skin takes on a smooth finish * * * May act as skin protection as it refreshes and gives a tingling marble-like smoothness to tired complexions.

PAR. 26. Through the use of the advertisement containing the statements and representations hereinabove set forth in paragraph 25 and others similar thereto not specifically set out herein, respondents have represented directly and by implication, that their said product Morning Dew will aid in refining the texture of the skin and makes the skin smooth; that it acts as a skin protection.

PAR. 27. The said advertisement is false and misleading in material respects and is a "false advertisement" as the term is defined in the Federal Trade Commission Act. In truth and in fact the use of Myndall Cain's Morning Dew will not aid in the refining of the texture of the skin nor will its use make the skin smooth; it will not act as a skin protection for many conditions which would harm and damage the skin.

PAR. 28. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to Myndall Cain's Foundation Lotion, and specifically in the circular Facial Exercises by Myndall Cain, is the following:

Another beauty necessity.

PAR. 29. Through the use of the advertisement contained in the statement and representation hereinabove set forth in paragraph 28 and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that their said product Myndall Cain's Foundation Lotion is a beauty necessity for the skin.

PAR. 30. The said advertisement is misleading in material respects and is a "false advertisement" as the term is defined in the Federal Trade Commission Act. In truth and in fact it is not necessary to use this preparation in order to have a beautiful skin.

PAR. 31. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to said Myndall Cain Muscle Massage Oil, and specifically in a circular entitled "Facial Exercises by Myndall Cain," are the following:

* * * Helps to bring a tingling, freshening circulation while massaging sagging facial muscles.

PAR. 32. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 31 and others similar thereto not specifically set out herein, respondents have represented, that the use of their Muscle Massage Oil will increase the circulation of the blood and is an effective treatment for sagging facial muscles.

PAR. 33. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact, the use of respondents' said Muscle Massage Oil has no effect upon the circulation of the blood, and it is not an effective treatment for sagging facial muscles and will have no effect whatsoever upon the facial or other muscles.

PAR. 34. Among the statements and representations contained in the said advertisements disseminated as aforesaid with respect to said Myndall Cain Pine Oil Freshener, and specifically in a circular entitled "An Invitation from Myndall Cain to Make the Most of Yourself," and "Myndall Cosmetic Booklet," are the following:

* * * of special benefit where skin needs facial refining . . .

* * * Helps to relieve enlarged pores and coarsened skin.

PAR. 35. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 34, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that the use of said preparation will improve the texture or structure of the skin and eliminates enlarged pores and coarsened skin.

PAR. 36. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact, the use of respondents' said product will not improve the texture or structure or otherwise refine the skin, and will not eliminate enlarged pores or coarsened skin. The only effect the use of said product will have upon the skin of the user is a temporary astringent action and it has no permanent beneficial effect whatsoever upon the skin.

PAR. 37. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to respondents' products in general and specifically in the circular Facial Exercises by Myndall Cain, in advertisements in the Minneapolis Sunday Tribune on September 30, 1945, and on other dates and in radio continuities broadcast from radio station WTCN on April 21, 23, 26, 28, and 30, 1939, February 17, 1946, and on other dates, are the following:

It is a tribute to this new method of beauty care to say that the most attractive women in every group are patrons of Myndall Cain.

MYNDALL CAIN has introduced a modern method of complexion care . . . a method as natural as spring itself. Rich, youthifying oils actually pour beauty into the skin. Just as the warm, spring rains unfold the beauty of the flowers and the trees, so do these Beauty Oils bring new bloom to milady's skin.

Do you know how women and men, too, grow old? First, the facial and body muscles relax, grow lazy and inactive—circulation slows up. Then there is a natural depletion of waste of oil secretions that keep the tissues or skin full and firm—these are the things to be corrected. It is when the skin loses its oil that it loses its elasticity and youth. Then fine creases appear; then lines, and the next step wrinkles. Now the famous dermatologists of the continent prove that only rare oils can make these oil ducts fill out again because it is oil that they have been robbed of, by time, over-fatigue, dissipation, neglect, * * *

A thirsty skin is an aging skin! Pour beauty into the skin this Myndall Cain natural way—oils that are as near to the Natural secretions of the skin as scientists can blend. * * *

Myndall Cain Beauty Oils are the talk of the cosmetic world . . . because they are daringly different. A single treatment and you feel their precious beautifying powers. This method of using oils is a sure, modern way to keep your complexion young * * *.

The discovery of Beauty Oils of skin loveliness was made by the greatest skin specialists of Europe . . . but to Myndall Cain goes the credit for perfecting these Beauty Oils . . . until today the Myndall Cain Beauty Oils are regarded as the highest achievements in cosmetology!

Begin the modern *natural* way to complexion loveliness . . . using finely blended oils to cleanse . . . oils to nourish and oils to revitalize your skin.

Scientific exercises and lubricating with rich, rare oils is the marvelous secret power of this famous Myndall Cain method.

No matter what your complexion needs, write or call or stop in at the Myndall Cain House of Beauty, 808 LaSalle Avenue in Minneapolis, where you have the advice of FIVE complexion SPECIALISTS . . . people trained or skilled in

their professions. No matter WHERE you live, it will pay you to write or visit the friendly Myndall Cain Salon to find out what Myndall Cain Facial Oil and Myndall Cain Nu-Rich-Ing Oil can do for YOUR complexion.

The famous Myndall Cain Beauty Oils are sent from here to the dressing tables of women all over America.

The most Beautiful Women in every group are patrons of Myndall Cain . . .

Visit the Myndall Cain House of Beauty where there are five EXPERT CONSULTANTS, TRAINED TO UNDERSTAND YOUR PARTICULAR COMPLEXION PROBLEMS. Have a careful scientific analysis . . . then let these experts suggest the proper oils and treatments to correct your complexion faults.

* * * Get them at your dealers * * * or write or phone the Myndall Cain House of Beauty, 808 LaSalle Avenue in Minneapolis * * *.

PAR. 38. Through the use of the advertisements containing these statements and representations, hereinabove set forth in paragraph 37 and others similar thereto, not specifically set out herein, respondents have represented, directly and by implication, that their preparations are different from other beauty preparations and that their use will keep the complexion young; that beauty oils were discovered by the greatest skin specialists of Europe and that respondents have perfected these beauty oils until respondents' beauty oils are considered the greatest achievement in cosmetology; that respondents' beauty oils are absorbed by the skin and are a natural way to complexion loveliness; that said products nourish and revitalize the skin and possess secret beautifying powers; that respondents' oils are rare and composed of ingredients the same as or as near as those of the skin's natural secretions as scientists can blend; that respondents' expert consultants can prescribe the necessary oils to correct any complexion faults; that the most beautiful and lovely women in every group are patrons of Myndall Cain and respondents' said products are so famous and in such demand that they are shipped to women all over America, and can be purchased at all local stores.

PAR. 39. The said advertisements are misleading in material respects and are "false advertisements" as the term is defined in the Federal Trade Commission Act. In truth and in fact, respondents' so-called beauty oils are no different from many sold by respondents' competitors. Their use will not keep a person's complexion young. So-called beauty oils were not discovered by the greatest skin specialists of Europe and Myndall Cain did not perfect these so-called beauty oils, and none of respondents' so-called beauty oils are regarded as the highest achievements in cosmetology. Respondents' oils are not absorbed by the skin to any significant degree. The use of respondents' said products is not a "natural way" to keep complexion loveliness and will not nourish or revitalize the user's skin. Respondents' so-called beauty

oils are not rare and are not composed of ingredients the same as or as near to those of the skin's natural secretions as scientists can blend, and no attempt has been made by scientists to simulate the skin's natural secretions in compounding the ingredients found in respondents' said products. Their use will not correct any complexion faults. The most beautiful or lovely women in every group are not patrons of Myndall Cain, and respondents' said products are not shipped to women all over America and are not on sale at all local stores; in fact, said products are available at very few stores outside of Minneapolis, Minn.

PAR. 40. Respondents' advertising matter, with respect to their various products and in general, stresses and emphasizes the beneficial results to the skin which may be expected from the use of said products because of the various oils therein. In truth and in fact, the benefits to the skin from the use of said oils is limited to their ability to facilitate the removal by mechanical means of foreign matter on the surface of the skin and to temporarily soften dry skin when dryness is caused by external conditions.

PAR. 41. The use by the respondents in their advertisements of the names Youth Skin Oil, Eye Tissue Oil, and Muscle Massage Oil are misleading and deceptive in themselves, as such names serve as representations that the product designated and referred to as Youth Skin Oil will make the skin youthful; that the product Eye Tissue Oil will be of benefit to the tissue around the eyes and that the product Muscle Massage Oil will benefit the muscles wherever it may be used. In truth and in fact, these results will not follow the use of these products.

PAR. 42. The use by the respondents of the said false advertisements has had the capacity and tendency to and has misled and deceived a substantial portion of the purchasing public into the erroneous and mistaken belief that representations therein contained and hereinabove enumerated were true, and into the purchase of substantial quantities of said products by reason of said erroneous and mistaken beliefs.

PAR. 43. The aforesaid acts and practices 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 October 10, 1946, issued and thereafter served its complaint in this proceeding upon the respondents, William A. Wickland and Myndall Cain Wickland, charging them

with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of that Act. On December 3, 1946, the respondents filed their answer, in which answer they admitted all the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearing as to said facts. Thereafter, the proceeding regularly came on for final consideration by the Commission on the complaint and the answer thereto, 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. The respondents, William A. Wickland and Myndall Cain Wickland, are individuals and copartners doing business under the trade name and style of the Myndall Cain House of Beauty, with their office and principal place of business at 808 LaSalle Avenue, Minneapolis, Minn.

Respondents are now, and have been for more than 8 years last past, engaged in the business of selling and distributing various cosmetic products, as "cosmetics" is defined in the Federal Trade Commission Act.

The designations used by respondents for some of said products, and the formulas and directions for use thereof, are as follows:

Designation: Myndall Cain Gardenia Cleansing Oil (also known as Myndall Cain Cleansing Oil and formerly known as Myndall Cain Liquid Cleansing Cream).

Formula: Sesame oil, mineral oil, petroleum, absorption base (lanoline alcohol), color and perfume.

Directions: "* * * Follow with Myndall Cain Nu-Rich-ing Oil. * * * Use twice daily for best results."

Designation: Myndall Cain Nu-Rich-ing Oil (formerly known as Myndall Cain Liquid Nourishing Cream).

Formula: Peach kernel oil, lanolin, mineral oil, color and perfume.

Directions: "* * * Apply morning and night * * * Be especially liberal in application if wrinkles are apparent. Apply twice daily after using the Myndall Cain Cleansing Oil. Apply with warmed facial oil following * * *."

Designation: Myndall Cain Facial Oil.

Formula: Mineral oil, cholestrin, lecithin, linoleic acid esters, linolenic acid esters, color and perfume.

Directions: "Make facial sachets by warming tablespoonful of oil and applying to face with gauze or cotton. Apply over the Nu-Rich-ing Oil for quick, satinating treatment. * * * Use nightly."

Designation: Myndall Cain Youth Skin Oil (also known as Youth Oil).

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Formula: Olive oil, mineral oil, lanolin, lecithin, Vitamin D, linoleic acid esters, linolenic acid esters, color and perfume.

Directions: "Use liberal applications if complexion is crinkly or where wrinkles are deeply formed. Apply after using the Myndall Cain Cleansing Oil. * * * Apply before retiring."

Designation: Myndall Cain Amber Oil (formerly known as Myndall Cain Brazilian Oil).

Formula: Linolenic acid esters, linoleic acid esters, lecithin, colestrolin, mineral oil, color and perfume.

Directions: "A highly concentrated oil recommended for use every 48 hours if lines or wrinkles are apparent. Apply well over throat, face and bust. * * *"

Designation: Myndall Cain Facial Masque (also known as Myndall Cain Facial Exerciser).

Formula: Bentonite, water q. s., color and perfume.

Directions: "Use nightly. * * * First * * * Cleanse the skin with the Myndall Cain Cleansing Oil. Then use the cushions of the finger tips to smooth on a thin layer of the Masque. After 12 minutes remove with tepid water. Follow with the Myndall Cain Nu-Rich-ing Oil for a luxurious home treatment."

Designation: Myndall Cain Eye Tissue Oil (formerly known as Myndall Cain Eye Muscle Oil).

Formula: (Not Known).

Directions: "* * * Smooth around the lids and where crow's-feet are apparent, using cushion of the fingertips with a lifting movement. Apply warm cotton compresses following oil for quick results."

Designation: Myndall Cain Morning Dew.

Formula: Zinc phenolsulphonate, ethyl alcohol (12%), water, color and perfume.

Directions: "* * * Apply chilled, or on chilled cotton to throat and face. * * *"

Designation: Myndall Cain Foundation Lotion.

Formula: Potassium stearate, glycerol monostearate, lanolin, glycerin, color and perfume.

Directions: "Apply a few drops on a sponge or with fingertips and massage. Smooth evenly over throat and face. Work well into tiny crevices. Apply powder following."

Designation: Myndall Cain Muscle Massage Oil (formerly known as Myndall Cain Muscle Strengtheners).

Formula: Lanolin, petrolatum, mineral oil, color and perfume.

Directions: "To be applied only to the neck and lower part of the face, every other day * * *"

Designation: Myndall Cain Pine Oil Freshener (formerly known as Myndall Cain Pine Oil Astringent and as Myndall Cain Pine Scent Freshener).

Formula: (Not known).

Directions: "* * * Apply on moistened cotton to areas where needed. * * * Use twice daily for best results."

Respondents cause said products, when sold, to be transported from their place of business in the State of Minnesota to purchasers thereof located in other States of the United States and in the District of Columbia. Respondents maintain and at all times mentioned herein

have maintained a course of trade in their said products 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 their said business, respondents, subsequent to March 21, 1938, have disseminated and caused the dissemination of certain advertisements concerning their said products by the United States mails and by various means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing and which were likely to induce, directly or indirectly, their purchase, including, but not limited to, certain pamphlets, circulars, and advertisements in newspapers and magazines, and especially the Minneapolis Star Journal and Minneapolis Tribune, daily newspapers of Minneapolis, Minn., and the Northwest Life, a monthly magazine, and by radio continuities and especially over radio station WTCN of Minneapolis, Minn.; and respondents have disseminated and caused the dissemination of advertisements concerning their said products by various other means, including, but not limited to, the circulars, radio continuities and advertisements referred to above, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of their said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 3. Among the statements and representations contained in the said advertisements disseminated as aforesaid with respect to said Myndall Cain Gardenia Cleansing Oil and specifically in advertisements in the Minneapolis Star Journal and Minneapolis Tribune on various dates, and in radio continuities broadcast from radio station WTCN on April 21, 23, 26, 28, and 30, 1939; May 9, 1943; June 10, 1945; January 28, 1946; February 17, 1946, and other dates, are the following:

Begin the modern, *natural* way to complexion loveliness . . . using finely blended oils to cleanse . . . oils to nourish and oils to revitalize your skin.

Whenever you see a lovely woman with a beautiful young complexion . . . you *know* that she uses *Beauty Oils*. Only the Myndall Cain Cleansing Oil, for instance, can give that clear, transparent beauty to a woman's skin.

* * * Myndall Cain has brought to America a new method of using oils . . . beauty oils to cleanse and to nourish your complexion.

Miss Cain has introduced a new, modern method of oils instead of surface creams . . . oils . . . richly blended oils . . . oils to replenish the natural oils in your skin that are so often robbed by cheating winds, fatigue, illness . . . or just time. The youth secret then is to restore these oils. Myndall Cain Cleansing Oil is your first beauty ally. . . .

This Cleansing Oil is so finely blended it can penetrate deep into the skin and flush away all dirt and stale make-up.

Make the Myndall Cain Cleansing Oil your first beauty ally. Cleanse with it once—feel it gently coax your skin to refreshment . . . to renewed vitality.

Here is what one lovely lady has to say of Myndall Cain Gardenia Cleansing Oil: “* * * I don’t have the enlarged pores that I had when using a jar cream.”

* * * they use Myndall Cain Gardenia Cleansing Oil to bring deep pore purity.

The moment you pour this finely blended, white oil into your skin, it flushes away facial fatigue.

The Myndall Cain Facial Oil and this gardenia-white Cleansing Oil are scientific triumphs.

The cold winds and overheated homes of a Minnesota winter all conspire to rob your skin of its precious supply of oils. But Myndall Cain has found a way to replace nature’s lack with beauty oils as near to the skin’s natural secretions as scientists can blend.

Use this modern method of cleansing your skin. Feel the refreshing satinating effect of this Myndall Cain Cleansing Oil . . . and you will never go back to old fashioned cosmetics . . . * * *

Sallowness was relieved by the Gardenia Cleansing Oil.

* * * improve your complexion with Myndall Cain’s Gardenia Cleansing Oil. * * * Your complexion will become clearer in a single treatment.

* * * Myndall Cain Cleansing Oil is only one of a series of beauty builders that the greatest dermatologists of this age have formulated. Truly a beauty prescription that your doctor would advise. A beauty oil with powers beyond your greatest expectations. * * *

PAR. 4. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 3, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that the use of Myndall Cain Gardenia Cleansing Oil is a natural way to complexion loveliness and that respondents’ said cleansing oil will nourish and revitalize the skin of the user; that all lovely women with beautiful young complexions use beauty oils and that only respondents’ cleansing oil can give the user thereof clear, transparent beauty; that Myndall Cain brought to America a new method of using beauty oils and that their use will cleanse and nourish the users’ complexion; that said product is composed of richly blended oils which are as near the skin’s natural secretions as scientists can produce and that it replaces the natural oils in the skin whenever they are absent therefrom, irrespective of the cause; that this product is an outstanding scientific triumph or achievement and that all other methods of cleansing a person’s skin are old-fashioned; that this product will relieve sallowness and will eliminate large pores, will penetrate deeply into the skin, flush away all dirt and foreign matter in the skin, bring deep pore purity to the user’s skin, and a single treatment will make the complexion clearer.

PAR. 5. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact, the use of respondents' product is not a natural way to complexion loveliness and its use will neither nourish the skin nor will it revitalize a person's skin. It will not relieve sallowness and will not eliminate large pores nor clear the pores of the user's skin. It will not penetrate the skin to any significant degree and will not "flush" away dirt and other foreign matter in the skin. It acts only as a cleanser when said product is removed from the skin with whatever foreign matter is attached thereto. The use of said product will not produce a clear, transparent beauty for many women and there are many women with beautiful young complexions who do not use so-called beauty oils nor respondents' said product. The use of oils in so-called beauty preparations or cosmetics is neither new nor novel in America and respondents were not the first to introduce the use of oils in so-called beauty preparations or cosmetics in America and neither this said product nor any combination of respondents' products constitutes an outstanding scientific triumph or achievement. The oils and ingredients in said product are not of the same composition as the skin's natural secretions and there has been no attempt on the part of the scientists to replace the skin's natural secretion in compounding respondents' said product. The use of respondents' said product will not replace the natural oils in a person's skin. A single or any number of treatments of the skin with respondents' said product will not make the skin clearer in many cases and especially where the skin is marred by blemishes, scars, or pimples.

PAR. 6. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to said Myndall Cain Nu-Rich-ing Oil and specifically in the circular An Invitation from Myndall Cain to Make the Most of Yourself, advertisements through radio continuities to broadcast from radio station WTCN on April 21, 23, and 26, 1939; May 9, 1943; and February 17, 1946, and other dates, are the following:

You'll almost *feel* the little skin cells drinking in nourishment.

Only the Myndall Cain Nourishing Oil can thoroughly feed the starved skin cells.

A single treatment with the Myndall Cain Nourishing Oil * * * will convince you that there is a new era in cosmetics * * * a thrilling remarkable method of * * * nourishing your skin with pure, rich oils.

* * * the Nourishing Oil is a silken blend of doubly rich oils that brings a satin smoothness to exhausted complexions.

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The Nourishing Oil doesn't stop at surface feeding; * * * it penetrates to the third layer of skin tissue and replenishes the parched cells with youthifying nourishment.

Myndall Cain Nourishing Oil * * * a honeyrich oil that penetrates and protects against drying and parching. Thirsty skins respond eagerly to this natural refreshment.

Nu-Rich-ing Oil for replenishing nature's own oils * * *

* * * Myndall Cain has found a way to replace Nature's lack with beauty oils as near to the skin's natural secretions as scientists can blend. The powerful combination recommended for this time of year is the Myndall Cain honey-like Facial Oil and the rich, penetrating Nu-Rich-ing Oil. Smooth them on * * * feel your thirsty skin DRINK them in as you gently massage with your fingertips. You'll literally SEE the rough flakiness and the drabness disappear * * * You'll see a new life and color * * * a smoother texture * * * a velvety touch that your complexion never before had. But remember—ONLY the MYNDALL CAIN oils * * * the honey-like Facial Oil * * * and the soothing Nu-Rich-ing Facial Oil * * * can achieve these results for you.

The Myndall Cain Nourishing Oil * * * smooths away crinkling * * *

FR. 7. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 6 and others similar thereto not specifically set out herein, respondents have represented directly and by implication that their said Nu-Rich-ing Oil is composed of ingredients which are a new discovery in cosmetics and that its use will nourish the skin; that the skin will absorb said product; that it penetrates to the third layer of the skin tissue and replenishes the parched skin cells with nourishment and protects the skin against drying and parching under all conditions; that it is rich in honey and will replenish the natural oils in the skin and act as a natural refreshment to the skin; that its use will eliminate wrinkles of the skin and give it new life and color.

PAR. 8. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact the use of respondents' said Nu-Rich-ing Oil does not nourish the skin nor does it feed the skin cells. The ingredients in said product are not a new discovery in the cosmetic field and said product does not penetrate to the third layer of the skin tissue or to any significant extent. It does not replenish starved or parched skin cells with nourishment. Skin will not absorb said product to any significant extent. Its use will not protect the skin against drying and parching under all conditions as it will only tend temporarily to protect against drying or parching of the skin due to exposure to heat, wind or sun. Said product contains no honey. It is not a natural refreshment for the skin nor will it replenish the

natural oils of the skin. Its use will not eliminate wrinkles or have any significant effect upon them or give the skin new life or color.

PAR. 9. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to Myndall Cain Facial Oil, and specifically in advertisements appearing in the Minneapolis Star Journal and Minneapolis Tribune on various dates, and in the circular An Invitation from Myndall Cain to Make the Most of Yourself, and through radio continuities broadcast from radio station WTCN on April 30, 1939, January 27, 1946, February 10 and 17, 1946, and on other dates, are the following:

* * * Relieves crinkling and the fine lines.

* * * readily absorbed by the skin . . .

Try it—see how your thirsty skin drinks it in.

The pure, luscious drops of oil will * * * eliminate sallowness * * *.

* * * they relieve dryness and flakiness with Myndall Cain Facial Oil * * *.

Remember that the Myndall Cain Facial Oil . . . these finely blended beauty preparations are the natural way to care for your skin.

You'll literally SEE the rough, flakiness and drabness disappear . . . you'll see a new life and color . . . a smoother texture . . . a velvety touch that your complexion never had before.

* * * ONLY the Myndall Cain oils . . . the honey-like Facial Oil * * * . . . and the soothing Nu-Rich-ing Oil * * * . . . can achieve these results for you.

The formula for this rare, precious oil was discovered by Myndall Cain herself as she studied in the beauty centers of both Europe and America. Like a doctor's prescription . . . so fine and pure . . . so rich and effective with even the most difficult skins.

* * * regardless of other preparations you may be using, you NEED Myndall Cain Facial Oil. Visit the Myndall Cain House of Beauty where there are five EXPERT CONSULTANTS, TRAINED TO UNDERSTAND YOUR PARTICULAR COMPLEXION PROBLEMS. Have a careful, sensible analysis . . . then let these experts suggest the proper oils and treatments to correct your complexion faults. * * *.

PAR. 10. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 9, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that their Facial Oil relieves crinkling and fine lines in the skin and is a natural way to care for the skin; that it penetrates into and is absorbed by the skin; that its use will eliminate sallowness and relieve dryness and flakiness of the skin, give it new life and color, and a smooth texture and that only respondents' said product and respondents' "Nu-Rich-ing Oil" can achieve these results; that said product is made from rare, precious oils and that Myndall Cain discovered the formula for said product

while studying in the beauty centers of Europe and America; that said product is like a doctor's prescription; that it is as effective as a doctor's prescription would be for any given skin condition for any particular individual and that it is effective even with the most difficult skins and that said product is necessary for the proper care of a person's skin irrespective of what preparations a person is using.

PAR. 11. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact the use of respondents' facial oil will not relieve crinkling and fine lines in the skin nor is its use a natural way to care for the skin. Said product will not penetrate into and is not absorbed by the skin to any significant degree. Its use will not eliminate sallowness; its use will temporarily relieve dryness or flakiness caused by chapping of the skin but will not relieve dryness or flakiness arising from many other causes. Its use will not give new life and color nor a smooth texture to the skin. The ingredients in said product are neither rare nor precious and there are many like or similar preparations on the market composed of the same or substantially the same ingredients. Said preparation is not like a doctor's prescription in that it is not individually compounded for any particular person nor upon a doctor's particular prescription but is manufactured in bulk and packaged from said bulk material. Said preparation is not effective when used on many types of skin, and is neither essential nor necessary to the proper care of a person's skin.

PAR. 12. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to said Myndall Cain's Youth Skin Oil, and specifically in a circular An Invitation from Myndall Cain to Make the Most of Yourself, advertisements in the Minneapolis Symphony programs and advertisements in the Minneapolis Star Journal and Minneapolis Tribune on January 20, 1946, and on other dates, and in radio continuities broadcast from radio station WTCN on September 23, 1945, November 11, 1945, January 27, 1946, and on other dates, are the following:

MYNDALL CAIN'S YOUTH SKIN OIL . . . a vitalized oil that we recommend for wrinkles, crinkling, or aging skins. Highly concentrated, it is a stimulating youthifying Beauty Oil . . . doubly rich, to rejuvenate exhausted skins.

THE MYNDALL CAIN YOUTH OIL * * * It contains cholesterols (The skin itself is composed of cholesterols). Highly recommended for lines and wrinkles because of its hormone powers. * * * Mail orders filled, too.

Nothing else like it! Revolutionary in its soothing youthifying effect upon your skin. A highly concentrated oil containing an active hormone ingredient that's actually absorbed by the skin. Every precious drop has beauty powers.

"I can't tell you what a joy it is to use your wonderful oil. It is so easy to apply and has taken away all those ugly lines and wrinkles." Yes, ladies, you too can expect the same youthifying results.

* * * this highly concentrated youthifying oil * * *.

These women guard against fine lines and wrinkles by the daily application of Myndall Cain's Youth Oil. * * *

"* * * I have taken at least ten years off my face during the short time I have been using your Youth Oil" . . . Another lady writes: "* * * It's so easy to apply and has taken away all those ugly lines and wrinkles" . . . Yes, ladies, you too can expect the same youthifying results. Make your dreams of beauty come true. * * * Most department stores have it. * * * Find out for yourself what this fountain-of-youth oil in a bottle will do.

PAR. 13. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 12, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that their said Youth Skin Oil is a vitalized oil which will eliminate fine lines, wrinkles and crinkling of the skin; that it is stimulating and will rejuvenate exhausted or aging skin; that it is composed of the same ingredients as those in the skin and contains an active hormone ingredient which is absorbed by the skin; that it is revolutionary and there is no other product like it for soothing and rejuvenating the skin; that it acts to restore a person's youth; and that it can be obtained at most department stores.

PAR. 14. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact the use of respondents' said Youth Skin Oil will not eliminate fine lines, wrinkles or crinkling of the skin and will not stimulate and rejuvenate exhausted or aging skin; nor will its use restore a youthful appearance to the skin. It is not composed of the same ingredients as those in the skin itself and does not contain hormones of any kind. The said product is not revolutionary and there are many products on the market composed of the same or substantially the same ingredients as those of respondents' said product. The use of said product does not produce rejuvenating results. Its use will not restore a person's youth nor have any "youthifying" effects upon the skin. Said product is for sale in only a limited number of stores in States adjacent to the State of Minnesota.

PAR. 15. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to said Myndall Cain's Amber Oil and specifically in the circulars Facial Exercises by Myndall Cain and An Invitation from Myndall Cain to Make the Most of Yourself, are the following:

* * * A highly concentrated oil recommended for use every forty-eight hours if lines or wrinkles are apparent.

* * * a combination of tropical oils that has excited such comment as "a remarkable, instantaneous, youth treatment for wrinkles."

PAR. 16. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 15, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that their said Myndall Cain Amber Oil will eliminate lines and wrinkles.

PAR. 17. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact the use of respondents' said Amber Oil will not eliminate lines and wrinkles or have any significant effect upon them.

PAR. 18. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to Myndall Cain Facial Masque and specifically in the circular An Invitation from Myndall Cain to Make the Most of Yourself, is the following:

Myndall Cain Facial Masque * * * flushes sluggish skins * * * relieving sallowness, blemishes and facial fatigue.

PAR. 19. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 18 and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that their Facial Masque flushes a sluggish skin, relieves sallowness, blemishes, and facial fatigue.

PAR. 20. The said advertisement is misleading in material respects and is a "false advertisement" as that term is defined in the Federal Trade Commission Act. In truth and in fact the use of Myndall Cain Facial Masque does not flush sluggish or any other type skin and its use will not relieve or eliminate sallowness, blemishes of the skin, nor facial fatigue.

PAR. 21. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to said Myndall Cain Eye Tissue Oil, and specifically in the circulars An Invitation from Myndall Cain to Make the Most of Yourself and Facial Exercises by Myndall Cain, are the following:

MYNDALL CAIN EYE MUSCLE OIL * * * Excellent for crow's-feet . . .

MYNDALL CAIN EYE TISSUE OIL . . . A special blend of oils prepared for fine lines around the eyes.

PAR. 22. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 21

and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that their Eye Tissue Oil will eliminate crow's-feet and fine lines around the eyes.

PAR. 23. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact the use of said eye tissue oil will not eliminate crow's feet or fine lines around the eyes or have any significant effect upon such condition.

PAR. 24. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to said Myndall Cain Morning Dew, and specifically in the circular Facial Exercises by Myndall Cain are the following:

* * * aids in refining the texture. When used before make-up the skin takes on a smooth finish. * * * May act as skin protection as it refreshes and gives a tingling marble-like smoothness to tired complexions.

PAR. 25. Through the use of the advertisement containing the statements and representations hereinabove set forth in paragraph 24, and others similar thereto not specifically set out herein, respondents have represented directly and by implication, that their said product "Morning Dew" will aid in refining the texture of the skin and makes the skin smooth; that it acts as a skin protection.

PAR. 26. The said advertisement is false and misleading in material respects and is a "false advertisement" as the term is defined in the Federal Trade Commission Act. In truth and in fact the use of Myndall Cain's Morning Dew will not aid in the refining of the texture of the skin nor will its use make the skin smooth; it will not act as a skin protection for many conditions which would harm and damage the skin.

PAR. 27. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to Myndall Cain's Foundation Lotion, and specifically in the circular Facial Exercises by Myndall Cain, is the following:

Another beauty necessity.

PAR. 28. Through the use of the advertisement contained in the statement and representation hereinabove set forth in paragraph 27 and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that their said product "Myndall Cain's Foundation Lotion" is a beauty necessity for the skin.

PAR. 29. The said advertisement is misleading in material respects and is a "false advertisement" as the term is defined in the Federal

Trade Commission Act. In truth and in fact it is not necessary to use this preparation in order to have a beautiful skin.

PAR. 30. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to said Myndall Cain Muscle Massage Oil, and specifically in a circular entitled "Facial Exercises by Myndall Cain," are the following:

* * * Helps to bring a tingling, freshening circulation while massaging sagging fascial muscles.

PAR. 31. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 30, and others similar thereto not specifically set out herein, respondents have represented that the use of their "Muscle Massage Oil" will increase the circulation of the blood and is an effective treatment for sagging facial muscles.

PAR. 32. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact, the use of respondents' said Muscle Massage Oil has no effect upon the circulation of the blood, and it is not an effective treatment for sagging facial muscles and will have no effect whatsoever upon the facial or other muscles.

PAR. 33. Among the statements and representations contained in the said advertisements disseminated as aforesaid with respect to said Myndall Cain Pine Oil Freshener, and specifically in a circular entitled, "An Invitation from Myndall Cain to Make the Most of Yourself," and "Myndall Cosmetic Booklet," are the following:

* * * of especial benefit where skin needs facial refining . . .

* * * Helps to relieve enlarged pores and coarsened skin.

PAR. 34. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 33, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that the use of said preparation will improve the texture or structure of the skin and will eliminate enlarged pores and coarsened skin.

PAR. 35. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact, the use of respondents' said product will not improve the texture or structure or otherwise refine the skin, and will not eliminate enlarged pores or coarsened skin. The only effect the use of said product will have upon the skin of the user is a temporary astringent action and it has no permanent beneficial effect whatsoever upon the skin.

PAR. 36. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to respondents' products in general, and specifically in the circular Facial Exercises by Myndall Cain, in advertisements in the Minneapolis Sunday Tribune on September 30, 1945, and on other dates and in radio continuities broadcast from radio station WTCN on April 21, 23, 26, 28, and 30, 1939; February 17, 1946, and on other dates, are the following:

It is a tribute to this new method of beauty care to say that the most attractive women in every group are patrons of Myndall Cain.

MYNDALL CAIN has introduced a modern method of complexion care . . . a method as natural as spring itself. Rich, youthifying oils actually pour beauty into the skin. Just as the warm, spring rains unfold the beauty of the flowers and the trees, so do these Beauty Oils bring new bloom to milady's skin.

Do you know how women and men, too, grow old? First, the facial and body muscles relax, grow lazy and inactive—circulation slows up. Then there is a natural depletion or waste of oil secretions that keep the tissues or skin full and firm—these are the things to be corrected. It is when the skin loses its oil that it loses its elasticity and youth. Then fine creases appear; then lines, and the next step wrinkles. Now the famous dermatologists of the continent prove that only rare oils can make these oil ducts fill out again because it is oil that they have been robbed of, by time, over-fatigue, dissipation, neglect, * * *

A thirsty skin is an aging skin! Pour beauty into the skin this Myndall Cain natural way—oils that are as near to the Natural secretions of the skin as scientists can blend. * * *

Myndall Cain Beauty Oils are the talk of the cosmetic world . . . because they are daringly different. A single treatment and you feel their precious beautifying powers. This method of using oils is a sure, modern way to keep your complexion young * * *.

The discovery of Beauty Oils for skin loveliness was made by the greatest skin specialists of Europe . . . but to Myndall Cain goes the credit for perfecting these Beauty Oils . . . until today the Myndall Cain Beauty Oils are regarded as the highest achievements in cosmetology!

Begin the modern *natural* way to complexion loveliness . . . using finely blended oils to cleanse . . . oils to nourish and oils to revitalize your skin.

Scientific exercises and lubricating with rich, rare oils is the marvelous secret power of this famous Myndall Cain method.

No matter what your complexion needs, write or call or stop in at the Myndall Cain House of Beauty, 808 LaSalle Avenue in Minneapolis, where you have the advice of FIVE complexion SPECIALISTS . . . people trained or skilled in their professions. No matter WHERE you live, it will pay to you write or visit the friendly Myndall Cain Salon to find out what Myndall Cain Facial Oil and Myndall Cain Nu-Rich-ing Oil can do for your complexion.

The famous Myndall Cain Beauty Oils are sent from here to the dressing tables of women all over America.

The most Beautiful Women in every group are patrons of Myndall Cain . . .

Visit the Myndall Cain House of Beauty where there are five EXPERT CONSULTANTS, TRAINED TO UNDERSTAND YOUR PARTICULAR COMPLEXION PROBLEMS. Have a careful scientific analysis . . . then let these experts suggest the proper oils and treatments to correct your complexion faults.

Findings

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* * * Get them at your dealers * * * or write or phone the Myndall Cain House of Beauty, 808 LaSalle Avenue in Minneapolis * * *.

PAR. 38. Through the use of the advertisements containing these statements and representations hereinabove set forth in paragraph 36 and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that their preparations are different from other beauty preparations and that their use will keep the complexion young; that beauty oils were discovered by the greatest skin specialists of Europe and that respondents have perfected these beauty oils until respondents' beauty oils are considered the greatest achievement in cosmetology; that respondents' beauty oils are absorbed by the skin and are a natural way to complexion loveliness; that said products nourish and revitalize the skin and possess secret beautifying powers; that respondents' oils are rare and composed of ingredients the same as or as near as those of the skin's natural secretions as scientists can blend; that respondents' expert consultants can prescribe the necessary oils to correct any complexion faults; that the most beautiful and lovely women in every group are patrons of Myndall Cain and respondents' said products are so famous and in such demand that they are shipped to women all over America, and can be purchased at all local stores.

PAR. 38. The said advertisements are misleading in material respects and are "false advertisements" as the term is defined in the Federal Trade Commission Act. In truth and in fact, respondents' so-called beauty oils are no different from many sold by respondents' competitors. Their use will not keep a person's complexion young. So-called beauty oils were not discovered by the greatest skin specialists of Europe and Myndall Cain did not perfect these so-called beauty oils, and none of respondents' so-called beauty oils are regarded as the highest achievements in cosmetology. Respondents' oils are not absorbed by the skin to any significant degree. The use of respondents' said products is not a natural way to keep complexion loveliness and will not nourish or revitalize the user's skin. Respondents' so-called beauty oils are not rare and are not composed of ingredients the same as or as near to those of the skin's natural secretions as scientists can blend, and no attempt has been made by scientists to simulate the skin's natural secretions in compounding the ingredients found in respondents' said products. Their use will not correct any complexion faults. The most beautiful or lovely women in every group are not patrons of Myndall Cain, and respondents' said products are not shipped to women all over America and

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are not on sale at all local stores; in fact, said products are available at very few stores outside of Minneapolis, Minn.

PAR. 39. Respondents' advertising matter, with respect to their various products and in general, stresses and emphasizes the beneficial results to the skin which may be expected from the use of said products because of the various oils therein. In truth and in fact the benefits to the skin from the use of said oils are limited to their ability to facilitate the removal by mechanical means of foreign matter on the surface of the skin and to temporarily soften dry skin when dryness is caused by external conditions.

PAR. 40. The use by the respondents in their advertisements of the names Youth Skin Oil, Eye Tissue Oil, and Muscle Massage Oil is misleading and deceptive in itself, as such names serve as representations that the product designated and referred to as Youth Skin Oil will make the skin youthful; that the product Eye Tissue Oil will be of benefit to the tissue around the eyes and that the product Muscle Massage Oil will benefit the muscles wherever it may be used. In truth and in fact, these results will not follow the use of these products.

PAR. 41. The use by the respondents of the said false advertisements has had the capacity and tendency to and has misled and deceived a substantial portion of the purchasing public into the erroneous and mistaken belief that representations therein contained and hereinabove enumerated were true, and into the purchase of substantial quantities of said products by reason of said erroneous and mistaken belief.

CONCLUSION

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

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

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It is ordered, That the respondents, William A. Wickland and Myndall Cain Wickland, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of their products Myndall Cain Gardenia Cleansing Oil (also known as Myndall Cain Cleansing Oil and formerly as Myndall Cain Liquid Cleansing Cream), Myndall Cain Nu-Rich-ing Oil (formerly known as Myndall Cain Liquid Nourishing Cream), Myndall Cain Facial Oil, Myndall Cain Youth Skin Oil (also known as Youth Oil), Myndall Cain Amber Oil (formerly known as Myndall Cain Brazilian Oil), Myndall Cain Facial Masque (also known as Myndall Cain Facial Exerciser), Myndall Cain Eye Tissue Oil (formerly known as Myndall Cain Eye Muscle Oil), Myndall Cain Morning Dew, Myndall Cain Foundation Lotion, Myndall Cain Muscle Massage Oil (formerly known as Myndall Cain Muscle Strengtheners), and Myndall Cain Pine Oil Freshener (formerly known as Myndall Cain Pine Oil Astringent and as Myndall Cain Pine Scent Freshener), or any products of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from directly or indirectly:

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

(a) Represents that the use of Myndall Cain Gardenia Cleansing Oil is a natural way to complexion loveliness; that said product will nourish or revitalize the skin or complexion; that all women with beautiful complexions use beauty oils and that the use of this product will result in clear, transparent beauty; that Myndall Cain brought to America a new method of using beauty oils; that the use of the oils in said product will cleanse the complexion, except to the extent that when removed from the skin they will carry with them whatever foreign matter is attached thereto; that the oils in said product replace the natural oils of the skin; that said product is an outstanding scientific triumph or achievement; that the use of said product will relieve sallowness of the skin, will eliminate large pores or flush away dirt or other foreign matter in the skin, penetrate the skin to any significant degree or clear the pores of the skin, or that any number of treatments with the product will make the skin clearer in all cases.

(b) Represents that Myndall Cain Nu-Rich-ing Oil is composed of ingredients which are a new discovery in cosmetics; that it will nourish the skin; that the skin will absorb said product; that it penetrates the skin to any significant extent; that it replenishes the parched skin cells

with nourishment; that it protects the skin against drying and parching conditions, except to the extent that it will temporarily protect the skin against drying due to exposure to heat, wind and sun; that it contains honey or will replenish the natural oils in the skin or act as a natural refreshment for the skin; that its use will eliminate wrinkles of the skin or give the skin new life or color.

(c) Represents that the use of Myndall Cain Facial Oil is a natural way to care for the skin, that it will relieve crinkling and fine lines in the skin or eliminate sallowness; that it will penetrate into or be absorbed by the skin to any significant degree; that its use will relieve dryness or flakiness of the skin other than providing temporary relief of chapping; that it will give new life, color or a smooth texture to the skin; that said product is composed of rare or precious ingredients; that it is like a doctor's prescription; that said product is substantially different in composition from many other products on the market; that said Facial Oil is essential or necessary for the proper care of a person's skin.

(d) Represents that Myndall Cain Youth Skin Oil will eliminate fine lines, wrinkles and crinkling of the skin; that it will stimulate or rejuvenate exhausted or aging skin; that it is composed of the same ingredients as those in the skin; that it contains hormones; that it is a revolutionary product; that there are no other products on the market composed of the same or substantially the same ingredients; that it has any "youthifying" effects upon the skin; that said product is for sale at most department stores, when such is not the fact.

(e) Represents that Myndall Cain Amber Oil will eliminate lines and wrinkles or have any significant effect upon lines or wrinkles.

(f) Represents that Myndall Cain Facial Masque flushes sluggish skin or any other type of skin, or that its use relieves sallowness or blemishes of the skin or facial fatigue.

(g) Represents that Myndall Cain Eye Tissue Oil will eliminate crow's-feet or fine lines around the eyes or have any significant effect upon such condition.

(h) Represents that Myndall Cain Morning Dew will aid in refining the texture of the skin or make the skin smooth, or that it acts as a skin protection under all conditions.

(i) Represents that the use of Myndall Cain Foundation Lotion is necessary in order to have a beautiful skin.

(j) Represents that Myndall Cain Muscle Massage Oil will have any effect upon the facial or other muscles; that its use will have any effect upon the circulation of the blood.

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(*k*) Represents that Myndall Cain Pine Oil Freshener will improve the texture or structure of the skin or eliminate enlarged pores or coarsened skin; that said product will have any effect on the skin other than that of a temporary astringent action.

(*l*) Represents that respondents' products differ in composition from many of those sold by their competitors; that the use of such products will keep the complexion young; that respondents' oils are considered to be the greatest achievement in cosmetology; that they were discovered by the greatest specialists of Europe or that they were perfected by Myndall Cain; that said oils are absorbed by the skin to any significant degree or are a natural way to complexion loveliness; that said products nourish or revitalize the skin; that the oils used in respondents' products are rare or are composed of ingredients which are the same as those of the natural secretions of the skin or as near to such secretions as scientists can blend; that their use will correct any complexion fault; that the most beautiful or lovely women in every group are patrons of Myndall Cain; that respondents' products are shipped all over America or can be purchased at all local stores, when such is not the fact.

(*m*) Represents that the oils in any of respondents' said products will have any beneficial effect on the skin in excess of their ability to facilitate the removal by mechanical means of foreign matter on the surface of the skin or to temporarily soften dry skin when dryness is caused by external conditions.

(*n*) Uses the word "Youth" as a part of the trade or brand name for the product now known as Myndall Cain Youth Skin Oil.

(*o*) Uses the word "Tissue" as a part of the trade or brand name for the product now known as Myndall Cain Eye Tissue Oil.

(*p*) Uses the words "Muscle Massage" as a part of the trade or brand name for the product now known as Myndall Cain Muscle Massage Oil.

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 in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any of the said products, which advertisement contains any representation prohibited in paragraph 1 hereof.

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

E. H. ROBERTS PORTRAIT CO. ET AL.

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

Docket 4692. Complaint, Feb. 2, 1942—Decision, June 2, 1947

A "painting" is understood by artists who paint pictures, photographers who color photographs, and the general public, as an original representation by the painter of a design, image, or object on a surface by means of paint, either pastel, water color, or oil; a free-hand image painted directly on the surface without the intervention of any mechanical means such as a camera. A water color is a painting with pigments for which water, and not oil, is used as a solvent.

Where some ten individuals, who, as retail operators, were associated with and representatives of a corporation which was engaged at its place of business in Kansas City, Mo., in making colored enlargements or miniatures of photographs and snapshots, maintaining stocks of frames therefor, and selling such products to its retail operators;

In carrying on the sale of said products—in which the major portion of the profit was realized from the sale of frames—either direct to the purchasing public or through sales agents, in conjunction with said corporation and under a well coordinated plan or procedure in which all participated and cooperated, in competition with others likewise engaged—

(a) Made use of various trade names which included such terms as "art studios," "art institute," "art association," and other fictitious names such as World Distributing Co., Home Exhibit Club, and York Advertising Co., and displayed on their order blanks, stationery, and other materials, the business address of said corporation;

When in fact neither said retail operators nor said corporation owned, operated or controlled an art studio and did not constitute an art association; said corporation maintained and operated merely a commercial establishment; and said operators maintained no place of business at said address but merely used the same as their mailing address where correspondence was received and either forwarded, answered, or otherwise disposed of by employees of said corporation; and maintained, in fact, no place of business other than such mailing address;

With the result that customers dealing with such representatives or retail operators were caused to believe that they owned or operated or were connected with art studios, institutes of art, or places of business where colored enlargements or miniatures of photographs or snapshots were made; and

Where said corporation, which maintained close cooperation with and supervision over, the sales activities and business practices of its said operators and their agents, advised with the various operators with reference to the selection of trade names, the use of its address, the drafting of sales contract forms, and the use of sales talks; supplied them with contracts, receipts, notes, and other printed matter; maintained active open accounts with those satisfactory to it in said respect; and handled all mail addressed