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IN THE MATTER OF

ADA J. ALBERTY ET AL. TRADING AS
ALBERTY FOOD PRODUCTS, ETC.

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

Docket 5101. Complaint, Dec. 14, 1943—Decision, Feb. 4, 1948

A categorical representation by the advertiser-seller of a product that certain designated symptoms or conditions are likely to be due to a cause for which his product is beneficial, when in a majority of cases they are due to causes in the treatment of which it would have no benefit whatever, is clearly false and obviously deceptive, and the Commission is of the opinion that a representation to the same effect, made under the same circumstances, except by suggestion instead of categorically, and unaccompanied by an appropriate disclosure of the likelihood of other causes of the symptoms and conditions, is equally false and deceptive, and by reason of such falsity, is subject to the exercise of the Commission's corrective jurisdiction in the same manner and to the same extent as though the representation had been made by affirmative statement.

As respects the question of vitamins and the well-being of the individual, this is not wholly a matter of vitamins, but depends upon many physiological, psychological, dietary, and other factors. Vitamins are continually being used and replaced, and the extent of the bodily demand therefor varies with the individual. If replacements are adequate in amount, it is not necessary that further amounts be taken in, and persons whose individual vitamin requirements are provided by their usual diet will not be benefited by taking additional vitamins, except that, to the extent to which they are stored, they furnish a reserve against possible future deprivation.

The use of a vitamin or mineral preparation will avert vitamin or mineral deficiencies in those vitamins or minerals of which the preparation gives the user the established minimum daily requirements. Should it give him less than such requirement for a vitamin or mineral, the preparation serves only as a dietary supplement, which may or may not, depending upon the user's diet, result in averting deficiencies therein.

Therapeutic amounts of vitamins and minerals substantially exceed the established daily minimum requirement therefor, and the use of vitamin or mineral preparations which contain vitamins or minerals in less than therapeutic amounts is of no significant value in cases where a deficiency in such vitamin or minerals is of sufficient duration to have become manifested by symptoms or signs thereof.

The common eruptions on the skin, and eruptions and rashes which are manifestations of pathological conditions, are not due to deficiencies in vitamin A and will not be benefited by the use of said vitamin. And while a deficiency in said vitamin of sufficient duration may be manifested by a dry skin or zerosis, and by an eruption of a particular type, which will be benefited by the use of said vitamin in therapeutic quantities but not in lesser amounts,

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dry skin in any usual usage of the term is not attributable to a deficiency therein.

"Eye strain" in any usual meaning of the term is not attributable to a deficiency in vitamin A, but to inadequate visual power in the individual case for the work the eyes are called upon to do, and said condition will not be benefited or averted by the use of vitamin A preparations, as is also the case with respect to susceptibility of the eyes to fatigue. Such a deficiency of sufficient duration, however, may manifest itself by an impaired ability to see in partial darkness or dim light, known as "night blindness," and the eyes of persons so affected are susceptible to fatigue if used under such conditions, though no more than usual under others. And in the event of such a deficiency—which is not the sole cause of said conditions—"night blindness" and eye strain or susceptibility to fatigue due thereto will be benefited by the use of the vitamin in therapeutic, but not lesser amounts.

Sterility, eczema, and inflamed body membranes, excluding those of the eye, and including those of the nose, throat, lungs, and urinary and reproductive organs, are not attributable to a deficiency in vitamin A and will not be benefited by use thereof. And as respects inflammation of the membranes of the eye, there are many causes other than deficiency of vitamin A, in which latter event only will the membranes be benefited by use of vitamin A in therapeutic, but not lesser amounts.

Deficiency in vitamin A as a cause of kidney stones, or its value in the treatment of said condition or in averting it, have not been established, and in the present state of medical science representations or suggestions to those effects are wholly speculative.

In children, susceptibility to colds, children's diseases, and poor eyesight are not attributable to a deficiency in vitamin A and will not be benefited by its use.

Delay in or impairment of healthy development of teeth or bones in children is a manifestation of general malnutrition or of a specific deficiency in calcium, phosphorus or vitamin D, and vitamin A is of no value in averting or in the treatment of such conditions due to such a deficiency, and is of no specific effect in cases due to general malnutrition.

Lack of energy in children is due much more frequently to causes other than a deficiency of vitamin A, and in the latter event only will the condition be benefited by the use of vitamin A in therapeutic, but not in lesser amounts.

As respects the relationship of vitamin B deficiencies to various ailments and conditions: failure of the brain to function efficiently, arthritis, neuritis (with the single exception of polyneuritis), hemorrhoids and premature old age, are not attributable to such deficiency; but excitability, nervousness, sleeplessness, upset feeling, irritability, sensitiveness, poor memory, failure of the intestinal tract and other organs to function, polyneuritis, constipation, irregular bowel movements, poor digestion, fatigue, listlessness, and lack of appetite, may be.

The causes of lassitude described by such expressions as "Weary," "Tired," "Run down," "Just dragging around," "No ambition left," "Slipping," "All gone," and the like, as respects the offer of preparations assertedly containing iron as a remedy therefor, are due much less frequently to simple iron deficiency anemia than to numerous other causes.

On the basis of the record as a whole in the instant proceeding, the Commission found that garlic is of no value in the treatment of hypertension, high blood pressure, or any other symptom of hypertension.

In the instant proceeding in which the Commission challenged as false and misleading a variety of representations made by the advertiser-seller with respect to some 16 preparations offered by it, the Commission found that said representations were erroneous and misleading and constituted false advertisements, for the reason, in the case of some, that the preparations to which they related did not possess the properties or therapeutic value and would not produce the beneficial effects claimed therefor; for the reason, in the case of others, that the advertisements affirmatively represented that certain ailments, conditions, and symptoms were due to deficiencies in specified minerals and vitamins which the advertiser-seller's preparation would supply, when such was not the case; and for the reason, in case of still other advertisements, that they were misleading in a material respect, and therefore false and deceptive, by reason of the innuendos and suggestions contained therein, in that certain of their mineral or vitamin preparations were recommended as cures or remedies for certain designated symptoms or conditions, when in fact the causes thereof were so numerous that their mere existence created no reasonable likelihood that they would be benefited by the particular preparation.

Where 6 partners, engaged under various trade names in the sale and distribution of a variety of food and drug products; in advertisements of 16 of their said products—

(a) Represented that their "Ri-Co" constituted, according to the principles of the homeopathic school of medicine, a competent treatment for arthritis, chronic rheumatism, and "rheumatic gout," and an effective eliminant of uric acid, and that their "Alberty's Ointment" would relieve the pain, swelling, and stiffness incident to said conditions;

The facts being that according to the homeopathic, but not the allopathic, school, said Ri-Co was of value simply in ameliorating the symptoms of muscular or ligamentous pain and stiffness due to arthritis or rheumatism, except when accompanied by a febrile condition, as is usually the case with gout; no disease entity is known as "rheumatic gout"; and said "Ointment" was of no value in the treatment of said conditions or symptoms;

(b) Represented that the combination of drugs contained in their "Sabinol" was recognized by the homeopathic school as a competent treatment for diseases of the kidneys, that it flushed them and possessed therapeutic value in various asserted symptoms of kidney trouble including circles about the eyes, sharp pains in the kidneys, and spots before the eyes, and was an eliminant of uric acid from the system;

Notwithstanding the fact it was not such a treatment and would not accomplish such results; according to the homeopathic—but not the allopathic—school, was of value in relieving pain or discomfort due to gravel or stone in the kidney or to spasm of the ureter, but not otherwise, and, while not an eliminant of uric acid, might incidentally result in some elimination thereof;

(c) Represented that through the use of their "Oxorin Tablets" the blood and red corpuscles of the user would be rendered stronger, more vital and active,

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and would perform their functions better, and that said preparation would correct run-down condition and bring back energy; and that three of their "Zen" tablets would provide the user with 15 grains of iron, and that the preparation was a blood builder, and would restore energy to those who lacked it;

The facts being that three tablets of latter preparation would not furnish user with more than about two and one-half grains of iron, and said preparations would have no such effect as above set forth except in cases of simple iron deficiency anemia; many causes of lack of energy would not be beneficially affected thereby; and causes of lassitude—variously described by them as "weary," "tired," etc.—are so numerous that in the aggregate they are due much less frequently to simple iron deficiency anemia than to others;

- (d) Represented that their "Cap-Lone Tablets" were of value in the treatment of pyorrhea and constipation and would regulate the bowels; were beneficial to the skin, brain, nerves, intestine, stomach, glands, and blood; possessed tonic and restorative value; and were effective in relieving or substantially improving many of the physiological conditions arising from a deficiency of calcium or phosphorus;

The facts being the "Tablets" were not significantly beneficial to the skin and other aforesaid parts; consumption of 21 tablets daily, instead of the prescribed three, would avert deficiencies in phosphorous and calcium, but treatment of deficiencies of sufficient severity to be reflected by physiological manifestations would require a greater dosage; and use thereof provided no benefits in excess of serving as a mineral dietary supplement;

- (e) Represented that their "Garlic and Vegetable Perles" aided in the digestion and absorption of food, induced evacuation of the bowels, reduced high blood pressure, acted as an intestinal disinfectant, produced temporary hypotension, and were of value in the treatment of dyspepsia and catarrhal infections of the digestive tract;

The facts being value of said "Perles" in the treatment of dyspepsia or catarrhal affections of said tract or other mild bowels inflammations was limited to a carminative effect when such conditions resulted in gas and consequent distension; and, according to the homeopathic—but not the allopathic—school, to their laxative properties, resulting in increased peristalsis; and their aforesaid claims were otherwise false and misleading;

- (f) Represented that vitamin A increases vigor, vitality, resistance to colds, gives a general feeling of well being and aids the liver, kidneys, nerves, glandular system, skin, and eyes; and that dry skin and skin eruptions, eyestrain and susceptibility to fatigue, sterility, eczema, inflammation of the membranes of the body including the nose, throat, lungs, urinary and reproductive organs, kidney stones, susceptibility to colds in children, children's diseases, delay or impairment of healthy development of teeth and bones, poor eyesight, and lack of energy, are all due to deficiency of said vitamin; and would be benefited by the use of their "Alberty's Vitamin A—Shark Liver Oil Capsules";

The facts being that while, as respects some of said alleged symptoms, a deficiency in said vitamin of sufficient duration might be manifested by a dry skin or zerosis, and an eruption of a particular type, or, in the case of the eyes, by "night blindness" and associated symptoms, or by inflamed membranes of the eye—for which there are also many other causes—and, infrequently by lack of energy in children, the various other symptoms asserted are not due to

such vitamin A deficiency; and while their said capsules contained vitamin A in a therapeutic quantity and would be beneficial in the treatment of deficiencies thereof and prevent their development, persons whose requirements of said vitamin were provided by their diet would not be benefited by taking additional vitamin A except to the extent to which it was stored in the body as a reserve; and, except as above stated, the capsules would not accomplish the other results claimed therefor;

- (g) Represented that sleeplessness, excitability, nervousness, upset feelings, irritability, sensitiveness, and poor memory are due to deficiencies in vitamin B₁ and would be cured or substantially benefited by their "Alberty's Phospho-B," more recently designated "Phloxo-B";

The facts being that when sleeplessness, nervousness, irritability or sensitiveness are symptoms of anemia or aesthenia, said product—according to the homeopathic school but not the allopathic—is of value in the treatment of such symptoms, independent of the vitamin B₁; but there are many other causes of such symptoms beside anemia and aesthenia; excitability, upset feelings, and poor memory are not symptoms of anemia or aesthenia; and, except as above noted, and in averting development of a deficiency in vitamin B₁, the product had no value;

- (h) Falsely represented that their Alberty's "Vitamin B Complex," "Alberty's High Potency B Complex," and "Vimol" were beneficial to persons with overactive thyroid glands, would relax the nerves and induce sleep, and were remedies for nervousness, excitability and sleeplessness; would keep the user youthful and avert premature old age; toned the muscles; were of significant benefit in the treatment of arthritis, neuritis, gastrointestinal trouble, constipation, and piles; restored vitality; and possessed tonic properties;

- (i) Falsely represented that they assured the user of proper digestion, sound nerves, good intestinal activity and regular bowel movements; would protect the user against nervous fatigue or exhaustion due to overwork, worry, mental strain, acidosis, chronic diseases, sexual excesses, and dysfunction of the ductless glands; were of value in the treatment of vomiting in pregnancy, improper lactation in nursing mothers, retarded growth in children, pellagra, diabetes, chronic arthritis, anemia, nervous disorders, absence of appetite, and alcoholic polyneuritis; and that it was essential that adequate amounts of essential nutritional elements be received daily; and

- (j) Falsely represented that the administration of the aforesaid preparations, as prescribed by them, was effective in relieving physiological conditions arising from a deficiency of components of the vitamin B complex; that failure of the brain to function efficiently, arthritis, neuritis (except polyneuritis) hemorrhoids and premature old age were attributable to a deficiency of said vitamin and would be benefited by use of said preparations; and that the vitamin B complex is familiarly or appropriately referred to as the "youth vitamin" or the "modern tonic vitamin";

The facts being that use of said preparations would provide no benefits whatever, except that administration of "Vitamin B Complex" would avert development of a deficiency of vitamin B₁ and serve as a dietary supplement in supplying quantities of vitamin B₂; "High Potency B Complex" would likewise avert the development of a deficiency of vitamins B₁ and B₂; and "Vimol" would serve as a dietary supplement in supplying quantities of vitamin B₁;

- (k) Represented that through the use of their "Alberty's Vitamin-Mineral Cap-

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sules," and "Ad-a-Min Capsules," abounding health and vigor and resistance to diseases would be attained; that the functioning of the liver, kidneys, nerves, glandular system, skin, eyes, muscles and intestines, and teeth would be benefited; that gingivitis would be helped; that the metabolism would be improved; that skin diseases, pellagra and cataracts would be averted; that barren women would be rendered able to conceive; and that they were effective in relieving or substantially improving any of the physiological conditions arising from a deficiency of any of the vitamins A, B₁, C, D, or G;

The facts being that neither would be of benefit in aforesaid respects in the absence of a deficiency in the vitamins or minerals which they contained; neither was significantly effective to increase, improve, or benefit in the aforesaid respects when a deficiency in such vitamins was present; benefits of the former preparation were limited to averting the development of a deficiency of vitamin D and to serving as a dietary supplement in supplying quantities of vitamins A, B₁, C, and G, and the minerals iron, calcium, phosphorus, and iodine; and benefits of the latter were limited to averting deficiency of vitamins A and D, and to serving as a dietary supplement in supplying quantities of vitamins B₁, C, and G, and the same minerals;

- (l) Represented falsely that vitamin E was recognized as the "reproduction vitamin," "the master vitamin," and "the vitamin of general fitness," and that use of their "Alberty's Wheat Germ" and "Alberty's Wheat Germ Oil" would promote mental alertness and improve memory, stimulate sexual desire, increase reproductive power, increase the size and firmness of the testicles, increase vigor and muscular tone, prevent miscarriages, render women fertile, and cure acne vulgaris;
- (m) Failed in said advertisements of their said preparations, to disclose that the ailments, conditions, and symptoms above-mentioned were due less frequently to vitamin or mineral deficiency than to other causes;
- (n) Further represented that their aforesaid preparations were cures for various ailments and conditions when due to deficiencies in the vitamin or vitamins designated by them in connection therewith;

The facts being that vitamin deficiencies of sufficient duration and severity to be reflected by physical or mental manifestations would not be substantially benefited by their aforesaid preparations, except that their "Shark Liver Oil" was beneficial for vitamin A deficiencies; and, with that exception, a dosage greater than that prescribed for their preparations was required for adequate vitamin therapy;

- (o) Further represented that all persons would be physically and mentally benefited by taking their preparations, including their "Vimol," "B Complex," "High Potency B Complex," "Vitamin Mineral" capsules, "Phospho B," and "Ad-a-Min" capsules;

The facts being that the various products in some cases supplied the user with the minimum daily requirement of vitamins, and in others supplied less, and supplied less than the established daily minimum requirements for minerals; use of those supplying less might or might not avert deficiencies; use of such preparations which contained vitamins or minerals in less than therapeutic amounts—which exceed daily minimum requirements—is of no significant value where deficiencies have become manifest; and the well-being of the individual depends upon many other factors than vitamins;

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With tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the mistaken belief that said advertisements were true and that all facts material in the light of the representations made therein had been disclosed, whereby such public was induced to purchase large quantities of their preparations:

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.

In said proceeding in which the complaint charged also that respondents' advertisements concerning the laxative preparation "Endo-Lax" constituted false advertisements for the reason that they failed to reveal certain facts as to potential danger in the use thereof, the Commission was of the opinion that, under the circumstances of the case, no disclosure of such facts should be required in the advertisements of the preparation.

Mr. Randolph W. Branch for the Commission.

McFarland & Sellers, of Washington, D. C., for respondents, generally, and along with

Hawerken, Ames & St. Clair, of San Francisco, Calif., for Helen M. Alberty Hackworth; and

O'Connor & O'Connor, of Los Angeles, Calif., for Florence M. Alberty St. Clair.

COMPLAINT¹

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 Ada J. Alberty, an individual, hereinafter referred to as respondent, has violated the provisions of said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in the respect as follows:

PARAGRAPH 1. Respondent, Ada J. Alberty, is an individual with an office and principal place of business at 729 Seward Street, Hollywood, Calif. She trades and does business under the names The Alberty Food Products, Alberty Food Products, Alberty Products, Alberty Products Sales Co., The Cap-Lone Co., and Cheno Products.

¹ According to stipulation entered into between counsel for respondents, as subsequently included, and the Assistant Chief Trial Counsel for the Commission, as set forth in the first paragraph of the Report, findings as to the facts, and order, *infra*, at p. 493, Helen M. Alberty Hackworth, Florence M. Alberty St. Clair, Harry R. Alberty, Margaret M. Alberty Quinn, and Kenneth Hackworth specifically waived the nonjoinder of themselves as parties respondent in the instant complaint and expressly agreed that said complaint should be deemed as amended to charge all of them as respondents with respect to the acts and practices therein set forth, they waiving service of the complaint upon them and the right to file answers thereto, and agreeing further that the Commission might proceed upon the basis of said stipulation as above set forth and in the same way and to the same effect as though all of them had been named and joined as parties respondent in said complaint and had been duly served therewith.

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PAR. 2. Respondent is now, and has been for more than 2 years last, engaged in the business of selling and distributing various food and drug products, as "food" and "drug" are defined in the Federal Trade Commission Act, designated:

Ri-Co Tablets.

Alberty's Vitamin — Mineral Capsules.

Alberty's Wheat Germ.

Alberty's Ointment.

Oxorin Tablets.

Cap-Lone Tablets.

Alberty High Potency B Complex.

Alberty Wheat Germ Oil.

Alberty Garlic and Vegetable Oil Perles.

Vimol Tablets.

Alberty's Vitamin A-Shark Liver Oil.

Alberty's Vitamin B, Complex.

Alberty Phospho-B.

Zen.

Alberty's Sabinol.

Ad-A-Min Capsules.

Endo-Lax.

Respondent causes the said products, when sold, to be transported from her principal place of business in the State of California, to purchasers thereof located in other States of the United States and in the District of Columbia. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in her said products in commerce between and among the various States of the United States and in the District of Columbia.

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

PAR. 4. Among, and typical of, the false, misleading, and deceptive statements and representations contained in said false advertisements, disseminated and caused to be disseminated, as aforesaid by the United States mails, by advertisements inserted in newspapers and periodicals and by circulars, leaflets, pamphlets, and other advertising literature, with respect to respondent's "Ri-Co Tablets" and "Alberty's Ointment" are the following:

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Those ailments commonly termed arthritis, chronic rheumatism, and rheumatic gout are actually forms of the same underlying conditions.

Important to relief is believed to be Constitutional treatment for the relief of the symptoms of arthritis—*Ri-Co Tablets*; a homeopathic preparation for constitutional treatment—for the relief of arthritis as an aid in eliminating from the system waste substances which cause the presence of uric acid in the blood.

Alberty Ointment

A helpful adjunct in the local treatment of arthritis and rheumatism. It often relieves the pain, reduces the swelling, and aids in removing stiffness. Its effect frequently accelerates the internal treatment which accompany its use.

PAR. 5. Through the use of the statements and claims hereinabove set forth, and others similar thereto not specifically set out herein, respondent has represented, directly and by implication, that her "*Ri-Co Tablets*" constitute, according to the principles of the homeopathic school of medicine, an adequate and competent treatment for arthritis, chronic rheumatism, and rheumatic gout, and are an effective eliminant of uric acid; and that her "*Ointment*" is of value in the treatment of rheumatism, arthritis, and rheumatic gout, and will relieve the pain, swelling, and stiffness incident thereto.

PAR. 6. The said representations and claims are false and misleading. In truth and in fact "*Ri-Co Tablets*" do not, according to the principles of the homeopathic school of medicine, constitute an adequate or competent treatment for arthritis, chronic rheumatism, or rheumatic gout, nor are they effective as an eliminant of uric acid; the said "*Ointment*" is without value in the treatment, constitutional or local, of rheumatism, arthritis, or rheumatic gout, and cannot be relied upon to relieve the pain, swelling, and stiffness incident thereto.

PAR. 7. Among and typical of the false, misleading, and deceptive statements and representations contained in said false advertisements, disseminated in the manner set forth in Paragraph Four hereof, with respect to respondent's "*Sabinol*" are the following:

Are your kidneys OK?

If dark circles ring your eyes, flush your kidneys.

When you wake up with a dull, achy feeling across your back, when you feel sharp pains in the kidneys especially mornings after arising, if you get up frequently during the night, if you have spots before your eyes and there is a swelling in your feet, ankles, and lower limbs, if there are dark circles beneath your eyes and puffiness—all or any of these symptoms, accompanied by a lack of vitality—there is often something wrong with your kidneys.

Sabinol!

Long Accepted Homeopathic Prescription now available.

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PAR. 8. Through the use of the statements and claims hereinabove set forth, and others similar thereto not specifically set out herein, respondent has represented, directly and by implication, that the combination of drugs contained in "Sabinol" is recognized by the homeopathic school of medicine as and constitutes an adequate and competent treatment for diseases and ailments of the kidneys.

PAR. 9. The said representations and claims are false and misleading. In truth and in fact, the combination of drugs contained in "Sabinol" does not constitute, and is not recognized by the homeopathic school of medicine as, an adequate or competent treatment for diseases and ailments of the kidneys.

PAR. 10. Among and typical of the false, misleading, and deceptive statements and representations contained in said advertisements, disseminated in the manner set forth in paragraph 4 hereof, with respect to respondent's "Oxorin Tablets" are the following:

Pep up your blood! Iron. * * *

A principal factor in Red Blood Cells. * * * The disease Fighting Units of the Blood.

When you are weary, tired, run down, just dragging yourself around with no ambition left, when every effort you make seems to leave you weak and spent, then try Oxorin Tablets, a tonic for the blood.

PAR. 11. Through the use of the statements, and claims hereinabove set forth, and others similar thereto not specifically set out herein, respondent has represented, directly and by implication, that by the use of her "Oxorin Tablets" the blood and the red corpuscles of the user will be rendered stronger, more vital and active, and will perform their functions better, and that it will correct run-down conditions and bring back energy.

PAR. 12. The said representations and claims are false and misleading. In truth and in fact, "Oxorin" will have no beneficial effect upon the blood or the red corpuscles thereof except in cases of simple iron deficiency anemia. There are many causes of run-down conditions and lack of energy which will not be beneficially affected in any way by "Oxorin."

PAR. 13. Among and typical of the false, misleading, and deceptive statements and representations contained in said advertisements, disseminated in the manner set forth in paragraph 4 hereof, with respect to respondent's product "Zen," are the following:

When three Zens are taken daily, the individual will be getting daily 15 Grains Iron—

If you find yourself slipping and cannot find the cause and you have that "pepples," all-gone feeling, look to this dependable blood-building tonic.

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People who have taken these tablets report new energy in from six to twelve days.

PAR. 14. Through the use of the statements and claims hereinabove set forth, and other similar thereto not specifically set out herein, respondent has represented, directly and by implication, that from three of her "Zen" tablets the user will get 15 grains of iron; that "Zen" is a blood builder, and that it will restore energy to those who lack it.

PAR. 15. The said representation and claims are false and misleading. In truth and in fact three "Zen" tablets will not give the user 15 grains of iron but only approximately $21\frac{1}{2}$ grains. While this preparation has some value in the treatment of simple iron deficiencies it is not a blood builder and there are many causes of lack of energy which will not be beneficially affected in any way by the use of "Zen."

PAR. 16. Through the use of the statements and claims hereinabove set forth with respect to "Oxorin" and "Zen," respondent has represented, directly and by implication—

(1) That the condition of lassitude described by respondent by expressions such as: "Weary," "tired," "run-down," "just dragging around," "no ambition left," "slipping," and "all gone," is due to deficiency in iron.

(2) That from the presence of this condition, the existence of an iron deficiency may be determined by members of the general public with a degree of certitude sufficient to render it reasonably probable that such condition will be benefited by the use of said preparations.

PAR. 17. The said advertisements are false and misleading in that they fail to disclose facts material in the light of the representations therein contained; that is, that the causes of this condition are so numerous that its mere existence is such an uncertain indication of an iron deficiency that there is no reasonable likelihood that it will be benefited by the use of respondent's said preparations.

PAR. 18. Among and typical of the false, deceptive, and misleading statements and representations contained in said advertisements, disseminated in the manner set forth in paragraph 4 hereof, with respect to respondent's "Cap-Lone Tablets" are the following:

Dentists have been recommending these capsules because users claim they relieve pyorrhea.

Many people have reported that Cap-Lone tablets aided in relieving constipation, regulating the bowels.

Brewer's Bottom Yeast (a blood purifier)—for skin, brain, nerves, intestines, and stomach.

Yeast with lactic acid—for tonic and restorative value.

Kelp for food—iodine necessary for the glands—and as a liver tonic.

Parsley for—blood and glands.

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PAR. 19. Through the use of the statements and claims hereinabove set forth, and other similar therto not specifically set out herein, respondent has represented directly and by implication, that her "Cap-Lone Tablets" are of value in the treatment of pyorrhea and constipation and will regulate the bowels; that they are beneficial to the skin, brain, nerves, intestines, stomach, glands, and blood and possess tonic and restorative value.

PAR. 20. The said representations are false and misleading. In truth and in fact, "Cap-Lone Tablets" are of no value in the treatment of pyorrhea or constipation or as a bowel regulator. They are not significantly beneficial to the skin, brain, nerves, stomach, or intestines nor to all the glands of the body. They have no restorative or tonic value, nor will they purify the blood.

PAR. 21. Among and typical of the false, deceptive, and misleading statements and representations contained in said advertisements, disseminated in the manner set forth in paragraph 4 hereof, with respect to respondents "Garlic and Vegetable Oil Perles" are the following:

Garlic, recognized in the Homeopathic Materia Medica as having "vaso-dilatory properties" and has been recommended in the diet for the relief of symptoms of arterial hypertension. This added to its actions as an intestinal disinfectant, make Garlic ideal as a supplementary food for special dietary uses in high blood pressure.

Garlic in small amounts taken as a condiment aids in the digestion and absorption of food—Garlic in sufficiently large doses produces temporary Arterial Hypotension, that is, it dilates the arteries. The Homeopathic Materia Medica states that Garlic acts directly on intestinal mucous membrane increasing peristalsis. That it "has vaso-dilatory properties," and that it was especially adapted to meat eaters.

That it "has vaso-dilatory properties," and that it was used in dyspeptic and catarrhal affections and was especially adapted to meat eaters.

PAR. 22. Through the use of the statements and claims hereinabove set forth, and others similar therto not specifically set out herein, respondent has represented, directly and by implication, that her "Garlic and Vegetable Oil Perles" aid in the digestion and absorption of food, induce evacuation of the bowels, reduce high blood pressure, and are of value in the treatment of dyspepsia and catarrhal infections.

PAR. 23. The said representations are false and misleading. In truth and in fact, respondent's said "Garlic and Vegetable Oil Perles" have no significant effect upon the digestion or absorption of food. They are without value in the treatment of dyspepsia or catarrhal affections. They will not reduce high blood pressure.

PAR. 24. Among and typical of the false, deceptive and misleading statements and representations contained in said advertisements, dis-

seminated in the manner set forth in paragraph 4 hereof, with respect to respondent's various vitamin preparations are the following:

(With respect to "Alberty's Vitamin A-Shark Liver Oil.")

Vitamin A deficiency symptoms.

Among the common signs of vitamin A deficiency are dry skin or skin eruptions on the body, * * *. In children, susceptibility to colds, children's diseases, retarded growth or impairment of healthy development of teeth and bones, poor eyesight and lack of energy can be caused by a lack of these vitamins.

It is claimed that eyestrain or where the eyes tire easily they may be relieved by vitamin A concentrates.

Other symptoms of vitamin A deficiency are—Sterility, Eczema, Inflamed Membrane of various parts of the body—Nose, Throat, Lungs, Urinary and Reproductive organs.

Some authorities claim that kidney stones are due to a long deficiency in Vitamin A.

With respect to "Alberty Phospho-B":

Can't sleep Nights. Perhaps your nerves are hungry for Vitamin B.

Thousands of people suffer from Excitability, Nervousness, Sleeplessness, Upset Feeling, Irritability, Sensitiveness, and Poor Memory, scientists claim, in many cases, are due to a need of vitamin B₁.

Vitamin B₁ became famous because of its ability to soothe and Relax Taut Nerves, and because of its need to keep the intestinal tract, brain, and other vital organs functioning efficiently.

See how added daily rations of Vitamin B₁ soothe irritability and nervousness and give restful sleep.

Sleep Nights!!—Restlessness and Sleeplessness Helped. Supplemental Vitamin B₁ is now often recommended as ideal for people who are just naturally unable to sleep because of lack of balanced nutrition makes them highly nervous and excitable—persons who lack this balance in their nutrition are highly nervous and excitable will be benefited by vitamin B₁.

With respect to "Alberty's Vitamin B Complex," "Alberty High Potency B Complex," and "Vimol":

Authorities state "that the whole Vitamin B Complex is superior therapeutically to any other single factor in human observation.

Alberty's Vitamin B Complex is intended for those who desire a higher potency of the vitamin B Complex than is contained in our Vimol.

Persons with overactivity of the thyroid gland, who were highly nervous and excitable were similarly benefited by Vitamin B₁.

Vitamin B Complex is now considered an ideal remedy for sleeplessness and for persons that are highly nervous and excitable.

The use of Vitamin B Complex in inducing sleep in alcoholic addicts has led to the discovery of vitamins as sleep inducers—.

Relax, Relax, Relax!!

Avoid Taut Nerves and Sleeplessness

Vitamin B Complex—known as the Youth Vitamin.

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Steinberg's clinical evidence showed that even chronic arthritis, neuritis, and gastric intestinal cases were generally helped by its use.

Cases of constipation and Hemorrhoids have been reported helped.

This is said to prevent the appearance of Premature Old Age.

A muscle toner that aids the nervous system.

Recapture your vitality!

— it is often called the "Modern Tonic" Vitamin.

This vitamin is essential for—

Proper Digestion

Sound nerves

Good intestinal activity

Regular elimination

Neurasthenia or nervous debility is the result of many causes—over-work, constant mental strain, acidosis, chronic diseases, sexual excesses, or a dysfunction of the ductless glands.

The nerves must be strong and healthy to withstand the shock of every-day events, they must receive *daily* an adequate supply of all the elements necessary to nourish them and keep them at par. * * * Some elements have particular effect upon the nerves. For instance, when the supply of Vitamin B falls below the level for safety, the nerves suffer.

Vitamin B Complex is said to be indicated in the following conditions: Functional constipation, Nervousness, Sleeplessness, absence of appetite, Alcoholic Polyneuritis, Vomiting in Pregnancy, Gastrointestinal malfunction, Lactation, Retarded growth in children, Pellagra, Diabetes, Chronic arthritis, some types of anemia, and other conditions that may be caused by a lack of Vitamin B Complex.

Vitamin B is * * * especially important in the treatment of neurotic disorders.

With respect to "Alberty's Vitamin—Mineral Capsules" and "Ad A-Min Capsules":

Vitamins and Minerals build strength and Resistance to Disease.

Your body—starved for vitamins and minerals—You become old before your time, haggard, dozey feeling, always tired, with no "pep" or energy to do more than drag yourself around from one day to the next. Yet, how different a person you could be with an abundant vitamin intake—if you will replenish your diet with an abundance of the Vitamins A, B, C, D, E, and G and the 16 known minerals—you are alive, vital, gloriously healthy to your very finger tips. And when you are feeling "in the pink" of condition, your bodily resistance automatically goes up high in the safety zone.

Vitamin A increases vigor, vitality, resistance to colds, gives a feeling of well-being; aids the Liver, Kidneys, Nerves, Glandular system, Skin, and Eyes.

Vitamin B₁ is essential for well-being at all ages, an intestinal and muscle toner, prevents many diseases, etc.

Vitamin D—aids teeth, storage of Calcium and other minerals; aids clotting of the blood; muscular weakness and cramp; nervousness and low resistance.

Vitamin G is one of the Vitamin B Complexes—prevents skin diseases, pellagra, Cataract, etc.

Vitamin C aids tooth gingivitis, tissues, give resistance, a health necessity, aids metabolism, glands, and skin.

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Vitamin E, tests on animals and barren women showed the majority were able to conceive after Vitamin E feeding.

It is necessary for nerves, skin, muscular tone, and vigor.

Try a 25-day supply—you will find you haven't felt so good in years. Vitamins do pep you up.

With respect to "Alberty's Wheat Germ" and "Alberty Wheat Germ Oil":

Vitamin E

The Reproduction Vitamin

The Master Vitamin

The Vitamin of General Fitness.

It is known as the reproduction vitamin. The very perpetuation of life itself is determined by this vitamin. Reproduction is different from sex. An abundance of Vitamin E aids in maintaining sex interest. * * * Vitamin E for the correction of sexual frigidity and lack of desire.

A poor memory and impaired mental alertness are accompanying symptoms of a vitamin E deficiency.

Vitamin E, besides being the vitamin of General Fitness, also seems to have something to do with the mind.

Those suffering from poor memory would indicate a vitamin "E" poor diet.

Physicians who made tests on men with from 5 to 10 drops to 1 teaspoonful of wheat germ oil per day reported that the size and firmness of the testicles increased with increased secretion of spermatozoa and an improvement in physical condition.

Tests on animals and barren women showed the majority were able to conceive after Vitamin E feeding.

By supplying vitamin E liberally, to an expectant mother, one enhances profoundly the ability to learn. "E" provides a vigorous mentality. Prevents miscarriage.

Increases vigor and muscular tone in male or female.

The value of wheat germ oil in acne vulgaris.

PAR. 25. Through the use of the statements and claims with respect to "Alberty Phospho-B" hereinabove set forth, and others similar thereto not specifically set out herein, respondent has represented, directly and by implication, that sleeplessness, excitability, nervousness, upset feeling, irritability, sensitiveness, and poor memory are due to deficiencies in vitam B₁, and will be cured or substantially benefited by said preparation.

PAR. 26. Through the use of the statements and claims with respect to "Alberty's Vitamin B Complex," "Alberty's High Potency B Complex," and "Vimol" hereinabove set forth, and others similar thereto not specifically set out herein, respondent has represented directly and by implication, that the said products are beneficial to persons with overactive thyroid glands, will relax the nerves and induce sleep and are remedies for nervousness, excitability and sleeplessness; that B

Complex is familiarly referred to as the "Youth Vitamin" and "Modern Tonic Vitamin"; that said products will keep the user youthful and avert premature old age; that they tone the muscles; that they are of significant benefit in the treatment of arthritis, neuritis, gastrointestinal troubles, constipation, and piles, and restore vitality; that they possess tonic properties; that they assure the user of a proper digestion, sound nerves, good intestinal activity, and regular bowel movements; that they will protect the user against nervous fatigue or exhaustion due to overwork, worry, mental strain, acidosis, chronic diseases, sexual excesses, and dysfunction of the ductless glands, and are of value in the treatment of vomiting in pregnancy, retarded growth in children, pellagra, diabetes, chronic arthritis, anemia, nervous disorders, absence of appetite, and alcoholic polyneuritis.

PAR. 27. The said representations are misleading and untrue. The said products are not beneficial to persons whose thyroid glands are overactive. Respondent's said preparations will not relax the nerves nor induce sleep, nor have they any value in the treatment of nervousness, excitability, or insomnia. The designations of B complex as "Youth Vitamin" and "Modern Tonic Vitamin" have had no acceptance by the public or the medical profession. The said preparations will neither avert nor postpone old age or its consequences. They neither "tone" muscles nor the intestinal tract. They are of no value in the treatment of arthritis, neuritis, gastrointestinal troubles, constipation, piles, vomiting in pregnancy, retarded growth in children, pellagra, diabetes, anemia, nervous disorders, absence of appetite, nor alcoholic polyneuritis. They will not restore vitality, nor do they possess any tonic properties. The user is not assured of a proper digestion, sound nerves, good intestinal activity, or regular bowel movements, nor is he protected against nervous fatigue or exhaustion due to overwork, worry, mental strain, acidosis, chronic diseases, sexual excesses, or improper functioning of the ductless glands.

PAR. 28. Through the use of the statements and claims with respect to "Alberty's Vitamin-Mineral Capsules" and "Ad-A-Min Capsules" hereinabove set forth, and others similar thereto not specifically set out herein, respondent has represented, directly and by implication, that by the use of the said preparations abounding health and vigor, and resistance to disease will be attained; that the functioning of the liver, kidneys, nerves, glandular system, skin, eyes, muscles, and intestines, and the teeth, will be benefited; that skin diseases, pellagra, and cataracts will be averted, and that barren women will be rendered able to conceive.

PAR. 29. The said representations are false and misleading. In truth and in fact, the use of said preparations is not an assurance of abounding health and vigor, nor will it increase resistance to disease. It will not improve the functioning of the liver, kidneys, nerves, or glandular systems, muscles, or intestines, nor benefit the skins or teeth of adults. It will not avert pellagra, cataracts, or skin diseases. It will not enable barren women to conceive.

PAR. 30. Through the use of the statements and claims with respect to "Alberty's Wheat Germ" and "Alberty Wheat Germ Oil" hereinabove set forth, and others similar thereto not specifically set out herein, respondent has represented, directly and by implication, that vitamin E is recognized as the "Reproductive Vitamin," "The Master Vitamin," and "The Vitamin of General Fitness," and that the use of said preparations will promote mental alertness and improve memory, stimulate sex desire, increase reproductive power, increase the size and firmness of the testicles, increase vigor and muscular tone, prevent miscarriages, render barren women fertile, and cure acne vulgaris.

PAR. 31. The said representations are misleading and untrue. In truth and in fact vitamin E has no recognition as the "Reproductive," "Master," or "General Fitness" vitamin. These preparations will not promote mental alertness nor improve the memory. They will not stimulate sex desire, increase the reproductive power, nor increase the size or firmness of the testicles. They will neither render barren women fertile nor prevent miscarriage. They will not cure acne vulgaris nor increase vigor.

PAR. 32. Through the use of the statements and claims hereinabove set forth in respondent's advertisements, and others similar thereto not specifically set out herein, with respect to her vitamin preparations, respondent has represented, directly and by implication:

(1) That dry skin, skin eruptions on the body, eye strain, susceptibility of the eyes to fatigue, sterility, eczema, inflamed membranes of various parts of the body including the nose, throat, lungs, urinary, and reproductive organs, and kidney stones, and in children, susceptibility to colds, children's diseases, delay or impairment of healthy development of teeth and bones, poor eyesight, and lack of energy are due to deficiency of vitamin A.

(2) That excitability, nervousness, sleeplessness, upset feeling, irritability, sensitiveness, poor memory, failure of the intestinal tract, brain, and other organs to function efficiently, arthritis, neuritis, constipation, hemorrhoids, irregular bowel movements, improper diges-

tion, fatigue, listlessness, premature old age, and lack of appetite are due to deficiency in B vitamins.

(3) That lack of sex desire, lack of fertility, mental and physical weakness, dementia praecox, poor memory, involuntary abortion, still and premature births are due to deficiency in vitamin E.

(4) That from the presence of those conditions, the existence and degree of such vitamin deficiencies may be determined by members of the general public with a degree of certitude sufficient to render it reasonably probable that such conditions will be benefited by the use of such of respondent's preparations as are represented as appropriate therefor.

(5) That by taking her said preparations, the user will become more alert, active, mentally and physically vigorous, healthy and generally improved in health.

PAR. 33. The said advertisements are false and misleading in that they fail to disclose facts material in the light of the representations therein contained; that is, that the causes of the ailments, conditions, and symptoms above mentioned are so numerous that the mere existence of those conditions are such uncertain indications of vitamin deficiencies that there is no reasonable likelihood that they will be benefited by the use of respondent's preparations.

The said representations are further false and misleading in that they represent respondent's preparations as cures for the various ailments and conditions set forth above when due to deficiencies in the vitamin or vitamins designated by respondent in connection therewith. In truth and in fact, vitamin deficiencies of sufficient duration and severity, to be reflected by the manifestations to which respondent refers, will not be substantially benefited by her preparations; for adequate vitamin therapy under such circumstances a dosage far greater than is provided by respondent's preparations, taken as she directs, is required.

The said representations are further false and misleading in that they represent that all persons will be physically and mentally benefited by taking respondent's preparations. Well-being is not wholly a matter of vitamins, but depends upon many physiological, psychological, dietary, and other factors. The extent of the bodily demand for vitamins varies with the individual. Vitamins are continually being used and replaced. If the replacements are adequate in amount, it is not necessary that further amounts be taken in. With the exception of vitamins A and D they are not stored in the body to any significant degree, and if more are taken than the body requires, they will be eliminated. Persons, whose individual vitamin requirements are pro-

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vided by their usual diet, will not be benefited by taking additional vitamins, except that, to the limited extent to which they are stored, they furnish a reserve against possible future deprivation.

PAR. 34. Respondent disseminates numerous advertisements in which her preparation "Endo-Lax" is represented as a competent and effective treatment for constipation. Said advertisements constitute false advertisements for the reason that they fail to reveal facts material in the light of such representations, or material with respect to the consequences which may result from the use of the said preparations to which the advertisements relate, under the conditions prescribed in said advertisements or under such conditions as are customary or usual. In truth and in fact, this preparation is an irritant laxative and is potentially dangerous when taken by one suffering from abdominal pains, stomach ache, cramps, nausea, vomiting, or other symptoms of appendicitis.

PAR. 35. The use, by respondent, of the foregoing false, deceptive, and misleading statements and representations, with respect to her said preparations, has had, and now has, the capacity and tendency to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that said statements and representations were true, and that the preparation "Endo-Lax," may be taken under all conditions without ill effects, and into the purchase of substantial quantities of said preparations by reason of said erroneous and mistaken belief.

PAR. 36. The aforesaid acts and practices of respondent, as herein alleged, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on December 14, 1943, issued and subsequently served its complaint in this proceeding upon the respondent, Ada J. Alberty, an individual, charging her with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the filing of her answer to the complaint, said respondent, together with Helen M. Alberty Hackworth, Florence M. Alberty St. Clair, Harry R. Alberty, Margaret M. Alberty Quinn, and Kenneth Hackworth, by their attorney, entered into a written stipulation with Daniel J. Murphy, assistant chief trial counsel for the Commission, in which stipulation it is provided that, subject to the ap-

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proval of the Commission, the statement of facts contained therein may be taken as the facts in this proceeding in lieu of evidence in support of the charges stated in the complaint or in opposition thereto, and that the Commission may proceed upon said statement of facts to make its report, stating its findings as to the facts, including inferences which it may draw from the stipulated facts, and its conclusion based thereon, and may enter its order disposing of this proceeding without the presentation of argument or the filing of briefs (the filing of a report or recommended decision by the trial examiner also having been expressly waived). In this stipulation all of the aforesaid persons specifically waive the nonjoinder in the complaint of Helen M. Alberty Hackworth, Florence M. Alberty St. Clair, Harry R. Alberty, Margaret M. Alberty Quinn, and Kenneth Hackworth as parties respondent, and expressly agree that said complaint shall be deemed as amended to charge all of said persons as respondents with respect to the acts and practices set forth in the complaint, and all of said persons other than respondent Ada J. Alberty further waive service of the complaint upon them and the right to file answers thereto, and agree that the Commission may proceed upon the basis of the stipulation in the manner set forth above in the same way and to the same effect as though all of them had been named and joined as parties respondent in said complaint and had been duly served therewith. Thereafter, the proceeding regularly came on for final hearing before the Commission upon the complaint, the answer, and the stipulation, said stipulation having been approved, accepted, and filed; and the Commission, having duly considered the same 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. Ada J. Alberty, Helen M. Alberty Hackworth, Florence M. Alberty St. Clair, Harry R. Alberty, and Margaret M. Alberty Quinn are copartners doing business under the name Alberty Food Products, which partnership also trades and does business under the names The Alberty Food Products, Alberty Products, Alberty Products Sales Co., The Cap-Lone Co., and Cheno Products, with an office and principal place of business at 729 Seward Street, Hollywood, Calif. Prior to January 1, 1947, Kenneth Hackworth was a member of said partnership.

PAR. 2. Respondents other than Kenneth Hackworth are now, and have been for more than two years past, and Kenneth Hackworth

prior to January 1, 1947, was, engaged in the business of selling and distributing various food and drug products, as "food" and "drug" are defined in the Federal Trade Commission Act. Among such food and drug products are the following:

Ri-Co Tablets.

Alberty's Vitamin-Mineral Capsules.

Alberty's Wheat Germ.

Alberty's Ointment.

Oxorin Tablets.

Cap-Lone Tablets.

Alberty High Potency B Complex.

Alberty Wheat Germ Oil.

Alberty Garlic and Vegetable Oil Perles.

Vimol Tablets.

Alberty's Vitamin A-Shark Liver Oil.

Alberty's Vitamin B Complex.

Alberty Phospho-B (also known as Phloxo-B).

Zen.

Alberty's Sabinol.

Ad-a-Min Capsules.

Endo-Lax.

Prior to January 1, 1947, respondents caused the said products, when sold, to be transported from their principal place of business in the State of California, to purchasers thereof located in other States of the United States and in the District of Columbia, and maintained a course of trade in said products in commerce between and among the various States of the United States and in the District of Columbia. Since the withdrawal of Kenneth Hackworth from the said partnership on January 1, 1947, the remaining partners have carried on business in the same manner. The volume of said business in commerce has at all times mentioned herein been substantial.

PAR. 3. In the course and conduct of the aforesaid business, subsequent to March 21, 1938, respondents have disseminated and caused the dissemination of advertisements concerning 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 and indirectly, their purchase. Such advertisements included, but were not limited to, certain circulars or booklets entitled "Look in the Mirror," "Health Mysteries," "Calcium, the Staff of Life," "Newfangled Ideas," "Vitamin E, the Master Vitamin," "Shark Liver Oil," "Happy Figures by the Cheno Plan," and "The Alberty Food Products," and advertisements in various newspapers and magazines of general circulation. Said respondents have also disseminated and caused the dissemination of advertisements concerning said products by various means including, but not limited to, the booklets or circulars and newspaper

and magazine advertisements referred to above, for the purpose of inducing and which were likely to induce, directly and indirectly, the purchase of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. Among, and typical of, the statements and representations contained in said advertisements, disseminated and caused to be disseminated as aforesaid by the United States mails, by advertisements inserted in newspapers and periodicals and by circulars, leaflets, pamphlets, and other advertising literature, with respect to respondents' "Ri-Co Tablets" are the following:

Those ailments commonly termed arthritis, chronic rheumatism, and rheumatic gout are actually forms of the same underlying conditions.

Important to relief is believed to be constitutional treatment for the relief of the symptoms of arthritis—Ri-Co Tablets; a homeopathic preparation for constitutional treatment—for the relief of arthritis as an aid in eliminating from the system waste substances which cause the presence of uric acid in the blood.

PAR. 5. Through the use of the statements and claims hereinabove set forth, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that "Ri-Co Tablets" constitute, according to the principles of the homeopathic school of medicine, an adequate and competent treatment for arthritis, chronic rheumatism, and "rheumatic gout," and an effective eliminant of uric acid.

PAR. 6. The homeopathic formula for "Ri-Co Tablets" is as follows:

Lithicum Benzoicum.....	3x
Ammonium Phosphoricum.....	3x
Lycopodium	6x

"3x" and "6x" indicate the third and sixth dilutions in homeopathic prescriptions.

The directions for use are: Three tablets in hot water before meals and at bedtime.

PAR. 7. "Ri-Co Tablets" are not an adequate or competent treatment for arthritis, rheumatism, or gout, nor will they eliminate uric acid from the system. According to the principles of the homeopathic, but not the allopathic, school of medicine, this preparation is of value in ameliorating the symptoms of muscular or ligamentous pain and stiffness due to arthritis or rheumatism, except when accompanied by a febrile condition. Gout is usually accompanied by an elevation of temperature, in which event the product is not of value. There is no disease entity known as "rheumatic gout."

PAR. 8. Among and typical of the statements and representations contained in said advertisements disseminated in the manner set forth in paragraphs 3 and 4 hereof, with respect to "Alberty's Ointment," are the following:

Alberty's Ointment

A helpful adjunct in the local treatment of arthritis and rheumatism. It often relieves the pain, reduces the swelling, and aids in removing stiffness. Its effect frequently accelerates the internal treatments which accompany its use.

PAR. 9. Through the use of the statements and claims hereinabove set forth, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that said "Ointment" is of value in the treatment of rheumatism, arthritis, and "rheumatic gout," and will relieve the pain, swelling, and stiffness incident thereto.

PAR. 10. The formula for "Alberty's Ointment" is as follows:

Ledum Palustre.

Lithium Benzoate.

Atropine Sulphate (0.29 gr. per oz.) incorporated in a suitable base.

This product is to be applied externally.

PAR. 11. "Alberty's Ointment" is of no value in the treatment, constitutional or local, of arthritis, rheumatism, gout, or "rheumatic gout" or of the symptoms of pain, swelling, stiffness, or other symptoms incident to those ailments.

PAR. 12. Among and typical of the statements and representations contained in said advertisements, disseminated in the manner set forth in paragraphs 3 and 4 hereof, with respect to "Sabinol" are the following:

Are your kidneys O. K.?

If dark circles ring your eyes, flush your kidneys.

When you wake up with a dull, achy feeling across your back, when you feel sharp pains in the kidneys especially mornings after arising, if you get up frequently during the night, if you have spots before your eyes and there is a swelling in your feet, ankles, and lower limbs, if there are dark circles beneath your eyes and puffiness—all or any of those symptoms, accompanied by a lack of vitality—there is often something wrong with your kidneys.

Sabinol

Long Accepted Homeopathic Prescription now available.

PAR. 13. Through the use of the statements and claims hereinabove set forth, and those similar thereto not specifically set out herein, respondents have represented, directly and by implication, that the combination of drugs contained in "Sabinol" is recognized by the

homeopathic school of medicine as, and as constituting, an adequate and competent treatment for diseases and ailments of the kidneys.

PAR. 14. The homeopathic formula for "Sabinol" is as follows:

Berberis Vulgaris-----	1x
Lycopodium-----	3x
Uranium Nitrate-----	6x

"1x," "3x," and "6x" indicate the first, third, and sixth dilutions in homeopathic prescriptions.

PAR. 15. Respondents' "Sabinol" is not an adequate or competent treatment for diseases or ailments of the kidneys. This combination of medicines, according to the principles of the homeopathic, but not the allopathic, school of medicine, is of value in relieving the symptoms of pain or discomfort due to gravel or stone in the kidneys or to spasm of the ureters, but not otherwise. It will not flush the kidneys. Dark circles about the eyes are only occasionally due to kidney trouble, and the product is of no value in the treatment either of the cause of such circles or the circles themselves. It is of no value in the treatment of the causes of the following symptoms, or the symptoms themselves: dull, aching feeling across the back, sharp pains in the kidneys, frequent urination during the night, spots before the eyes, swelling of feet, ankles, or lower limbs, puffiness about the eyes or lack of vitality. It is not an eliminant of uric acid, but there may be, according to the principles of homeopathy, but not of allopathy, some elimination of uric acid incident to its use.

PAR. 16. Among and typical of the statements and representations contained in said advertisements, disseminated in the manner set forth in paragraphs 3 and 4 hereof, with respect to "Oxorin Tablets" are the following:

Pep up your blood! Iron * * * A principal factor in Red Blood Cells * * * The disease Fighting Units of the Blood.

When you are weary, tired, run-down, just dragging yourself around with no ambition left, when every effort you make seems to leave you weak and spent then try Oxorin Tablets, a tonic for the blood.

PAR. 17. Through the use of the statements and claims hereinabove set forth, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that by the use of "Oxorin Tablets" the blood and the red corpuscles of the user will be rendered stronger, more vital and active and will perform their functions better, and that it will correct run-down conditions and bring back energy.

PAR. 18. The formula for "Oxorin Tablets" is as follows:

	<i>Grains</i>
Reduced Iron.....	2.75
Dehydrated Vegetable Mass.....	.4
Spleen substances.....	1
Powdered Ginger.....	.25
Sugar of Milk.....	.50
Binder consisting of gum arabic and malt diastase.	
Sugar.....	1

The directions are 1 or 2 crushed tablets before each meal.

PAR. 19. Respondents' "Oxorin Tablets" will have no beneficial effect upon the blood or the red corpuscles thereof except in cases of simple iron deficiency anemia. There are many causes of run-down conditions and lack of energy which will not be beneficially affected in any way by "Oxorin Tablets."

PAR. 20. Among and typical of the statements and representations contained in said advertisements, disseminated in the manner set forth in paragraphs 3 and 4 hereof, with respect to "Zen," are the following:

When three Zens are taken daily, the individual will be getting daily 15 grains iron * * *.

If you find yourself slipping and cannot find the cause and you have that "peppless" all-gone feeling, look to this dependable blood building tonic.

People who have taken these tablets report new energy in from 6 to 12 days.

PAR. 21. Through the use of the statements and claims hereinabove set forth, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that from three "Zen" tablets the user will get 15 grains of iron, that "Zen" is a blood builder, and that it will restore energy to those who lack it.

PAR. 22. The formula for "Zen" is as follows:

Iron Ammonium Citrate.....	5 grains.
Liver Extract.....	4 grains.
Vitamin B ₁	20 international units.
Vitamin G.....	10 Sherman-Bouquin units.

Directions for use are three daily.

PAR. 23. Three "Zen" tablets will not give the user 15 grains of iron, but only approximately 2½ grains. While this preparation has some value in the treatment of simple iron deficiency, it is not a blood builder except in cases of simple anemia and there are many causes of lack of energy which will not be beneficially affected in any way by the use of "Zen."

PAR. 24. The causes of lassitude described by such expressions as "weary," "tired," "run-down," "just dragging around," "no ambition

left," "slipping," "all gone," and the like, are so numerous that in the aggregate they are due much less frequently to simple iron deficiency anemia than to other causes.

PAR. 25. Among and typical of the statements and representations contained in said advertisements, disseminated in the manner set forth in paragraphs 3 and 4 hereof, with respect to "Cap-Lone Tablets" are the following:

Dentists have been recommending these capsules because users claim they relieve pyorrhea.

Many people have reported that Cap-Lone Tablets aided in relieving constipation, regulating the bowels.

Brewer's Bottom Yeast (a blood purifier)—for skin, brain, nerves, intestines and stomach.

Yeast with Lactic acid—for tonic and restorative value.

Kelp for food—iodine necessary for the glands—and as a liver tonic.

Parsley for—blood and glands.

PAR. 26. Through the use of the statements and claims hereinabove set forth, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that "Cap-Lone Tablets" are of value in the treatment of pyorrhea and constipation and will regulate the bowels; that they are beneficial to the skin, brain, nerves, intestines, stomach, glands, and blood, and possess tonic and restorative value.

PAR. 27. The formula for "Cap-Lone Tablets" is as follows:

Diabasic Calcium Phosphate, 3 grains.

Yeast with Lactic Acid.

Brewer's Yeast.

Japanese Kelp.

Powdered Skim Milk.

Parsley.

The directions for use are three tablets before each meal.

PAR. 28. Respondents' "Cap-Lone Tablets" are of no value in the treatment of pyorrhea or constipation or as a bowel regulator; are not significantly beneficial to the skin, brain, nerves, stomach, or intestines nor to all the glands of the body; have no restorative or tonic value, and will not purify the blood.

If 21 of these tablets are taken daily they will supply the user with the established minimum daily nutritional requirement of phosphorus, and somewhat more than the requirement for calcium, and this use will avert deficiencies in those minerals; in this amount they are of no value in the treatment of calcium and phosphorus deficiencies of sufficient duration and severity to be reflected by physiological manifestations thereof. For adequate mineral therapy under such condi-

tions a dosage greater than is provided by 21 of these tablets is required.

PAR. 29. Among and typical of the statements and representations contained in said advertisements disseminated in the manner set forth in paragraphs 3 and 4 hereof, with respect to "Garlic and Vegetable Oil Perles," are the following:

Garlic, recognized in the Homeopathic Materia Medica as having "vasodilatory properties" and has been recommended in the diet for the relief of symptoms of arterial hypertension. This added to its actions as an intestinal disinfectant, make Garlic ideal as a supplementary food for special dietary uses in high blood pressure.

Garlic in small amounts taken as a condiment aids in the digestion and absorption of food—Garlic in sufficiently large doses produces temporary Arterial Hypotension, that is, it dilates the arteries. The Homeopathic Materia Medica states that Garlic acts directly on intestinal mucous membranes, increasing peristalsis. That it "has vasodilatory properties," and that it was especially adapted to meat eaters.

That it has "vasodilatory properties," and that it was used in dyspeptic and catarrhal affections and was especially adapted to meat eaters.

PAR. 30. Through the use of the statements and claims hereinabove set forth, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that "Garlic and Vegetable Oil Perles" aid in the digestion and absorption of food, induce evacuation of the bowels, reduce high blood pressure, act as an intestinal disinfectant, produce temporary hypotension, and are of value in the treatment of dyspepsia and catarrhal affections.

PAR. 31. The said Perles are four minim capsules, each containing approximately 133 milligrams of garlic concentrate suspended in vegetable oil.

The directions for use are one or two before meals.

PAR. 32. Respondents' "Garlic and Vegetable Oil Perles" are of no value as an aid to the digestion or absorption of food, or as an "intestinal disinfectant," and, according to the allopathic school of medicine, will not produce hypotension. Their value in the treatment of dyspepsia or catarrhal affections of the digestive tract or other mild bowel inflammations is limited to a carminative effect when such conditions result in gas and distention due thereto, and, according to the homeopathic, but not the allopathic school of medicine, to their laxative properties, due to their action on the mucous membranes of the digestive tract resulting in increased peristalsis.

There is evidence to the effect that some homeopathic physicians use a tincture of garlic, administered in doses of 20 to 30 drops twice

or more per day in the treatment of high blood pressure; that it is so used in the treatment of this symptom of hypertension and not of its cause, as this school treats symptoms exclusively; but that garlic as so administered is not a homeopathic medicine. The Commission is of the opinion, therefore, that garlic is of no value in the treatment of this symptom. On the basis of the record as a whole, the Commission finds that garlic is of no value in the treatment of hypertension, high blood pressure, or any other symptom of hypertension.

PAR. 33. Among and typical of the statements and representations contained in said advertisements, disseminated in the manner set forth in paragraphs 3 and 4 hereof, with respect to "Alberty's Vitamin A—Shark Liver Oil," are the following:

Vitamin A deficiency symptoms.

Among the common signs of Vitamin A deficiency are dry skin or skin eruptions on the body—In children, susceptibility to colds, children's diseases, retarded growth or impairment of healthy development of teeth and bones, poor eyesight and lack of energy can be caused by a lack of these vitamins.

It is claimed that eyestrain or where the eyes tire easily they may be relieved by vitamin A concentrates.

Other symptoms of vitamin A deficiency are—Sterility—Eczema, Inflamed Membrane of various parts of the body—Nose, Throat, Lungs, Urinary, and Reproductive Organs.

Some authorities claim that kidney stones are due to a long deficiency in vitamin A.

PAR. 34. Through the use of the statements and claims hereinabove set forth, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that dry skin, skin eruptions on the body, eyestrain, susceptibility of the eyes to fatigue, sterility, eczema, inflamed membranes of various parts of the body including the nose, throat, lungs, urinary and reproductive organs, and kidney stones, and, in children, susceptibility to colds, children's diseases, delay or impairment of healthy development of teeth and bones, poor eyesight, and lack of energy are due to deficiency of vitamin A, and will be benefited by the use of "Alberty's Vitamin A—Shark Liver Oil."

PAR. 35. "Alberty's Vitamin A—Shark Liver Oil" is shark liver oil, put up in capsules each containing the equivalent of 25,000 U. S. P. units of vitamin A. The directions are for one capsule to be taken daily.

PAR. 36. Among and typical of the statements and representations contained in said advertisements disseminated in the manner set forth

in paragraphs 3 and 4 thereof, with respect to vitamin A, are the following:

Vitamin A increases vigor, vitality, resistance to colds, gives a general feeling of well-being, aids the Liver, Kidneys, Nerves, Glandular system, skin, and eyes.

PAR. 37. With respect to the relationship of vitamin A deficiencies to the foregoing ailments and conditions, the Commission finds as follows:

1. That the common eruptions on the skin such as pimples, boils, blackheads, and eruptions and rashes which are manifestations of pathological conditions, are not due to deficiencies in vitamin A, and will not be benefited by the use of vitamin A; a deficiency in vitamin A of sufficient duration may be manifested by a dry skin or zerosis, and by an eruption of a particular type and these will be benefited by the use of vitamin A in therapeutic quantities, but not in lesser amounts; dry skin in any usual usage of the term is not attributable to a deficiency in vitamin A.

2. That "eyestrain" in any usual meaning of the term is not attributable to a deficiency in vitamin A, but to inadequate visual power, in the individual case, for the work the eyes are called upon to do under the existing conditions, and that it will not be benefited or averted by the use of vitamin A preparations; that the same is true with respect to susceptibility of eyes to fatigue.

3. That a vitamin A deficiency of sufficient duration may manifest itself by an impaired ability to see in partial darkness or dim light known as "night blindness"; the eyes of persons so affected are susceptible to fatigue or strain if they are used under such conditions, but under other conditions there is no more than the usual susceptibility to strain or fatigue from use; that the conditions of "night blindness" and eyestrain or susceptibility to fatigue due thereto will be benefited by the use of vitamin A in therapeutic quantities, but not in lesser amounts when these conditions are due to vitamin A deficiency; vitamin A deficiency is not the sole cause of these conditions.

4. That sterility, eczema, inflamed body membranes, excluding those of the eye and including those of the nose, throat, lungs, and urinary and reproductive organs are not attributable to a deficiency in vitamin A and will not be benefited by the use of vitamin A; there are many causes of inflammation of the membranes of the eye as well as vitamin A deficiency; only when due to a vitamin A deficiency will inflamed eye membranes be benefited by the use of vitamin A in therapeutic, but not lesser, amounts.

5. That a deficiency in vitamin A has not been established as a cause of kidney stones; that it has not been established that vitamin A is of value in the treatment of kidney stones or in averting it, and that in the present state of medical science representations or suggestions that kidney stone is due to a deficiency in vitamin A or will be benefited by the use of vitamin A are wholly speculative.

6. That, in children, susceptibility to colds, children's diseases, and poor eyesight are not attributable to a deficiency in vitamin A and will not be benefited by the use of vitamin A.

7. That delay in or impairment of healthy development of teeth or bones in children is a manifestation of a general malnutrition or of a specific deficiency in calcium, phosphorus, or vitamin D; vitamin A is of no value in averting or in the treatment of such conditions due to a deficiency in calcium, phosphorus, or vitamin D, and is of no specific effect in cases due to general malnutrition.

8. That lack of energy in children is due to many causes and in the aggregate is due much less frequently to vitamin A deficiency than to other causes; only when due to such deficiencies will it be benefited by the use of vitamin A in therapeutic quantities, but not in lesser amounts.

PAR. 38. Respondents' "Vitamin A-Shark Liver Oil" capsules contain vitamin A in a therapeutically significant quantity and will be beneficial in the treatment of vitamin A deficiencies, and signs and manifestations due to such a deficiency, which have developed. Its use will prevent the development of vitamin A deficiencies. Its use will increase vigor and vitality, give a feeling of well-being or benefit skin or eyes only when the impaired vigor, vitality, or well-being is a sign or manifestation of a vitamin A deficiency, or when the functioning or condition of the skin or eyes is a sign or manifestation of vitamin A deficiency. Its use will not benefit the liver, kidneys, nerves, or glandular system. The preparation will affirmatively benefit or improve the health or condition only of persons who have developed manifestations or signs of vitamin A deficiency; in all other cases it will do no more than avert the development of such manifestations. Persons whose vitamin A requirements are provided by their usual diet will not be benefited by taking additional vitamin A, except to the extent to which it is stored in the body as a reserve against future deprivation. It will not increase resistance to colds.

PAR. 39. Among and typical of the statements and representations contained in said advertisements, disseminated in the manner set forth in paragraphs 3 and 4 hereof with respect to "Phospho-B," now designated by respondents as "Phloxo-B," are the following:

Can't sleep nights. Perhaps your nerves are hungry for vitamin B.

Thousands of people suffer from Excitability, Nervousness, Sleeplessness, Upset Feeling, Irritability, Sensitiveness and Poor Memory, scientists claim, in many cases, are due to a need of vitamin B₁.

Vitamin B₁ became famous because of its ability to soothe and Relax Taut Nerves, and because of its need to keep the intestinal tract, brain, and other vital organs functioning efficiently.

See how added daily rations of vitamin B₁ soothe irritability and nervousness and give restful sleep.

Sleep Nights!!—Restlessness and Sleeplessness Helped. Supplemental vitamin B₁ is now often recommended as ideal for people who are just naturally unable to sleep because of lack of balanced nutrition makes them highly nervous and excitable—persons who lack this balance in their nutrition are highly nervous and excitable will be benefited by vitamin B₁.

PAR. 40. Through the use of the statements and claims with respect to "Alberty Phospho-B" (or "Phloxo-B") hereinabove set forth, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that sleeplessness, excitability, nervousness, upset feeling, irritability, sensitiveness, and poor memory are due to deficiencies in vitamin B₁, and will be cured or substantially benefited by said preparation.

PAR. 41. The formula for "Phospho-B" (or "Pholoxo-B") is as follows:

Calcium Phosphoricum-----	3x (1/1000 grains).
Kali Phosphoricum-----	3x (1/1000 grains).
Magnesia Phosphoricum-----	3x (1/1000 grains).
Natrum Phosphoricum-----	3x (1/1000 grains).
Thiamin chloride (vitamin B ₁)-----	40 international units.

"3x" indicates the third dilution in homeopathic prescriptions.

The directions for use are 3 tablets six times per day.

PAR. 42. According to the principles of the homeopathic school of medicine, "Phospho-B" (or "Phloxo-B") is a homeopathic medicine, regardless of whether the vitamin B₁ is included. Under the principles of this school, but not of the allopathic school, it is of value in the treatment of symptoms due to anemia or asthenia. "Excitability," "upset feelings," and poor memory are not manifestations or symptoms of anemia or asthenia. Sleeplessness, nervousness, irritability, sensitiveness, lassitude, and weakness, may be symptoms of anemia or asthenia, and when due thereto, but not otherwise, the product, according to the principles of the homeopathic school but not according to those of the allopathic school, is of value in the treatment of these symptoms, independent of the vitamin B₁. There are many other causes of those symptoms beside anemia and asthenia.

PAR. 43. Among and typical of the statements and representations contained in said advertisements, disseminated in the manner set forth in paragraphs 3 and 4 hereof with respect to "Alberty's Vitamin B Complex," "Alberty High Potency B Complex," and "Vimol" are the following:

Authorities state "that the whole Vitamin B Complex is superior therapeutically to any other single factor in human observation."

Alberty's Vitamin B Complex is intended for those who desire a higher potency of the Vitamin B Complex than is contained in our Vimol.

Persons with overactivity of the thyroid gland, who are highly nervous and excitable were similarly benefited by vitamin B.

Vitamin B Complex is now considered an ideal remedy for sleeplessness and for persons that are highly nervous and excitable.

The use of Vitamin B Complex in inducing sleep in alcoholic addicts has led to the discovery of vitamins as sleep inducers * * *.

Relax, Relax, Relax!!

Avoid Taut Nerves and Sleeplessness.

Vitamin B Complex—known as the Youth Vitamin.

Steinberg's clinical evidence showed that even chronic arthritis, neuritis, and gastric intestinal cases were generally helped by its use.

Cases of constipation and Hemorrhoids have been reported helped.

This is said to prevent the appearance of Premature Old Age.

A muscle toner that aids the nervous system.

Recapture your vitality!!

—it is often called the "Modern Tonic" Vitamin.

This vitamin is essential for—

Proper Digestion.

Sound Nerves.

Good intestinal activity.

Regular elimination.

Neurasthenia or nervous debility is the result of many causes—overwork, constant mental strain, acidosis, chronic diseases, sexual excesses, or a dysfunction of the ductless glands.

The nerves must be strong and healthy to withstand the shock of everyday events, they must receive *daily* an adequate supply of all the elements necessary to nourish them and keep them at par—Some elements have particular effect upon the nerves. For instance, when the supply of vitamin B falls below the level for safety, the nerves suffer.

Vitamin B Complex is said to be indicated in the following conditions: Functional constipation, Nervousness, Sleeplessness, absence of appetite, Alcoholic Polyneuritis, Vomiting in Pregnancy, Gastrointestinal malfunction, Lactation, Retarded growth in children, Pellagra, Diabetes, Chronic arthritis, some types of anemia, and other conditions that may be caused by a lack of Vitamin B Complex.

Vitamin B is—especially important in the treatment of neurotic disorders.

PAR. 44. Through the use of the statements and claims with respect to "Alberty's Vitamin B Complex," "Alberty's High Potency B Complex," and "Vimol," hereinabove set forth, and others similar thereto

not specifically set out herein, respondents have represented, directly and by implication, that the said products are beneficial to persons with overactive thyroid glands, will relax the nerves and induce sleep, and are remedies for nervousness, excitability, and sleeplessness; that B Complex is familiarly referred to as the "Youth Vitamin" and "Modern Tonic Vitamin"; that said products will keep the user youthful and avert premature old age; that they tone the muscles; that they are of significant benefit in the treatment of arthritis, neuritis, gastrointestinal troubles, constipation, and piles, and restore vitality; that they possess tonic properties; that they assure the user of a proper digestion, sound nerves, good intestinal activity, and regular bowel movements; that they will protect the user against nervous fatigue or exhaustion due to overwork, worry, mental strain, acidosis, chronic diseases, sexual excesses, and dysfunction of the ductless glands, and are of value in the treatment of vomiting in pregnancy, improper lactation in nursing mothers, retarded growth in children, pellagra, diabetes, chronic arthritis, anemia, nervous disorders, absence of appetite, and alcoholic polyneuritis; that it is essential that adequate amounts of essential nutritional elements be received daily.

PAR. 45. The formula for "Vitamin B Complex" is as follows:

Vitamin B ₁	100 U. S. P. units.
Vitamin B ₂	25 gamma.
Protein calcium fractions of milk.....	1.18 grains.
Dextrose.....	1 grain.
Cottonseed oil.....	0.1 grain.

The directions for use are three to six daily.

The formula for "High Potency B Complex" is as follows:

Vitamin B ₁	500 U. S. P. units.
Vitamin B ₂	666 gamma.
Vitamin B ₆	100 gamma.
Pantothenic acid.....	100 gamma.
Niacin.....	3,333 gamma.

together with biotin and other B-complex factors natural to Yeast and extract from processed corn.

The directions for use are three tablets daily.

The formula for "Vimol" is:

30 grains Concentrated wheat germ and dehydrated whey, each tablet containing the equivalent of 19 U. S. P. units of vitamin B₁.

The directions for use are six tablets daily.

PAR. 46. Respondents' "Vitamin B Complex," "High Potency B Complex," and "Vimol" are not beneficial to persons whose thyroid glands are overactive. Respondents' said preparations will not relax

the nerves nor induce sleep, nor are they an effective treatment for or of significant value in the treatment of nervousness, excitability, or insomnia. The designations of B complex as "Youth Vitamin" and "Modern Tonic Vitamin" have no acceptance by the public or the medical profession. The said preparations will neither avert nor postpone old age or its consequences. They neither "tone" muscles nor the intestinal tract. They are not an effective treatment for, nor of significant value in the treatment of, arthritis, neuritis, gastrointestinal troubles, constipation, piles, vomiting in pregnancy, improper lactation in nursing mothers, retarded growth of children, pellagra, diabetes, anemia, nervous disorders, absence of appetite, nor alcoholic polyneuritis. They will not restore vitality, nor do they possess any significant tonic properties. The user is not assured of a proper digestion, sound nerves, good intestinal activity or regular bowel movements, nor is he protected against nervous fatigue or exhaustion due to overwork, worry, mental strain, acidosis, chronic diseases, sexual excesses, or improper functioning of the ductless glands, or other cause. It is not essential that adequate amounts of essential nutritional elements be received daily.

PAR. 47. Among and typical of the statements and representations contained in said advertisements, disseminated in the manner set forth in Paragraphs Three and Four hereof, with respect to "Alberty's Vitamin-Mineral Capsules" and "Ad-a-Min Capsules," are the following:

Vitamins and Minerals build strength and Resistance to Disease.

Your body—starved for vitamins and minerals—You become old before your time, haggard, dopey feeling, always tired, with no "pep" or energy to do more than drag yourself around from one day to the next. Yet, how different a person you could be with an abundant vitamin intake—if you will replenish your diet with an abundance of the vitamins A, B, C, D, E, and G and the 16 known minerals—you are alive, vital, gloriously healthy to your fingertips. And when you are feeling "in the pink" of condition, your bodily resistance automatically goes up high in the safety zone.

Vitamin A increases vigor, vitality, resistance to colds, gives a feeling of well-being; aids the Liver, Kidneys, Nerves, Glandular system, Skin, and Eyes.

Vitamin B₁ is essential for well-being at all ages, an intestinal and muscle toner, prevents many diseases, etc.

Vitamin D—aids teeth, storage of Calcium and other minerals; aids clotting of the blood, muscular weakness, and cramp; nervousness and low resistance.

Vitamin G is one of the Vitamin B Complexes—prevents skin diseases, pellagra, cataract, etc.

Vitamin C aids tooth gingivitis, tissue, gives resistance, a healthy necessity, aids metabolism, glands, and skin.

Vitamin E, tests on animals and barren women showed the majority were able to conceive after Vitamin E feeding.

It is necessary for nerves, skin, muscular tone and vigor.

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Try a 25-day supply—you will find you haven't felt so good in years. Vitamins do pep you up.

PAR. 48. Through the use of the statements and claims with respect to "Alberty's Vitamin-Mineral Capsules" and "Ad-a-Min" Capsules, hereinabove set forth, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that by the use of the said preparations abounding health and vigor and resistance to disease will be attained; that the functioning of the liver, kidneys, nerves, glandular system, skin, eyes, muscles, and intestines, and the teeth, will be benefited; that gingivitis will be helped; that the metabolism will be improved; that skin diseases, pellagara, and cataracts will be averted; and that barren women will be rendered able to conceive.

PAR. 49. The formulas for respondents' "Vitamin-Mineral Capsules" are as follows:

Vitamin capsules

Vitamin A	1,500 U. S. P. units
Vitamin B ₁	250 U. S. P. units
Vitamin G	20 Sherman units
Vitamin C	200 U. S. P. units
Vitamin D	1,000 U. S. P. units

Mineral capsules

Dicalcium phosphate	2½ grains
Peptonized iron	¾ grain
Copper peptonate	⅓ grain
Zinc sulphate	1/25 grain
Magnesium sulphate	2/3 grain
Manganese hypophosphite	1/3 grain
Potassium iodide	3/3000 grain
Wheat germ oil	1 minim

The directions for use are one of each daily.

The preparation "Ad-a-Min" consists of mineral capsules using the same formula as that set forth above, together with Vitamin Capsules having the following formula:

Vitamin A	6,200 U. S. P. units
Vitamin B ₁	50 U. S. P. units
Vitamin C	200 U. S. P. units
Vitamin D	900 U. S. P. units
Vitamin G	20 gamma

The directions for use are one of each daily.

PAR. 50. The use of the preparations "Vitamin-Mineral Capsules" and "Ad-a-Min Capsules" is not an assurance of abounding health

and vigor. Neither of said preparations will avert pellagra, cataracts, or skin diseases, nor enable barren women to conceive. Neither will increase resistance to diseases nor improve the functioning of the liver, kidneys, nerves or glandular systems, muscles, or intestines, nor benefit the skin or teeth of adults, be of benefit to gingivitis, nor improve the metabolism of the body, in the absence of a deficiency in the vitamins or minerals which said preparations contain and neither of said preparations is significantly effective to increase, improve, or benefit in the aforesaid respects when a deficiency in those vitamins is present.

PAR. 51. Among and typical of the statements and representations contained in said advertisements, disseminated in the manner set forth in paragraphs 3 and 4 hereof, with respect to "Alberty's Wheat Germ" and "Alberty's Wheat Germ Oil," are the following:

Vitamin E.

The Reproduction Vitamin.

The Master Vitamin.

The Vitamin of General Fitness.

It is known as the reproductive vitamin. The very perpetuation of life itself is determined by this vitamin. Reproduction is different from sex. An abundance of vitamin E aids in maintaining sex interest. Vitamin E for the correction of sexual frigidity and lack of desire.

A poor memory and impaired mental alertness are accompanying symptoms of a vitamin E deficiency.

Vitamin E, besides being the vitamin of General Fitness, also seems to have something to do with the mind.

Those suffering from poor memory would indicate a vitamin E poor diet.

Physicians who made tests on men with 5 to 10 drops to 1 teaspoonful of wheat germ oil per day reported that the size and firmness of the testicles increased with increased secretion of spermatozoa and an improvement in physical condition.

Tests on animals and barren women showed the majority were able to conceive after vitamin E feeding.

By supplying vitamin E liberally, to an expectant mother, one enhances profoundly the ability to learn. E" provides vigorous mentality, prevents miscarriage * * *.

Increases vigor and muscular tone in male and female.

The value of wheat germ in acne vulgaris.

PAR. 52. Through the use of the statements and claims with respect to "Alberty's Wheat Germ" and "Alberty's Wheat Germ Oil," hereinabove set forth, and others similar thereto not specifically set out herein, respondents have represented, directly and by implication, that vitamin E is recognized as the "Reproduction Vitamin," "The Master Vitamin" and "The Vitamin of General Fitness," and that the use of said preparations will promote mental alertness and improve

memory, stimulate sex desire, increase reproductive power, increase the size and firmness of the testicles, increase vigor and muscular tone, prevent miscarriage, render barren women fertile, and cure acne vulgaris.

PAR. 53. The designations of vitamin E as the "Reproductive," "Master," or "General Fitness" vitamin have had no acceptance by the public or the medical profession. Respondents' vitamin E products will not promote mental alertness, improve memory, stimulate sex desire, increase reproductive power, increase the size or firmness of the testicles, increase vigor or muscular tone, prevent miscarriages, render barren women fertile, nor cure acne vulgaris.

PAR. 54. Through the use of the statements and claims hereinabove set forth in respondents' advertisements, and others similar thereto not specifically set out herein, with respect to said vitamin preparations, respondents have represented, directly and by implication:

1. That dry skin, skin eruptions on the body, eye strain, susceptibility of the eyes to fatigue, sterility, eczema, inflamed membranes of various parts of the body, including the nose, throat, lungs, urinary and reproductive organs, and kidney stones; and in children, susceptibility to colds, children's diseases, delay or impairment of healthy development of teeth and bones, poor eyesight and lack of energy, are due to deficiency of vitamin A.

2. That excitability, nervousness, sleeplessness, upset feeling, irritability, sensitiveness, poor memory, failure of the intestinal tract, brain and other organs to function efficiently, arthritis, neuritis, constipation, hemorrhoids, irregular bowel movements, poor digestion, fatigue, listlessness, premature old age, and lack of appetite are due to deficiency of vitamin B.

3. That lack of sex desire, lack of fertility, mental and physical weakness, dementia praecox, poor memory, involuntary abortion, still and premature births are due to deficiency in vitamin E.

4. That by taking said preparation, the user will become alert, active, mentally and physically vigorous, healthy, and generally improved in health.

PAR. 55. The relationship of vitamin A deficiencies to the ailments and conditions set forth in paragraph 54 (1) has been set forth in paragraph 37 hereof.

Failure of the brain to function efficiently, arthritis, neuritis (with the single exception of polyneuritis), hemorrhoids, and premature old age, are not attributable to deficiency in vitamin B. Excitability, nervousness, sleeplessness, upset feeling, irritability, sensitiveness, poor memory, failure of the intestinal tract and other organs to func-

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tion efficiently, polyneuritis, constipation, irregular bowel movements, poor digestion, fatigue, listlessness, and lack of appetite may be due to deficiency in vitamin B.

PAR. 56. The said advertisements fail to disclose that the causes of the ailments, conditions, and symptoms above mentioned are so numerous that in the aggregate they are due much less frequently to vitamin deficiencies than to other causes.

PAR. 57. The said advertisements further represent respondents' preparations as cures for various ailments and conditions when due to deficiencies in the vitamin or vitamins designated by respondents in connection therewith.

PAR. 58. Vitamin deficiencies of sufficient duration and severity to be reflected by physical or mental manifestations or signs thereof will not be substantially benefited by said preparations with the exception of such vitamin A deficiencies for which respondents' "Shark Liver Oil" is beneficial. For adequate vitamin therapy under such circumstances a dosage greater than is provided by respondents' preparations other than "Shark Liver Oil," taken as directed, is required.

PAR. 59. The said advertisements further represent that all persons will be physically and mentally benefited by taking respondents' preparations.

PAR. 60. An individual's well-being is not wholly a matter of vitamins, but depends upon many physiological, psychological, dietary, and other factors. The extent of the bodily demand for vitamins varies with the individual. Vitamins are continually being used and replaced. If the replacements are adequate in amount, it is not necessary that further amounts be taken in. Persons whose individual vitamin requirements are provided by their usual diet will not be benefited by taking additional vitamins, except that, to the extent to which they are stored, they furnish a reserve against possible future deprivation.

Respondents' preparation "Vimol," taken as directed, supplies the user with an amount of vitamin B₁ which is less than the established daily minimum requirement therefor.

Respondents' "B-Complex," taken as directed, supplies the user with the amount of vitamin B₁ sufficient to meet the established minimum daily requirement therefor, and an amount of vitamin B₂ which is less than the established daily minimum requirement therefor.

Respondents' "High Potency B-Complex," taken as directed, supplies the user with amounts of vitamin B₁ and B₂ which will meet the established daily minimum requirements therefor.

Respondents' "Vitamin-Mineral Capsules," taken as directed, supply the user with amounts of vitamins A, B₁, G, and C which are

less than, and an amount of vitamin D which will meet, the established daily minimum requirements therefor, and with amounts of iron, calcium, phosphorus, and iodine which are less than the established daily minimum requirements therefor.

Respondents' "Phospho-B," taken as directed, supplies the user with an amount of vitamin B₁ sufficient to meet the established daily minimum requirement therefor.

Respondents' "Ad-a-Min" capsules, taken as directed, supply the user with amounts of vitamins A and D which will meet, and amounts of vitamin B₁, C, and G which are less than, the established daily minimum requirements therefor, and with amounts of iron, phosphorus, and iodine which are less than the established daily minimum requirements therefor.

The use of a vitamin or mineral preparation will avert vitamin or mineral deficiencies in those vitamins or minerals of which the preparation gives the user the established minimum daily requirement; if the preparation gives the user less than that requirement for a vitamin or mineral it serves only as a dietary supplement which may or may not, depending upon the user's diet, result in averting deficiencies therein.

The use of vitamin or mineral preparations which contain vitamins or minerals in less than therapeutic amounts is of no significant value in cases where a deficiency in such vitamin or mineral is of sufficient duration to have become manifested by symptoms or signs thereof. Therapeutic amounts of vitamins and minerals substantially exceed the established daily minimum requirements therefor.

PAR. 61. For the reasons stated and in the particulars indicated herein, the Commission finds that the representations made by respondents with respect to the aforesaid preparations are erroneous and misleading and constitute false advertisements. Certain of said advertisements are false for the reason that the preparations to which they relate do not possess the properties or therapeutic values and will not produce the beneficial effects claimed for them in said advertisements. Others of the advertisements are false for the reason that they affirmatively represent that certain ailments, conditions, and symptoms of the body are due to deficiencies in specified minerals and vitamins which respondents' preparation will supply when such is not the case. Still others of said advertisements are misleading in a material respect, and therefore false and deceptive, by reason of the innuendoes and suggestions contained therein. In referring to the group last mentioned, the Commission has in mind particularly those advertisements in which respondents' mineral or vitamin prepa-

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rations are recommended as cures or remedies for certain designated symptoms or conditions when in fact the causes of such symptoms or conditions are so numerous that their mere existence creates no reasonable likelihood that they will be benefited by said preparations. In recommending a particular preparation as a cure or remedy for certain designated ailments, symptoms, or conditions, respondents suggest not only that such ailments, symptoms, or conditions may be due to causes for which the preparation is beneficial, but also that there is at least a reasonable chance that they are in fact due to such causes. If such a representation be made in a categorical statement, and if, for example, in a very substantial percentage of cases the ailments, symptoms, or conditions are due to causes in the treatment of which the preparation advertised will have no benefit whatever, the representation is clearly false and obviously deceptive. A representation to the same effect, made under the same circumstances, except by suggestion instead of categorically, and if it be unaccompanied by an appropriate disclosure of the possibility of other causes of the ailments, symptoms, or conditions, is equally false and deceptive in the opinion of the Commission, and by reason of such falsity is subject to the exercise of the Commission's corrective jurisdiction in the same manner and to the same extent as though the representation be made by affirmative statements.

PAR. 62. The complaint charged also that respondents' advertisements concerning the laxative preparation "Endo-Lax" constituted false advertisements for the reason that they failed to reveal certain facts as to potential danger in the use of the preparation. The Commission is of the opinion, however, that in the circumstances of this case no disclosure of such facts should be required in the advertisements of this preparation.

PAR. 63. The use by respondents of the aforesaid false advertisements has had the tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that said advertisements are true and that all facts material in the light of the representations made therein have been disclosed. In consequence of such erroneous and mistaken belief, such portion of the purchasing public has been induced to purchase large quantities of respondents' preparations.

CONCLUSION

The acts and practices of the respondents, as herein found, are all to the prejudice and injury of the public and constitute unfair and decep-

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Order

tive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

Commissioner Mason not participating.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent Ada J. Alberty, and a stipulation as to the facts entered into by and between Ada J. Alberty, Helen M. Alberty Hackworth, Florence M. Alberty St. Clair, Harry R. Alberty, Margaret M. Alberty Quinn, and Kenneth Hackworth, and Daniel J. Murphy, assistant chief trial counsel for the Commission, which stipulation provides, among other things, that the statement of facts contained therein may be taken as the facts in this proceeding and that the Commission may make its report, stating its findings as to the facts, including inferences which it may draw from the stipulated facts, and its conclusion based thereon, and enter its order disposing of the proceeding without further evidence or other intervening procedure (the filing of a report or recommended decision by the trial examiner and the filing of briefs and presentation of oral argument having been expressly waived), and in which stipulation the aforesaid parties specifically waive the non-joinder in the complaint of Helen M. Alberty Hackworth, Florence M. Alberty St. Clair, Harry R. Alberty, Margaret M. Alberty Quinn, and Kenneth Hackworth as parties respondent, and expressly agree that said complaint shall be deemed as amended to charge all of them as respondents with respect to the acts and practices set forth therein, and in which said parties other than Ada J. Alberty waive service of the complaint upon them and waive their right to file answers thereto; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Ada J. Alberty, Helen M. Alberty Hackworth, Florence M. Alberty St. Clair, Harry R. Alberty, Margaret M. Alberty Quinn, and Kenneth Hackworth, individually and trading under the names Alberty Food Products, The Alberty Food Products, Alberty Products, Alberty Products Sales Co., The Cap-Lone Co., and Cheno Products, or trading under any other name, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondents' products designated "Ri-Co Tablets"; "Alberty's Vitamin-Mineral Capsules"; "Alberty's Wheat

Germ"; "Alberty's Ointment"; "Oxorin Tablets"; "Cap-Lone Tablets"; "Alberty High Potency B Complex"; "Alberty Wheat Germ Oil"; "Alberty Garlic and Vegetable Oil Perles"; "Vimol Tablets"; "Alberty's Vitamin A-Shark Liver Oil"; "Alberty's Vitamin B Complex"; "Alberty Phospho-B" (also known as "Phloxo-B"); "Zen"; "Alberty's Sabinol"; and "Ad-a-Min Capsules," or any other products of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from:

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

(a) That the preparation "Ri-Co Tablets" constitutes an adequate or competent treatment for arthritis, rheumatism, gout, or "rheumatic gout"; or that said preparation will eliminate uric acid from the system: *Provided, however*, That nothing herein shall be construed as prohibiting the representation that according to the principles of the homeopathic school of medicine the preparation is of value in ameliorating the symptoms of muscular or ligamentous pain and stiffness due to arthritis or rheumatism, except when such symptoms are accompanied by a febrile condition.

(b) That the preparation "Alberty's Ointment" is of therapeutic value in the treatment, either constitutional or local, of arthritis, rheumatism, gout, or "rheumatic gout," or in the relief of pain, swelling, stiffness, or any other symptom incident to arthritis, rheumatism, or gout.

(c) That the preparation "Sabinol" is an adequate or competent treatment for diseases or ailments of the kidneys; that said preparation will flush the kidneys; that it possesses any therapeutic value in the treatment of circles about the eyes, dull aching feeling across the back, sharp pains in the kidneys, frequent urination during the night, spots before the eyes, swelling of the feet, ankles, or lower limbs, puffiness about the eyes, or lack of vitality; or that it is an eliminant of uric acid from the system: *Provided, however*, That nothing herein shall be construed as prohibiting the representations that according to the principles of the homeopathic school of medicine (1) the preparation is of value in relieving the symptoms of pain or discomfort due to gravel or stone in the kidneys or to spasms of the ureters, or (2) there may be some elimination of uric acid from the system incident to the use of the preparation.

(d) That the preparation "Oxorin Tablets" will have any therapeutic effect upon the blood or the red corpuscles thereof, except in cases of simple iron-deficiency anemia; or that said preparation will relieve, correct, or have any beneficial effect upon the condition of lassitude characterized by such expressions as "weariness," "tiredness," "weakness," "lack of energy," or "general run down condition," unless such representation be expressly limited to symptoms or conditions due to simple iron deficiency anemia and unless the advertisement reveals that the condition of lassitude is caused less frequently by simple iron deficiency anemia than by other causes and that in such cases this preparation will not be effective in relieving or correcting it.

(e) That three tablets of the preparation "Zen" will provide an individual with 15 grains of iron, or with any amount of iron in excess of approximately $21\frac{1}{2}$ grains; that said preparation is a dependable blood-building tonic, or that it will be beneficial in any respect to the blood in excess of its value in the treatment of simple iron deficiency anemia; or that said preparation will be effective in the restoration of energy in those who lack it, unless such representation be expressly limited to cases of lack of energy due to simple iron deficiency anemia and unless the advertisement reveals that lack of energy is caused less frequently by simple iron deficiency anemia than by other causes and that in such cases this preparation will not be effective in relieving or correcting it.

(f) That the preparation "Cap-Lone Tablets" constitutes a competent or effective treatment for or is of therapeutic value in the relief of pyorrhea or constipation; that said preparation will regulate the bowels or purify the blood; that it is beneficial to the skin, brain, nerves, stomach, intestines, or the glands of the body; or that it possesses any value as a restorative or tonic.

(g) That the administration of the preparation "Cap-Lone Tablets," as recommended by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of the minerals calcium or phosphorus; or that such use of said preparation provides any benefits whatever in excess of serving as a dietary supplement in supplying quantities of the minerals calcium and phosphorus.

(h) That the preparation "Garlic and Vegetable Oil Perles" aids in the digestion or absorption of food or acts as an "intestinal disinfectant"; that said preparation constitutes a competent or effective treatment for hypertension, high blood pressure, or any of the symptoms of hypertension; or that it possesses any therapeutic value in the treatment of dyspepsia or catarrhal affections of the digestive

tract or other bowel inflammations in excess of a carminative effect when such conditions result in gas or distention due thereto: *Provided, however*, That nothing herein shall be construed as prohibiting the representation that according to the principles of the homeopathic school of medicine said preparation possesses laxative properties due to its action on the mucous membranes of the digestive tract, resulting in increased peristalsis.

(i) That the preparation "Vitamin A Shark Liver Oil" will—

1. Benefit the conditions of sterility, eczema, or inflamed membranes of the nose, throat, lungs, or the urinary or reproductive organs.

2. Be of therapeutic value in the treatment or prevention of kidney stones.

3. Aid or benefit the liver, kidneys, nerves, or glandular system.

4. Avert or benefit the conditions, in children, of susceptibility to colds, children's diseases, poor eyesight, or the delay in or impairment of healthy development of teeth and bones.

5. Benefit the conditions of dry skin, skin eruptions on the body, or inflamed membranes of the eye, unless such representation be expressly limited to cases in which such conditions are caused by a deficiency of vitamin A.

6. Afford any relief from "eye strain" or susceptibility of the eyes to fatigue, unless such representation be expressly limited to "eye strain" or susceptibility of the eyes to fatigue associated with the condition of "night blindness" caused by a deficiency of vitamin A.

7. Increase vigor or vitality, or give a feeling of well-being, or aid the skin or eyes, unless such representation be expressly limited to cases in which vigor, vitality, or well-being has been impaired by a deficiency of vitamin A or in which the condition or functioning of the skin or eyes is a sign or manifestation of a deficiency of vitamin A.

8. Supply energy to children, unless such representation be expressly limited to cases of lack of energy caused by a deficiency of vitamin A and unless the advertisement reveals that the lack of energy in children is caused less frequently by a deficiency of vitamin A than by other causes and that in such cases this preparation will not be effective in relieving or correcting it.

(j) That the following symptoms or conditions, or any of them, are attributable to a deficiency of vitamin A, or that said symptoms or conditions will be benefited by the use of vitamin A: dry skin (except zerosis), common eruptions on the skin such as pimples, boils, and blackheads, "eye strain," or susceptibility of the eyes to fatigue (except insofar as those conditions may be associated with "night blindness"), sterility, eczema, inflamed membranes of the nose, throat, lungs, or

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urinary or reproductive organs, kidney stones, the improper or inadequate functioning of the liver, kidneys, nerves, or glandular system, and, in children, susceptibility to colds, children's diseases, poor eyesight, and delay in or impairment of healthy development of teeth or bones.

(k) That the preparation "Alberty's Phospho B," or "Phloxo B," possesses any therapeutic value in the treatment of excitability, upset feeling, or poor memory; or that said preparation possesses any therapeutic value in the treatment of sleeplessness, nervousness, irritability, or sensitiveness, unless such representation be expressly limited to claims of value made for the preparation under the principles of the homeopathic school of medicine in the treatment of sleeplessness, nervousness, irritability, or sensitiveness in cases in which these symptoms are due to anemia or asthenia and unless the advertisement reveals that said symptoms are frequently due to causes other than anemia or asthenia.

(l) That the administration of the preparation "Alberty's Phospho B," or "Phloxo B," as recommended by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of vitamin B₁ in the human body; or that such use of said preparation provides any benefits whatever in excess of the value claimed for it under the principles of homeopathy in the treatment of the symptoms of anemia and asthenia and its value in averting the development of a deficiency of vitamin B₁.

(m) That the preparations "Alberty's Vitamin B Complex," "Alberty's High Potency B Complex" and "Vimol," or any of them—

1. Are beneficial to persons whose thyroid glands are over active.
2. Will relax the nerves or induce sleep.
3. Will avert or postpone old age or its consequence.
4. Will "tone" the muscles or restore vitality.
5. Will assure the user of proper digestion, sound nerves, good intestinal activity, or regular bowel movements.
6. Will protect one against nervous fatigue or exhaustion due to overwork, worry, mental strain, acidosis, chronic diseases, sexual excesses, or improper functioning of the ductless glands, or other causes.
7. Constitute remedies or competent or effective treatments for nervousness, excitability, insomnia, arthritis, neuritis, gastrointestinal troubles, constipation, piles, vomiting in pregnancy, improper lactation in nursing mothers, retarded growth in children, pellagra, diabetes, anemia, nervous disorders, absence of appetite, or alcoholic polyneuritis; or
8. Possess significant tonic properties.

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(n) That the administration of the preparations "Alberty's Vitamin B Complex," "Alberty's High Potency B Complex," or "Vimol," as prescribed by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of one or more components of the vitamin B complex in the human body; or that such use of any of said preparations will provide any benefits whatever in excess of the following:

1. That "Alberty's Vitamin B Complex" will avert the development of a deficiency of vitamin B₁ and will serve as a dietary supplement in supplying quantities of vitamin B₂.

2. That "Alberty's High Potency B Complex" will avert the development of a deficiency of vitamins B₁ and B₂.

3. That "Vimol" will serve as a dietary supplement in supplying quantities of vitamin B₁.

(o) That the following symptoms or conditions, or any of them, are attributable to a deficiency of vitamin B, or that said symptoms or conditions will be benefited by the use of vitamin B: failure of the brain to function efficiently, arthritis, neuritis, except polyneuritis, hemorrhoids, and premature old age.

(p) That the vitamin B complex is familiarly or appropriately referred to as the "Youth Vitamin" or the "Modern Tonic Vitamin."

(q) That the preparations "Alberty's Vitamin-Mineral Capsules" and "Ad-a-Min Capsules," or either of them, will:

1. Assure the user of abounding health or vigor, or increase resistance to disease.

2. Avert pellagra, cataracts, or skin diseases.

3. Enable barren women to conceive.

4. Improve the functioning of the liver, kidneys, nerves, glandular system, muscles, or intestines.

5. Benefit the skin or teeth of adults or aid in the treatment of gingivitis.

6. Improve the metabolism of the body.

(r) That the administration of the preparations "Alberty's Vitamin-Mineral Capsules" or "Ad-a-Min Capsules," as recommended by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of any of the vitamins A, B₁, C, D, or G, in the human body; or that such use of either of said preparations will provide any benefits whatever in excess of the following:

1. That "Alberty's Vitamin-Mineral Capsules" will avert the development of a deficiency of vitamin D and will serve as a dietary sup-

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plement in supplying quantities of vitamins A, B₁, C, and G and the minerals iron, calcium, phosphorus, and iodine.

2. That "Ad-a-Min Capsules" will avert the development of a deficiency of vitamins A and D and will serve as a dietary supplement in supplying quantities of vitamins B₁, C, and G and the minerals iron, calcium, phosphorus, and iodine.

(s) That the preparations "Alberty's Wheat Germ" and "Alberty's Wheat Germ Oil," or either of them, will promote mental alertness, improve the memory, stimulate sex desire, increase reproductive power, increase the size or firmness of the testicles, increase vigor or muscular tone, prevent miscarriages, render barren women fertile, or provide a cure for acne vulgaris.

(t) That vitamin E is recognized or appropriately referred to as the "Reproduction Vitamin," "Master Vitamin," or the "Vitamin of General Fitness."

(u) That all persons will be benefited, physically or mentally, by taking all or any of respondents' aforesaid preparations.

(v) That it is necessary for a person to receive daily adequate amounts of essential nutritional elements.

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 said preparations, which advertisement contains any of the representations prohibited in paragraph 1 hereof or which fails to comply with the affirmative requirements set forth in subparagraphs (d), (e), (i), and (k) of 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.

Commissioner Mason not participating.

IN THE MATTER OF
GEVERTZ BUYING CORPORATION ET AL.

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SUBSEC. (c) OF SEC. 2 OF AN ACT OF CONGRESS APPROVED OCT. 15, 1914,
AS AMENDED BY AN ACT APPROVED JUNE 19, 1936

Docket 5501. Complaint, June 11, 1947—Decision, Feb. 4, 1948

Resident commission buyers may be defined as representatives or agents of purchasers, who are permanently in the market negotiating purchases from competitive sellers, in the interest of such purchasers, but who receive their remuneration, customarily designated as commissions, from the sellers.

Where (1) a corporation, which was engaged as a resident commission buyer in purchasing for firms in which neither it nor any other associated with it as hereinbelow set out, had any financial interest, and also for various retail firms and others as below described, men's wearing apparel and other merchandise from manufacturers and jobbers, who paid it commissions or brokerage fees on such purchases, usually amounting to about 5 percent of the net purchase price; (2) two individuals, officers, and principal stockholders of said corporation, who exercised a substantial degree of authority and control over its business, who were engaged also under the trade name "Charles R. Gevertz Stores" in conducting a jobbing business and buying merchandise for and selling same to the retail firms known as the "Charles R. Gevertz Stores," in which they had a substantial financial interest, as well as to other firms in which they had no financial interest, and who purchased the merchandise above referred to through aforesaid corporation; and (3) two partners who engaged, through aforesaid corporation and under the trade name "Pacific Exporting Co.," in buying merchandise for and selling it to a number of firms in various sections of the United States and in the Territory of Hawaii, including a number of retail concerns in which they had a substantial financial interest and others in which they had no such interest, and in purchasing merchandise for their own account also as jobbers; and who, with branch office at San Francisco, operated from offices in New York, which were jointly made use of by them and by aforesaid corporation and individuals, and expenses of which were paid from the receipt and acceptance of the commissions or brokerage fees paid said corporation by said sellers, and in which they all participated;

Received and accepted, on orders placed with and purchases of merchandise made from numerous manufacturers and jobbers in the several states and territories as aforesaid noted, commissions or brokerage fees, consisting of a certain percentage of the sales price agreed upon by each of the sellers, and said corporation and individuals, on such orders for merchandise, placed by them for their own account and for the account of their principals; namely, the buyers in whose behalf they had been and were in fact acting:

Held, That said corporation and individuals, in receiving and accepting brokerage fees or commissions, and allowances or discounts in lieu thereof, from manufacturers and sellers upon purchases of merchandise as hereinabove