

Syllabus

IN THE MATTER OF

E. J. GOODIER, TRADING AS UNIVERSAL LABORATORIES
AND AS GOODIER CO.

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

Docket 5069. Complaint, Oct. 26, 1943—Decision, June 7, 1948

Where an individual engaged in the interstate sale and distribution of some 56 or more medicinal, cosmetic, and toilet preparations, which he sold under various brand names (including, mostly, as a prefix, his own) to agents and house-to-house canvassers, principally, who sold direct to ultimate purchasers; in describing his said products in catalogs, circulars, and other advertising literature distributed to his agents and canvassers for delivery to prospective purchasers for their use in ordering merchandise direct from him—

- (a) Represented falsely that his Milk of Magnesia, Anti-Pain Liniment, Solodine, and Compound with Sarsaparilla, or Sarco, were effective treatments for indigestion, and simple stomach ailments;
- (b) Represented falsely that his Antiseptic Solution, Syrup of White Pine Compound, Medicated Ointment, Aspirin Tablets, Cod Liver Oil Tablets, Laxative Bromide and Quinine Cold Tablets, Laxative Chill Tonic or Chono, Purple Drops, Pine-O-Mint Balm, Pine-O-Mint Cough Drops, Pine-O-Mint Cough Syrup, Mentholated Balm, Tasteless and Odorless Castor Oil, and Pure Turpentine were competent and adequate treatments for, and in the case of some, preventives of, sore throats, coughs, head and chest colds, croup, and lung and throat ailments;
- (c) Represented falsely that his Anti-Pain Liniment, taken internally, Solodine and White Liniment constituted competent treatments for colic and cramps; and that his said liniment, applied externally, would effectively relieve all painful conditions and that his Family Liniment was an adequate treatment for sprains, toothache, all types of backache and sore feet;
- (d) Represented falsely that his Imported Russian Mineral Oil and Compound with Sarsaparilla, or Sarco, were competent treatments for constipation; and that his Medicated Ointment and Solodine were effective antiseptics, healed wounds and prevented infection;
- (e) Represented falsely that his Maytane, Laxative Chill Tonic or Chono, Compound with Sarsaparilla or Sarco, Ton-Ko-Lah and Pep Tablets, or Special Tablets Rx 1761, or Aunt Poody's Pep Tablets, were general tonics, made the blood rich and healthy, restored vitality and pep, etc.; and that his Liverettes, or Liver Actors, or Little Pills, and his F E Cascara Sagraada Aromatic restored the liver to normal functioning;
- (f) Represented falsely that his Aunt Poody's Remedy, or Corno, would relieve corns instantly; that his Diuretic Pills, or Kidney Pills were a competent treatment for diseases of the kidneys; that his Van-Nae Herb Tea and Epsom Salts were effective reducing agents; and that his Laxative Chill

Tonic, or Chono, was an effective remedy for malaria, chills, fever, and la grippe;

- (g) Represented falsely that his Femanol was a general tonic for women and his Feminine Charm Antiseptic Douche Powder when used as a douche would destroy bacteria in 3 minutes;
 - (h) Represented falsely that his Dolly Madison Night Cream, Velvet Smooth Hand Lotion, Almond Lotion and Kitchen Hand Lotion, Bay Rum, Joan Cream of Youth, Lilac After Shave Lotion, White Gardenia Soap, Jane Marche Milk Cleansing Cream, Lucille Grey Cleansing Cream, Lucille Grey Clay Pack, Lucille Grey Hand Lotion, Lucille Grey Nourishing Cream, or Lucille Grey Blending Cream, Lucille Grey Astringent Lotion, or Lucille Grey Finishing Lotion, Tissue Cream, Liquefying Cleansing Cream, Double-Whip Cleansing Cream, and You Darling Cream of Beauty cosmetic preparations would variously improve the texture and youthfulness of the skin;
 - (i) Represented falsely that his Glad Foot Balm, or Acne Lotion, was a competent treatment for athlete's foot and all skin eruptions; that his Mineral Water Crystals would rid the system of poisons and was an effective treatment for sluggishness and muddy complexions; that his Bay Rum, Pompadore Hair Dressing, and Gray-Rid, or Universal Hair Color Restorer or Universal Hair Color Lotion, would variously prevent and eliminate dandruff, promote hair growth and restore the original color of hair; and that said Gray-Rid contained no harmful ingredient; notwithstanding fact it was not absolutely safe for use in view of the lead acetate contained therein;
 - (j) Represented falsely that his White Liniment was a competent treatment for neuralgia, lumbago, etc.; that his Inhalant was an effective treatment for hay fever and sinusitis; that his Mentholated Balm and Pure Turpentine were effective treatments for burns, and that the former healed wounds; and that Earache Drops stopped pains in the ear due to any cause;
 - (k) Represented falsely that his Universal Poultry Tonic and Insect Remover destroyed poultry parasites, constituted a general poultry tonic and was a competent remedy for the common ailments of poultry; that his Veterinary Powder was a competent treatment for all wounds, cuts and running sores of animals; and that a few drops of his Pure Turpentine in a closet would drive away moths;
 - (l) Represented through use of the name Doc Goodier in certain of his circulars that he was a doctor of medicine and that his various medicinal preparations had been made and compounded by a doctor of medicine; when in fact he had had no medical training and was not qualified under the laws of any state to practice medicine;
 - (m) Falsely, deceptively, and misleadingly made use of the trade names Liverettes, Kidney Pills, Chill Tonic, and Syrup of Figs, in the names of certain of his aforesaid products, and of the term "Tonic" in his Femanol Tonic, and of the term "Nourishing Cream" in his product Lucille Grey Nourishing Cream; notwithstanding the facts that the preparations thus designated and characterized did not have the properties thereby indicated;
- With effect, through distribution of his said catalogs, circulars, and other advertising matter, of supplying to and placing in the hands of his agents and his house-to-house canvassers, means and instrumentalities designed to permit them to mislead ultimate purchasers as to the therapeutic value and effect of his said various preparations and capable of so doing; and with capacity and tendency to mislead a substantial portion of the purchasing

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public into the erroneous belief that said representations were true, and into the purchase thereby of substantial quantities of aforesaid 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.

As respects the use of the term "Laboratories" in respondent's trade name, and the charge of the complaint that such use was false and misleading, and the recommendation of the trial examiner that the respondent be prohibited therefrom, there was substantial evidence in the record that the respondent did in fact manufacture and compound a substantial number of the preparations sold and distributed by him, and that he had conducted a certain amount of experimental study and tests in said connection, and, such being the case, it was the opinion of the Commission that to said extent the charges with reference to the use of the term "Laboratories" as set-out in the complaint had not been sustained.

As respects failure to reveal that certain of respondent's preparations might be potentially dangerous when taken as directed or under customary conditions; namely, his various laxative preparations, and his Pine-O-Mint Nose Drops, Solodine, Goodier Diuretic Pills, and Goodier White Liniment; the Commission having given consideration to the record and to the nature of the remedy to be applied, was of the opinion that under the circumstances in the case and in view of the nature and extent of the testimony adduced, no warning as to potential danger should be required in the advertising thereof.

With regard to respondent's Goodier's Laxative Bromide and Quinine Cold Tablets, involved in the proceeding, it appeared that respondent had neither sold nor offered for sale the aforesaid or similar preparation since 1943, and that it did not intend so to sell or offer any such preparation in the future without disclosure in advertising with respect thereto, of the effect of its use, and, such being the case, the Commission found it was not necessary in the public interest to take affirmative action relative thereto in the instant proceeding, and along with other action taken therein.

With regard to the possible injurious effects which might result from the use of respondent's preparation Pep Tablets, as recited in the complaint, it was the opinion of the Commission that such recitation had not been properly pleaded so as to place in issue the potential injurious effects thereof, and that it consequently must be disregarded by the Commission in making its findings as to the facts.

Before *Mr. John W. Addison*, trial examiner.

Mr. Joseph Callaway, for the Commission.

Mr. Robert Ogden, of Dallas, Tex., for respondent.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said act, the Federal Trade Commission, having reason to believe that E. J. Goodier, trad-

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ing and doing business as Universal Laboratories and as Goodier Co., hereinafter referred to as respondent, has violated the provisions of the said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, E. J. Goodier, is an individual trading and doing business as Universal Laboratories and also as Goodier Co., with his place of business at 321 North Bishop Street, Dallas, Tex.

PAR. 2. Respondent is now and for more than 2 years last past has been engaged in the sale and distribution of certain medicinal preparations and cosmetics under various brands, which are sold principally to agents and house-to-house canvassers, who in turn sell direct to the ultimate purchasers. In connection with his aforesaid business respondent distributes or causes to be distributed catalogs, circulars, and other advertising literature to his agents and house-to-house canvassers in which his preparations are advertised for sale and which contain various statements and claims with respect to his said preparations. Said advertising matter is so designed and intended by respondent to be delivered to prospective purchasers of respondent's products and is so delivered by respondent's agents and house-to-house canvassers to a substantial number of the purchasing public and is used by them for the purpose of ordering merchandise direct from respondent.

In the course and conduct of his business the respondent causes said medicinal preparations and cosmetics, when sold, to be transported from his place of business in the State of Texas, to the purchasers thereof located in the various 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 said medicinal preparations and cosmetics in commerce among and between the various other States of the United States and in the District of Columbia.

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

Among and typical of the false, misleading, and deceptive statements and representations contained in said false advertisements disseminated and caused to be disseminated as hereinabove set forth, by United States mails, by means of catalogs, circulars, and other advertising literature, are the following:

With respect to Goodier's Milk of Magnesia:

A soothing, pleasant tasting, effective, gentle laxative for the young and old. Excellent for * * * indigestion and simple stomach ailments.

With respect to Goodier's Antiseptic Solution:

This product will absolutely insure user against offending breath for several hours. A very beneficial gargle and mouthwash in use for sore throats and colds. Ideal as * * * dandruff remedy.

With respect to Goodier's Syrup of White Pine Compound:

A soothing, healing corrective medicinal syrup for the relief of coughs, colds, irritated and inflamed throat.

With respect to Goodier's Anti-Pain Liniment:

Can be used both internally and externally.

Mix 20 to 30 drops in a little sweetened water and drink for immediate relief of colic, cramps, indigestion, and heartburn. For external use apply direct to affected parts and massage well.

With respect to Goodier's Imported Russian Mineral Oil:

For chronic constipation.

With respect to Goodier's Medicated Ointment:

Containing * * * many * * * healing properties. Especially recommended for scratches, cuts, chest colds, croup, and head colds * * *.

Helps to prevent infection in scratches, cuts * * *.

With respect to Maytane:

A general tonic which aids nature in building up rich blood. Contains properties * * * which act directly upon the Kidneys, Liver, and Digestive Organs. Intends to create a healthy, rich, red blood.

With respect to Aspirin Tablets:

At the first sign of a cold, dissolve one or two Aspirin Tablets in a glass of water and drink.

With respect to Solodine:

Truly a medicine cabinet in one bottle.

This will give immediate relief to Indigestion, Colic, Gas on Stomach, Heartburn, and Cramps. * * * For head colds * * * inhale Solodine from the bottle, then massage the back of neck with small amount. Apply Solodine to stings and scratches, lumbago, and directly to open cuts and skin abrasions. It makes an excellent caustic agent and tends to prevent serious results due to infection.

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With respect to Goodier's Liverettes; also known as Liver Actors, and Little Pills:

Nothing can make a person feel so sluggish, ill tempered, and lazy as a torpid liver, so when you feel like this take one Goodier's Little Liverettes at night and wake up feeling like a new person.

Mild, pleasant, and active Little Pills which help to restore a torpid liver to normal functioning.

With respect to Aunt Poody's Corn Remedy; also known as Corno:

Gives instant soothing relief to throbbing corns upon first application * * *.
You can lift corn or callus out with fingers.

With respect to Goodier's Diuretic Pills, also known as Kidney Pills:

Goodier's Diuretic Pills have proven of wonderful benefit to sufferers from disordered conditions of the kidneys.

With respect to Goodier's Cod Liver Oil Tablets:

* * * Increases resistance to respiratory infections.

With respect to Goodier's Compound Cathartic Pills:

A well-known pill for the relief of constipation.

• With respect to Goodier's Laxative Bromide and Quinine Cold Tablets:

Laxative bromide and quinine tablets to eliminate causes and effects of colds.
Recommended for the relief of head colds * * *.

With respect to Hinkle Pills:

* * * one of the best-known formulas for laxative tablets on the market.

With respect to Goodier's Van-Nae Herb Tea:

For those who wish to reduce a safe way, Van-Nae Herb Tea is the answer. Taken as a beverage with your meals * * *, this tea tends to regulate the system, promoting proper assimilation of food * * * and assist nature in restoring or keeping your proper weight. We have many letters on file from satisfied users stating they have lost as many as ten pounds after taking one to three packages of this tea.

With respect to Goodier's Laxative Chill Tonic, also known as Chono:

This is a marvelous tonic for the relief of la grippe, malaria, chills and fever, colds and as a general system builder. * * * very beneficial in strengthening and building rich, red, healthy blood.

With respect to Goodier's Purple Drops:

Contains the antiseptic and medicinal properties to relieve and prevent colds.
* * * Regular use of Purple Drops after exposure will prevent colds throughout the winter.

With respect to Goodier's Family Liniment:

Highly recommended in the treatment of sprains * * * and toothache, backache, * * * sore feet * * *.

With respect to Irona Tonic:

That rundown, tired-out, lazy feeling is often due to lack of iron in the blood. Rich, red healthy blood must contain a certain amount of iron, and when this runs short your vitality and energy are at low ebb. Irona Tonic replaces this iron and gives you that buoyant, bounding energy we all so much want.

With respect to Goodier's Syrup of Figs:

A palatable, aromatic syrup containing the active principals of Senna and Figs, which makes a gentle, effective laxative without griping.

With respect to Goodier's Castoria:

Safe, pleasant-tasting laxative for the baby.

With respect to Femanol, the Tonic for Women:

A vegetable compound of real benefit to women. Femanol will tend to relieve many of the ills and pains peculiar to women. Those who are tired, nervous and in a general run-down condition, will be grateful for the strengthening and rejuvenating effect of this product.

Keep a bottle of this reliable vegetable tonic handy at all times.

Contains sherry wine in combination with other recognized, beneficial medicinal properties for a specific of this nature.

With respect to Feminine Charm Antiseptic Douche Powder:

When used as a douche, it will destroy bacteria in less than three minutes.

With respect to Goodier's Pine-O-Mint Balm:

A soothing and healing vaporizing ointment, which is especially recommended for head and chest colds, croup, or in congested or inflamed condition of the throat and chest. Contains healing and soothing principals * * *.

A small amount about the size of a pea taken internally is of real benefit in chest colds.

With respect to Pine-O-Mint Nose Drops:

It contains the antiseptic value of Iodine, Menthol and other well-known properties in such proportions that it will destroy germs and bacteria which produce colds. Use regularly to prevent colds.

With respect to Goodier's Pine-O-Mint Cough Syrup:

A beneficial medicated syrup for coughs and colds, containing soothing and healing properties, * * * intended to allay and heal irritated and inflamed throat conditions.

With respect to Goodier's Compound with Sarsaparilla; also known as Sarco:

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* * * remedy for purifying and enriching the blood. An excellent tonic for the relief of constipation, indigestion, sluggish liver, inactive kidneys, sour stomach and as a general system tonic. An ideal tonic for the entire family.

With respect to Dolly Madison Night Cream :

Contains rich and nutritious oils * * * which penetrate and nourish the pores of the skin keeping it firm and tending to prevent wrinkles and blemishes.

With respect to Glad Foot Balm ; also known as Acne Lotion :

It acts like magic in treatment of athlete's foot, acne, prickly heat, or any skin eruption or irritation.

Gives wonderful relief to * * * acne.

With respect to Goodier's Mineral Water Crystals :

This is nature's simple, inexpensive way to rid the system of poisons, sluggishness, sallow and muddy complexions.

With respect to Goodier's White Liniment :

For internal and external use.

Recommended by us in treatment of neuralgia, lumbago, toothache, bruises, spasms, stiff joints, cramps * * *.

With respect to Universal Poultry Tonic and Insect Remover :

Destroys mites, lice, fleas, blue bugs, and intestinal worms, is a tried and proven formula recommended for diseases in chickens and turkeys, such as cholera, roup, diarrhea, limber neck, dysentery, sorehead, and similar ailments.

With respect to Goodier's Inhalant :

A product of unusual merit in connection with * * * hay fever * * * and sinus trouble.

With respect to Goodier's Mentholated Balm :

A snow-white balm containing healing and soothing properties * * *. Apply to burns, cuts, * * *. A small amount about the size of a pea taken internally is of real benefit to chest colds * * *.

With respect to Velvet Smooth Hand Lotion :

* * * is sure protection to loveliness for your hands, face, neck, and arms. Hands reflect your age, * * *. Keep yours young and beautiful.

With respect to Goodier's Almond Lotion :

Contains properties which will replace the natural oils of the skin * * *.

With respect to Goodier's Kitchen Hand Lotion :

It replaces the natural oils of the skin which water removes and keeps your hands soft and smooth.

With respect to Goodier's Bay Rum :

Makes the hair take on new life * * *. Ladies find Bay Rum especially beneficial to use on pimples and skin blemishes.

With respect to Pompadore Hair Dressing :

Prevents dandruff. It is absorbed by the hair follicles. Promotes a healthy growth of hair. Pompadore contains oils which go right into the pores of the scalp.

With respect to Universal Hair Color Restorer ; also known as Hair Color Lotion, and also as Gray-Rid :

Replace the original color of your hair with Universal Hair Color Restorer. This is not a dye but restores the hair to whatever color it was originally. It positively eliminates dandruff. Contains no harmful ingredients.

The correct use of Gray-Rid will recolor the hair to its original color as this product contains the coloring materials which are normally in the hair follicles and placed there by nature. Gray-Rid is not a dye, but will gradually recolor the hair to its original shade.

With respect to Joan Cream of Youth :

Offer your customers Joan Cream of Youth, which is correctly named, for its daily use will keep your skin smooth and young. This marvelous cream contains oils which penetrate to the deepest pores, and removes all dirt, grime and make-up. This gives your skin the chance to breathe and have the proper circulation, and in this way it cannot become sallow, dry and wrinkled and the muscles will remain firm and youthful.

With respect to Lilac After Shave Lotion :

Contains astringent properties which tend to keep the skin smooth and prevent the tissues from sagging and becoming wrinkled.

With respect to White Gardenia Soap :

* * * containing oils which keep the skin soft, smooth and young.

With respect to Jean Marche Milk Cleansing Cream :

Containing an additional quantity of oil which is nature's own formula for lovely, soft and young skin.

With respect to Grin Shave Cream :

Makes a rich, creamy lather which softens the beard and tends to improve the cutting edge of the blade.

Soothing and healing to the face.

With respect to Goodier's Foot Friend :

* * * recommended * * * as a general healing powder.

With respect to Lucille Grey Cleansing Cream :

Will go into the pores and remove embedded dirt and all make-up which causes blackheads and large pores.

With respect to Lucille Grey Clay Pack :

Restores youth and vitality to the skin. Lucille Grey Clay Pack is the modern method of retaining that fresh, youthful appearance.

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With respect to Lucille Grey Hand Lotion :

* * * will keep your hands soft, smooth and young.

With respect to Lucille Grey Nourishing Cream also known as Lucille Grey Blending Cream :

A scientifically perfected cream for rejuvenating tissues, strengthening sagging muscles, eradicating wrinkles, lines and crow's feet, heavily impregnated with oils which replace the oils daily taken out of the skin thereby keeping it firm smooth and young.

With respect to Lucille Grey Astringent Lotion also known as Lucille Grey Finishing Lotion :

* * * will keep the skin firm and prevent enlarged pores.

With respect to Goodier's Tissue Cream :

A rich nourishing cream. Will tend to remove wrinkles, crow's-feet and lines.

With respect to Goodier's Liquefying Cleansing Cream :

This cream melts at body temperature and penetrates the pores so as to remove all dirt, dust and oils.

With respect to Double-Whip Cleansing Cream :

Keeps the skin firm and smooth.

With respect to Goodier's Tasteless and Odorless Castor Oil.

A beneficial laxative for colds.

With respect to Earache Drops :

Will give instant relief to pain in the ears.

With respect to Pure Turpentine :

Apply with a cloth to a burn. The pain ceases and granulation sets in at once. Inhale vapor for croup, lung or throat trouble. A few drops in the clothes closet will drive away moths.

With respect to F E Cascara Sagrada Aromatic :

A specific for regulating an inactive liver.

With respect to Goodier's Epsom Salts :

A teaspoonful of Epsom Salts dissolved in a glass of water is a highly effective quick-working laxative. A generous quantity of Epsom Salts dissolved in your bath will act as a reducing agent.

With respect to Veterinary Powder :

Invaluable in treating wounds of horses, dogs, cats, livestock, and domestic animals of all kinds. For cuts, raw and running sores * * * healing.

With respect to Goodier's Ton-Ko-Lah:

Amazing relief for that run-down, tired-out feeling, oftentimes due to lack of iron in the blood. A marvelous tonic which aids nature in building up hemoglobin.

Men and women previously unable to hold down a good-paying job because of lack of vitality are now thrilled at the way this amazing tonic has built back their pep and vitality and how it has made them over into an absolutely new person.

Blood is life but the blood must be rich, red and healthy if you are up to par. It is very important that the blood itself be kept rich in iron if it is to be at its best. Ton-Ko-Lah contains iron in sufficient quantity to keep the blood from becoming anemic. Perk up with Ton-Ko-Lah for that old time zest in living, that keen appetite, that buoyant, bounding energy and sound sleep at night, take Ton-Ko-Lah.

* * * almost miraculous results * * *. Ton-Ko-Lah is a well-balanced formula, which when used as directed will tend to cleanse and balance the system so that food will go through the proper digestive actions and the system will function normally.

With respect to Goodier's Pep Tablets; also known as Aunt Poody's Tablets, and Special Tablets Rx 1761:

A tablet used with wonderful results by both men and women in keeping their energy and vitality up to par. This product has helped men and women build back their pep, calm high-strung nerves and made them over into absolutely new people.

With respect to You Darling Cream of Beauty:

A fine cleansing cream, extra rich in oils which tend to feed the pores and nourish the skin, thereby keeping it soft, smooth, and naturally young.

PAR. 4. Through the use of the foregoing statements and representations and others of similar import and meaning, not specifically set out herein, the respondent has represented and is now representing:

That the preparation designated as Goodier's Milk of Magnesia is an effective treatment for indigestion and for all simple stomach ailments.

That the preparation designated as Goodier's Antiseptic Solution will prevent offensive breath; that it is an adequate treatment for sore throat and colds and a remedy for dandruff.

That the preparation designated as Goodier's Syrup of White Pine Compound is an effective treatment for all types of coughs, colds, irritated and inflamed throats; that it has healing properties.

That the preparation designated as Goodier's Anti-Pain Liniment, taken internally, is an adequate treatment for colic, cramps, indigestion, and heartburn; that applied externally it will effectively relieve all painful conditions.

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That the preparation designated as Goodier's Imported Russian Mineral Oil is a competent treatment for chronic constipation.

That the preparation designated as Goodier's Medicated Ointment is an effective antiseptic and heals wounds; that it is an adequate treatment for head and chest colds and croup.

That the preparation designated as Maytane is a general tonic; that it exerts a beneficial effect upon the kidneys, liver and digestive organs and that its use is effective in causing a healthy condition of the blood.

That the preparation designated as Aspirin Tablets is a competent treatment for colds.

That the preparation designated as Solodine is a cure-all; that taken internally it is an efficient treatment for all forms of indigestion, colic, gas on stomach, heartburn, and cramps; that inhaling the preparation and massaging the back of the neck with it is an effective treatment for head colds; that applied to the affected parts, it is an effective cure for lumbago; that it has sufficient antiseptic properties to destroy germs and prevent infection when applied to open wounds or sores.

That the preparation designated as Goodier's Liverettes also designated as Liver Actors and Goodier's Little Pills is an effective treatment for a torpid liver.

That the use of the preparation designated as Aunt Poody's Corn Remedy, and also as Corno, enables one to lift a corn or callus out with the fingers; that it will give instant relief to the pain of corns upon the first application.

That the preparation designated as Goodier's Diuretic Pills and also as Kidney Pills is a competent treatment for diseases or disorders of the kidneys.

That the preparation designated as Goodier's Cod Liver Oil Tablets increases resistance to respiratory infections.

That the preparation designated as Goodier's Laxative Bromide and Quinine Cold Tablets is an effective remedy for colds.

That the preparation designated as Goodier's Van-Nae Herb Tea is effective in regulating the system, promoting proper assimilation of food, and in restoring and keeping a person's proper weight; that it furnishes a safe way to lose excess flesh.

That the preparation designated as Goodier's Laxative Chill Tonic is an efficient remedy for malaria, chills, fever, la grippe, and colds; that it is a general tonic, and makes the blood rich and healthy.

That the preparation designated as Goodier's Purple Drops is an adequate preventive of and an effective treatment for colds.

That the preparation designated as Goodier's Family Liniment is an adequate treatment for sprains, toothache, and all types of back-ache, and sore feet.

That a run-down, tired-out, lazy feeling and lack of vitality and energy are frequently due to a deficiency of iron in the blood, and that the preparation designated as Irona Tonic is effective in overcoming such conditions.

That the fig ingredient in the preparation designated as Syrup of Figs has therapeutic value.

That the preparation designated as Femanol can be relied upon to correct conditions causing menstrual pains and ills; that it is a general tonic for women.

That the preparation designated as Feminine Charm Antiseptic Douche Powder, when used in a douche, destroys bacteria in less than 3 minutes.

That the preparation designated as Goodier's Pine-O-Mint Balm is an adequate treatment for colds and croup; that it heals congested and inflamed throats and chests.

That the preparation designated as Pine-O-Mint Nose Drops destroys germs and bacteria which produce colds is an efficient preventative of colds.

That the preparation designated as Goodier's Pine-O-Mint Cough Syrup is an effective treatment for colds; that it heals irritated and inflamed throats.

That the preparation designated as Goodier's Compound with Sarsaparilla, and also as Sarco, is an effective treatment for constipation, indigestion, sluggish liver, inactive kidneys, and sour stomach; that it is a general tonic for the system.

That the preparation designated as Dolly Madison's Night Cream penetrates and nourishes the pores, keeps the skin firm, and prevents wrinkles and blemishes of the skin.

That the preparation designated as Glad Foot Balm is an adequate treatment for acne; all cases of athlete's foot and all skin eruptions and irritations.

That the preparation designated as Goodier's Mineral Water Crystals will rid the system of poisons; that it is an effective treatment for sluggishness and sallow or muddy complexions.

That the preparation designated as Goodier's White Liniment is a competent treatment for neuralgia, lumbago, toothache, spasms, stiff joints, and cramps.

That the preparation designated as Universal Poultry Tonic and Insect Remover destroys both internal and external parasites that in-

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fest poultry; that it is a general poultry tonic; that it is a competent remedy for cholera, roup, diarrhea, limber neck, dysentery, sorehead, and similar ailments of poultry.

That the preparation designated as Goodier's Inhalant is an effective treatment for hay fever and sinusitis.

That the preparation designated as Goodier's Mentholated Balm heals wounds and burns; that taken internally it is an effective treatment for chest colds.

That use of the preparation designated as Velvet Smooth Hand Lotion will keep the skin of the hands young.

That the preparations designated as Goodier's Almond Lotion and Goodier's Kitchen Hand Lotion will replace the natural oils of the skin.

That the preparation designated as Goodier's Bay Rum imparts new life to hair; that it is an adequate treatment for pimples and skin blemishes.

That use of the preparation designated as Pompadour Hair Dressing will prevent dandruff and cause the growth of hair; that it will penetrate into the pores of the skin; that it is absorbed by the hair follicles.

That the preparation designated as Gray-Rid, also as Universal Hair Color Lotion and Universal Hair Color Restorer, contains no harmful ingredients, will restore the original color to the hair, and eliminate dandruff.

That the preparation designated as Joan Cream of Youth will penetrate the pores of the skin; that it gives the skin a chance to breathe and have proper circulation; that it will prevent the skin becoming sallow or wrinkled, will keep the skin young and muscles firm.

That the preparation designated as Lilac After Shave Lotion will prevent the skin from sagging and becoming wrinkled.

That the preparations designated as White Gardenia Soap and Jean Marche Milk Cleansing Cream will keep the skin young.

That the preparations designated as Grin Shave Cream and Goodier's Foot Friend possess healing properties; that Grin Shave Cream improves the cutting edge of a razor blade.

That the preparation designated as Lucille Grey Cleansing Cream penetrates the pores, removes dirt embedded in the pores of the skin and is effective in preventing blackheads and large pores.

That the preparation designated as Lucille Grey Clay Pack restores youth and vitality to the skin and keeps the skin young.

That the preparation designated as Lucille Grey Hand Lotion keeps the hands young.

That the preparation designated as Lucille Grey Nourishing Cream and as Lucille Grey Blending Cream, nourishes the skin; strengthens sagging muscles; eradicates wrinkles, lines, and crow's feet; imports new lift to the tissues, and keeps the skin firm and young.

That the preparation designated as Lucille Grey Astringent Lotion, and as Lucille Grey Finishing Lotion, keeps the skin firm and prevents enlarged pores.

That the preparation designated as Goodier's Tissue Cream nourishes the tissues and removes wrinkles and lines from the skin.

That the preparation designated as Goodier's Liquefying Cleansing Cream penetrates the pores and removes all dirt, dust, and oils from the pores.

That the preparation designated Double-Whip Cleansing Cream keeps the skin firm and smooth.

That the preparation designated as Tasteless and Odorless Castor Oil is an effective treatment for colds.

That the preparation designated as Earache Drops stops pain in the ear due to any cause.

That the preparation designated as Pure Turpentine is a competent treatment for all burns and stops the pain immediately; that inhaling said preparation constitutes an effective remedy for croup, lung, and throat ailments; that a few drops placed in a closet will drive moths from all clothing in the closet.

That the preparation designated as F. E. Cascara Sagrada, Aromatic, makes an inactive liver function properly.

That epsom salts dissolved in bath water will cause the loss of excess flesh.

That the preparation designated as Veterinary Powder possesses healing properties; that it is a competent treatment for all wounds, cuts, and running sores of animals.

That a run-down, tired-out feeling is often due to a lack of iron in the blood and that the use of the preparation designated as Ton-Ko-Lah will relieve such conditions; that said preparation is an effective tonic and aids nature in building up the hemoglobin in the blood; that the use of said preparation restores vitality, energy, and pep, and makes one healthy and fit; that said preparation contains sufficient iron that, when taken according to directions, will prevent anemia and provide sound sleep.

That the preparation designated as Pep Tablets, Special Tablets RX 1761 and as Aunt Poody's Pep Tablets is effective in restoring energy, pep, and vitality; that it will calm high-strung nerves and will make one an absolutely new person.

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That the preparation designated as You Darling Cream of Beauty feeds the pores, nourishes the skin, and keeps it young.

PAR. 5. The foregoing representations are false, deceptive, and misleading in the following respects:

The preparation designated as Goodier's Milk of Magnesia is not an effective treatment for indigestion or for all simple stomach ailments.

The preparation designated as Goodier's Antiseptic Solution is not a preventative for offensive breath. It is not an effective treatment for sore throat or colds. Neither will it correct the underlying conditions which cause dandruff.

The preparation designated as Goodier's Syrup of White Pine Compound is not an effective treatment for all types of coughs and colds. It is of no value in the treatment of inflamed or severely irritated throats. It has no healing properties, as healing is a function of only living tissue.

The preparation designated as Goodier's Anti-Pain Liniment is not an adequate treatment for colic, cramps, indigestion, or heartburn. There are many painful conditions that it will not correct.

The preparation designated as Goodier's Imported Russian Mineral Oil is not a competent treatment for chronic constipation.

The preparation designated as Goodier's Medicated Ointment does not heal wounds. It is not an adequate treatment for colds or croup, or deep or extensive cuts.

The preparation designated as Maytane is not a tonic and its use is not effective in causing a healthy condition of the blood. Its use will provide no significant benefit to the kidneys, liver, or digestive tract.

The preparation designated as Aspirin Tablets is not a competent treatment for colds.

The preparation designated as Solodine is not a cure or a preventative for any serious ailment. It is not an efficient treatment, however used, for indigestion, colic, gas on stomach, heartburn, cramps, lumbago, or colds. It does not have sufficient antiseptic properties to prevent infection.

The preparation designated as Goodier's Liverettes, also as Liver Actors and Goodier's Little Pills, is not an effective treatment for a torpid liver.

The preparation designated as Aunt Poody's Corn Remedy, and also as Corno, will not enable one to lift a corn or callus out with the fingers. It will not give instant relief to the pain of corns upon the first application.

The preparation designated as Goodier's Diuretic Pills, and as Kidney Pills, is not a competent treatment for diseases or disorders of the kidneys.

The preparation designated as Goodier's Cod Liver Oil Tablets does not provide increased resistance to respiratory infections.

The preparation designated as Goodier's Laxative Bromide and Quinine Cold Tablets is not an effective remedy for colds.

The preparation designated as Goodier's Van-Nae Herb Tea is not effective in regulating the system or promoting the proper assimilation of food or in restoring or keeping a person's proper weight. No herb laxative, such as this preparation, furnishes a safe way to reduce.

The preparation designated as Goodier's Laxative Chill Tonic is not a preventive of nor an effective treatment for malaria, chills, fever, la grippe, or cold. It is not a general tonic and has no significant effect on the blood.

The product designated as Goodier's Purple Drops is not a preventive of or an effective treatment for colds.

The preparation designated as Goodier's Family Liniment is not an adequate treatment for sprains, toothache, all types of backache, or all conditions causing sore feet.

A run-down, tired-out, lazy feeling, and lack of vitality and energy are frequently due to conditions having no relationship to a deficiency of iron in the blood. When not arising from such cause respondent's Irona Tonic would not be effective in relieving them.

The fig ingredient in the preparation designated as Syrup of Figs has no therapeutic value.

The preparation designated as Femanol cannot be depended upon to correct conditions causing menstrual pains and ails. It is not a general tonic for women.

The preparation designated as Feminine Charm Antiseptic Douche Powder under conditions of use is not an effective antiseptic and will not destroy any appreciable number of bacteria in less than three minutes.

The preparation designated as Goodier's Pine-O-Mint Balm is not an adequate treatment for cold or croup. It will not heal inflamed tissues or congested conditions of either the throat or chest.

The preparation designated as Pine-O-Mint Nose Drops does not in use destroy any significant number of germs and bacteria which may produce colds and does not prevent colds.

The preparation designated as Goodier's Pine-O-Mint Cough Syrup is not an effective treatment for colds. It will not heal a severely irritated or inflamed throat condition.

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The preparation designated as Goodier's Compound with Sarsaparilla, also known as Sarco, is not an effective treatment for constipation, indigestion, sluggish liver, inactive kidneys, or sour stomach. It is not a general tonic.

The preparation designated as Dolly Madison Night Cream will not penetrate the pores and does not nourish the pores as pores cannot be nourished. Its use will not prevent wrinkles or blemishes of the skin, nor will it keep the skin firm.

The preparation designated as Glad Foot Balm is not an adequate treatment for ache, severe or deep-seated cases of athlete's foot or any serious skin eruptions or irritations.

The preparation designated as Goodier's Mineral Water Crystals will not rid the system of poisons. It is not an effective treatment for correcting sluggishness or sallow or muddy complexions.

The preparations designated as Goodier's White Liniment is not a competent treatment and cannot be depended upon to afford relief for neuralgia, lumbago, toothache, spasms, stiff joints, or cramps.

The preparations designated as Universal Poultry Tonic and Insect Remover will not destroy internal or external parasites that infest poultry. It is not an effective tonic for poultry. It is not a competent remedy for cholera, roup, diarrhea, limber-neck, dysentery, sorehead, or any other similar ailments of poultry.

The preparation designated as Goodier's Inhalant is not an adequate treatment for either hay fever or sinusitis.

The preparation designated as Goodier's Mentholated Balm does not possess healing properties. It would not be a competent treatment for severe burns or cuts. Taken internally, it would provide no significant benefit for chest colds.

The preparation designated as Velvet Smooth Hand Lotion will not keep the skin of the hands young.

Neither of the preparations designated as Goodier's Almond Lotion or Goodier's Kitchen Hand Lotion will replace the natural oils of the skin.

The preparation designated as Goodier's Bay Rum does not impart new life to the hair. It is not an adequate treatment for pimples and skin blemishes.

The preparation designated as Pompadour Hair Dressing will not prevent dandruff nor will it cause the growth of hair. It will not penetrate into the pores of the skin, neither is it absorbed by the hair follicles.

The preparation designated as Gray-Rid, also known as Universal Hair Color Lotion and Universal Hair Color Restorer will not restore

the original color of the hair nor will it eliminate dandruff. It does contain an ingredient to wit: lead acetate, which may be harmful and is not absolutely safe in use.

The preparation designated as Joan Cream of Youth will not penetrate the pores. It will not prevent the skin becoming sallow or wrinkled nor will it keep the skin young. It does not give the skin a chance to breathe or affect the circulation, nor will it make the muscles firm.

The preparation designated as Lilac After Shave Lotion will not prevent the skin from sagging or becoming wrinkled.

Neither of the preparations designated as White Gardenia Soap or Jean Marche Milk Cleansing Cream will keep the skin young.

Neither of the preparations designated as Grin Shave Cream or Goodier's Foot Friend possess healing properties. Grin Shave Cream will not improve the cutting edge of a razor blade.

The preparation designated as Lucille Grey Cleansing Cream will not remove dirt imbedded in the pores of the skin. It will not prevent blackheads or large pores.

The preparation designated as Lucille Grey Clay Pack does not restore youth and vitality to the skin. Neither does it keep the skin young.

The preparation designated as Lucille Grey Hand Lotion will not keep the hands young.

The preparation designated as Lucille Grey Nourishing Cream, and also as Lucille Grey Blending Cream, does not impart new life to tissues. It will not keep the skin firm or young. It will not strengthen sagging muscles or eradicate wrinkles, lines or crow's feet; it is impossible to nourish the skin by external applications.

The preparation designated as Lucille Grey Astringent Lotion, and as Lucille Grey Finishing Lotion, will not keep the skin firm or prevent enlarged pores.

The preparation designated as Goodier's Tissue Cream will not remove wrinkles or lines from the skin. Neither will it nourish tissues.

The preparation designated as Goodier's Liquefying Cleansing Cream does not penetrate into the pores and will not remove all dirt, dust, and oils from the pores.

The preparation designated as Double-Whip Cleansing Cream will not keep the skin firm and smooth.

The preparation designated as Tasteless and Odorless Castor Oil is not an effective treatment for colds.

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There are certain painful ear conditions which cannot be relieved or corrected by the preparation designated as Earache Drops or any other ear drops.

The preparation designated as Pure Turpentine is not a competent or proper treatment for severe or extensive burns. When applied to burns it will not stop the pain immediately. The inhaling of said preparation does not constitute an effective remedy for croup, lung, or throat ailments. The placing of a few drops of turpentine in a clothes closet will not serve to drive away moths or kill moths which might already be present in the clothing or closet.

The preparation designated as F. E. Cascara Sagrada, Aromatic, will not make an inactive liver function properly.

The preparation designated as Epsom Salts dissolved in bath water will not cause the loss of excess flesh.

The preparation designated as Veterinary Powder does not constitute a competent treatment for severe wounds of domestic animals or for deep or extensive cuts or running sores. It will not have any significant effect in connection with the healing process.

A run down, tired-out feeling is seldom due to a lack of iron in the blood. The use of the preparation Ton-Ko-Lah cannot be depended upon to relieve such conditions however they may be caused. Said preparation is not an effective tonic and will have no significant value in aiding nature in building up the hemoglobin in the blood. Said preparation cannot be expected to restore vitality, energy, and make one healthy and fit, when taken as directed it would not provide sufficient iron so as to prevent anemia. Its use will not provide sound sleep.

The preparation designated as Pep Tablets, also as Special Tablets RX 1761 and as Aunt Poody's Pep Tablets, will not restore energy, pep, or vitality. It will not calm high-strung nerves and possesses no properties that will make one a new person.

The preparation designated as You Darling Cream of Beauty does not feed the pores or nourish the skin or keep it young. The pores of the skin cannot be fed.

PAR. 6. In addition to the claims set forth in paragraph 4 the respondent has made and is making certain false and misleading representations as to his business and professional status. By selling and distributing his medicinal preparations under the trade name of Universal Laboratories, respondent directly and by inference represents that said preparations are compounded or manufactured in laboratories within the common and usual meaning of the word when used in connection with the preparation of drugs and medicine; that is, a place or places appropriately equipped for and devoted to experi-

mental study in medicine or pharmaceutical science or the application of medical or pharmaceutical principles in the testing and analysis or in the preparation of drugs or medicine by persons skilled in those arts. In truth and in fact, the said medicinal preparations are not prepared or manufactured by respondent but by other concerns. Respondent maintains no place of his own for the testing, analysis, experimenting, or compounding of his medicinal preparations as is imported by the use of the word "Laboratories."

Also by the use of the name "Doc Goodier" in certain circulars, sales sheets, and other advertising literature disseminated and caused to be disseminated as aforesaid, respondent represents that he is entitled to the designation or style of "Doctor" or "Dr." In truth and in fact, respondent has had no medical training and is not qualified under the laws of the State of Texas or any other State as a person entitled to practice medicine.

PAR. 7. Certain of respondent's advertisements disseminated as aforesaid constitute false advertisements for the further 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 certain preparations to which the advertisements relate under such conditions prescribed in said advertisements or under such conditions as are customary and usual. In truth and in fact, respondent's preparations designated as Goodier's Milk of Magnesia, Maytane, Liverettes, Goodier's Compound Cathartic Pills, Goodier's Diuretic Pills, Kidney Pills, Goodier's Laxative Bromide and Quinine Cold Tablets, Hinkle Pills, Goodier's Van Nae Herb Tea, Goodier's Laxative Chill Tonic, Syrup of Figs, Goodier's Castoria, Femanol, Goodier's Compound with Sarsaparilla, Goodier's Mineral Water Crystals, Goodier's Tasteless and Odorless Castor Oil, F. E. Cascara Sagrada, Aromatic; Epsom Salts, and Ton-Ko-Lah are laxatives and are potentially dangerous when taken by one suffering from abdominal pains, stomach ache, cramps, nausea, vomiting, or other symptoms of appendicitis.

Respondent's preparation designated as Pine-O-Mint Nose Drops has an oil base and by its use there is danger of getting oil into the lungs which might lead to oil pneumonia.

Respondent's preparations Solodine, Goodier's Diuretic Pills, and Goodier's White Liniment (if taken internally) contains turpentine and other ingredients which are harmful in cases of kidney irritation, and the continued use of said preparations might cause irritation of normal kidneys.

PAR. 8. Respondent's advertisements with respect to Goodier's Laxative Bromide and Quinine Cold Tablets constitute false advertisements for the further reason that they fail to reveal facts material in the light of such representations and material with respect to consequences which may result from the use of said preparation under the conditions prescribed in said advertisements, and under such conditions as are customary and usual. Said preparation contains significant amounts of the drugs acetanilid and sodium bromide. The continued use of said preparations in a quantity exceeding the recommended dose, or with greater frequency than the recommended frequency may cause dependence upon the drug, mental derangement and collapse and its administration to children may be dangerous and injurious to their health.

The respondent represents that this preparation will eliminate the effects of colds. Many of the effects of a cold persist for a long period of time. This preparation, because of its analgesic properties will afford temporary relief for some of the painful conditions resulting from a cold or its complications. Such pains and other distress will tend to recur after the palliative effect of an analgesic has worn off. Because of these facts, the usual and customary condition, in cases of the persistence of such distress is and will be that there will exist a tendency for the sufferer to take more frequent and larger doses than prescribed. Such increased use will in itself tend to cause distress, such as headache, creating a tendency to take additional and more frequent doses. Respondent's advertisements contain no caution or warning against use of this product in greater amount or with greater frequency than as stated on the label.

PAR. 9. Respondent, through the use of the name "Liverettes" represents that said preparation exercises a beneficial effect upon the liver; through the use of the name "Kidney Pills" that said preparation is effective for disordered conditions of the kidneys; through the use of the name "Chill Tonic" that said preparation is an effective treatment for chills and those conditions associated therewith; through the use of name "Syrup of Figs" that the fig content has therapeutic value; through the use of the name "Femamol Tonic" that said preparation acts as a tonic to the system and through the use of the name "Lucille Grey Nourishing Cream" that said preparation nourishes the skin.

The use of the various names for said preparations is false, misleading, and deceptive. In truth and in fact, the preparation "Liverettes" exercises no significant beneficial effect upon the liver. The preparation Kidney Pills is not effective in treating disordered con-

ditions of the kidneys; the preparation Chill Tonic is not an effective treatment for chills and associated conditions. The fig content in Syrup of Figs has no therapeutic value. The preparation Femanol Tonic is not an effective tonic. The preparation Lucille Grey Nourishing Cream does not nourish the skin.

Respondent's preparation Gray-Rid, also known as Universal Hair Color Lotion and as Universal Hair Color Restorer contains lead acetate and if brought into contact with broken skin or taken internally may result in lead poisoning.

Respondent's preparation designated as Pep Tablets contains phosphorous and zinc phosphide and might cause phosphorous poisoning if taken in physiologically active amounts; also contains powdered cantharides and is capable of producing gastrointestinal irritation and severe irritation of the kidneys. The preparation should be administered only under the immediate and continued supervision of a qualified physician.

PAR. 10. Respondent, by the distribution of his catalogs, circulars, and other advertising matter, as aforesaid supplies to and places in the hands of his said agents and house-to-house canvassers, means, and instrumentalities, designed to permit and capable of permitting, said agents and house-to-house canvassers to mislead and deceive the ultimate purchasers as to the therapeutic value and effect of his said medicinal preparations; the results to be obtained from the use of his various cosmetics and the dangers attendant in the use of many of said medicinal preparations and cosmetics, either as directed or in amounts in excess of or with greater frequency than directed.

PAR. 11. The use by the respondent of the foregoing false, deceptive, and misleading statements and representations disseminated and caused to be disseminated as aforesaid in connection with the offering for sale and sale of said medicinal preparations and cosmetics in commerce has had and now has the capacity and the tendency to and does mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements and representations are true and into the purchase of substantial quantities of such medicinal preparations and cosmetics because of such erroneous and mistaken belief. Also the failure of the respondent to disclose in his said advertising that the use of certain of his medicinal preparations and cosmetics under the conditions prescribed in said advertisements, or under such conditions as are customary and usual, may be potentially dangerous, as set forth herein, has had and now has the tendency and capacity to and does mislead a substantial por-

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tion of the purchasing public into the erroneous and mistaken belief that all of his said medicinal preparations and cosmetics are entirely safe and harmless and may be taken or used at all times without ill effect to the user.

PAR. 12. The aforesaid acts and practices of the respondent as herein alleged are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on October 26, 1943, issued and subsequently served its complaint in this proceeding upon the respondent, E. J. Goodier, an individual trading and doing business as Universal Laboratories and as Goodier Co., charging him with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of the answer of the respondent thereto, testimony, and other evidence in support of and in opposition to the allegations of said complaint were taken before a trial examiner of the Commission theretofore duly designated by it, and said testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, this proceeding regularly came on for final hearing before the Commission upon said complaint, answer thereto, testimony, and other evidence, report of the trial examiner upon the evidence and exceptions filed thereto, and briefs in support of the complaint and in opposition thereto (oral argument not having been requested); and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts and its conclusion drawn therefrom:

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent, E. J. Goodier, is an individual trading and doing business as Universal Laboratories and also as Goodier Co., with his place of business at 321 North Bishop Street, Dallas, Tex.

PAR. 2. Respondent is now, and for several years last past has been, engaged in the sale and distribution of certain medicinal preparations and cosmetics under various brands, which are sold principally to agents and house-to-house canvassers, who, in turn, sell direct to the ultimate purchasers. In connection with his said business, respondent

distributes or causes to be distributed catalogs, circulars, and other advertising literature to his agents and house-to-house canvassers in which the preparations are advertised for sale and which contain various statements and claims with respect to said preparations. Said advertising matter is so designed and intended by respondent to be delivered to prospective purchasers of respondent's products and is so delivered by respondent's agents and house-to-house canvassers to a substantial number of the purchasing public and is used by them for the purpose of ordering merchandise direct from the respondent.

In the course and conduct of his business, the respondent causes said medicinal preparations and cosmetics, when sold, to be transported from his place of business in the State of Texas to the purchasers thereof located in various other States of the United States. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said medicinal preparations and cosmetics in commerce among and between the various States of the United States and in the District of Columbia.

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

Among and typical of the false, misleading, and deceptive statements and representations contained in said false advertisements disseminated and caused to be disseminated as hereinabove set forth, by United States mails and by means of catalogs, circulars, and other advertising literature, are the following:

1. That respondent's preparation designated Goodier's Milk of Magnesia is an effective treatment for indigestion and for all simple stomach ailments.

2. That respondent's preparation designated Goodier's Antiseptic Solution will prevent offensive breath and that it is an adequate treatment for sore throat and colds and a remedy for dandruff.

3. That respondent's preparation, Goodier's Syrup of White Pine Compound, is an effective treatment for all types of coughs, colds, irritated and inflamed throats, and that it has healing properties.

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4. That respondent's preparation designated Goodier's Anti-Pain Liniment taken internally is an adequate treatment for colic, cramps, indigestion, and heartburn and that applied externally it will effectively relieve all painful conditions.

5. That respondent's preparation designated Goodier's Imported Russian Mineral Oil is a competent treatment for chronic constipation.

6. That respondent's preparation designated Goodier's Medicated Ointment is an effective antiseptic and heals wounds and that it is an adequate treatment for head and chest colds and croup.

7. That respondent's preparation designated Maytane is a general tonic and that it exerts a beneficial effect upon the kidneys, liver, and digestive organs and that its use is effective in creating a healthy condition of the blood.

8. That respondent's preparation designated Aspirin Tablets is a competent treatment for colds.

9. That respondent's preparation designated Solodine when taken internally is an efficient treatment for all forms of indigestion, colic, gas on stomach, heartburn, and cramps; that the inhaling of the preparation and massaging the back of the neck with it are an effective treatment for head colds; that applied to the affected parts it is an effective cure for lumbago; and that it has sufficient antiseptic properties to destroy germs and prevent infection when applied to open wounds or sores.

10. That respondent's preparation designated Goodier's Liverettes, also known as Liver Actors and Goodier's Little Pills, is an effective treatment for a torpid liver and will restore the liver to normal functioning.

11. That respondent's preparation designated Aunt Poody's Corn Remedy, also known as Corno, will give instant relief to the pain of corns upon first application and will enable one to lift corn or callous out with the fingers.

12. That respondent's preparation designated Goodier's Diuretic Pills, also known as Kidney Pills, is a competent treatment for diseases or disorders of the kidneys.

13. That respondent's preparation designated Goodier's Cod Liver Oil Tablets increases resistance to respiratory infections.

14. That respondent's preparation designated Goodier's Laxative Bromide and Quinine Cold Tablets is an effective remedy for colds.

15. That respondent's preparation designated Goodier's Van-Nae Herb Tea is effective in regulating the system and promoting proper

assimilation of food and in restoring and keeping a person's proper weight and that it furnishes a safe way to lose excess flesh.

16. That respondent's preparation designated Goodier's Laxative Chill Tonic, also known as Chono, is an effective remedy for malaria, chills, fever, la grippe, and colds and that it is a general tonic and makes the blood rich and healthy.

17. That respondent's preparation designated Goodier's Purple Drops is an adequate preventative of, an effective treatment for, colds.

18. That respondent's preparation designated Goodier's Family Liniment is adequate treatment for sprains, toothache, all types of backache, and sore feet.

19. That respondent's preparation designated Femanol can be relied upon to correct conditions causing menstrual pains and ills and that it is a general tonic for women.

20. That respondent's preparation Feminine Charm Antiseptic Douche Powder when used as a douche destroys bacteria in less than 3 minutes.

21. That respondent's preparation designated Goodier's Pine-O-Mint Balm is an adequate treatment for colds and croup and that it will heal congested and inflamed throats and chests.

22. That respondent's preparation designated Pine-O-Mint Nose Drops destroys germs and bacteria which produce colds and is an efficient preventative for colds.

23. That respondent's preparation designated Goodier's Pine-O-Mint Cough Syrup is an effective treatment for colds and that it will heal irritated and inflamed throats.

24. That respondent's preparation designated Goodier's Compound with Sarsaparilla, also known as Sarco, is an effective treatment for constipation, indigestion, sluggish liver, inactive kidneys, and sour stomach and that it is a general tonic for the system.

25. That respondent's preparation designated Dolly Madison Night Cream penetrates and nourishes the pores, keeps the skin firm, and prevents wrinkles and blemishes of the skin.

26. That respondent's preparation designated Glad Foot Balm, also known as Acne Lotion, is a competent and effective treatment for athlete's foot, acne, and all skin eruptions and irritations.

27. That respondent's preparation designated Goodier's Mineral Water Crystals will rid the system of poisons and that it is an effective treatment for sluggishness and sallow or muddy complexions.

28. That respondent's preparation designated Goodier's White Liniment is a competent treatment for neuralgia, lumbago, toothache, spasms, stiff joints, and cramps.

29. That respondent's preparation designated Universal Poultry Tonic and Insect Remover destroys both internal and external parasites that infest poultry; that it constitutes a general poultry tonic; and that it is a competent remedy for cholera, roup, diarrhea, limber neck, dysentery, sorehead, and similar ailments of poultry.

30. That respondent's preparation designated Goodier's Inhalant is an effective treatment for hay fever and sinusitis.

31. That respondent's preparation designated Goodier's Mentholated Balm heals wounds and burns and that taken internally is an effective treatment for chest colds.

32. That respondent's preparation designated Velvet Smooth Hand Lotion will keep the skin of the hands young.

33. That respondent's preparations designated Goodier's Almond Lotion and Goodier's Kitchen Hand Lotion will replace the natural oils of the skin.

34. That respondent's preparation designated Goodier's Bay Rum imparts new life to hair and constitutes an adequate treatment for pimples and skin blemishes.

35. That respondent's preparation designated Pompadore Hair Dressing will prevent dandruff and that it will penetrate the pores of the scalp, be absorbed by the hair follicles, and promote a healthy growth of hair.

36. That respondent's preparation designated Gray-Rid, also known as Universal Hair Color Restorer and Universal Hair Color Lotion, will restore the original color of the hair and eliminate dandruff and that it contains no harmful ingredients.

37. That respondent's preparation designated Joan Cream of Youth will keep the skin smooth and young, penetrate the pores of the skin, give proper circulation, and prevent the skin from becoming sallow, dry, and wrinkled and keep the muscles firm and youthful.

38. That respondent's preparation designated Lilac After Shave Lotion will keep the skin smooth and prevent the tissues from sagging and becoming wrinkled.

39. That respondent's preparations designated White Gardenia Soap and Jean Marche Milk Cleansing Cream will keep the skin young.

40. That respondent's preparations designated Grin Shave Cream and Goodier's Foot Friend possess healing properties and that the preparation Grin Shave Cream improves the cutting edge of a razor blade.

41. That respondent's preparation designated Lucille Grey Cleansing Cream penetrates the pores, removes dirt imbedded in the pores of the skin, and is effective in preventing blackheads and large pores.

42. That respondent's preparation designated Lucille Grey Clay Pack restores youth and vitality to the skin and keeps the skin young.

43. That respondent's preparation designated Lucille Grey Hand Lotion keeps the hands young.

44. That respondent's preparation designated Lucille Grey Nourishing Cream, also known as Lucille Grey Blending Cream, nourishes the skin, strengthens sagging muscles, eradicates wrinkles, lines, and crow's feet, imparts new life to the tissues, and keeps the skin firm and young.

45. That respondent's preparation designated Lucille Gray Astringent Lotion, also known as Lucille Grey Finishing Lotion, keeps the skin firm and prevents enlarged pores.

46. That respondent's preparation designated Goodier's Tissue Cream nourishes the tissues and removes wrinkles and lines from the skin.

47. That respondent's preparation designated Goodier's Liquefying Cleansing Cream penetrates the pores and removes all dirt, dust, and oils from the pores.

48. That respondent's preparation designated Double-Whip Cleansing Cream keeps the skin firm and smooth.

49. That respondent's preparation designated Goodier's Tasteless and Odorless Castor Oil is an effective treatment for colds.

50. That respondent's preparation designated Earache Drops stops pain in the ear due to any cause.

51. That respondent's preparation designated Pure Turpentine is a competent treatment for all burns and stops the pain immediately; that inhaling said preparation constitutes an effective remedy for croup and lung and throat ailments; and that a few drops placed in a closet will drive moths away from all clothing in the closet.

52. That respondent's preparation designated F E Cascara Sagrada Aromatic makes an inactive liver function properly.

53. That respondent's preparation designated Goodier's Epsom Salts when dissolved in the bath water will act as a reducing agent.

54. That respondent's preparation designated Veterinary Powder possesses healing properties and that it is a competent treatment for all wounds, cuts, and running sores of animals.

55. That respondent's preparation designated Ton-Ko-Lah is an effective tonic and aids nature in building up the hemoglobin in the

blood; that the use of said preparation restores vitality, energy, and pep and makes one healthy and fit; that the use of said preparation will relieve run-down, tired-out feeling, which is often due to lack of iron in the blood; and that when taken in accordance with directions will prevent anemia and provide sound sleep.

56. That respondent's preparation designated Pep Tablets, also known as Special Tablets Rx 1761 and as Aunt Poody's Pep Tablets, is effective in restoring energy, pep, and vitality and that it will calm high-strung nerves and make one an absolutely new person.

57. That respondent's preparation designated You Darling Cream of Beauty feeds the pores, nourishes the skin, and keeps the skin young.

PAR. 4. The Commission finds that the foregoing representations are false, deceptive, and misleading and that said preparations do not have the therapeutic and other values attributed to them by the respondent in his various advertising.

The preparation designated Goodier's Milk of Magnesia is not an effective treatment for indigestion or for all simple stomach ailments.

The preparation designated Goodier's Antiseptic Solution is not a preventative for offensive breath. It is not an effective treatment for sore throat or colds and will not correct the underlying conditions which cause dandruff.

The preparation designated Goodier's Syrup of White Pine Compound is not an effective treatment for all types of coughs and colds. It has no value in the treatment of inflamed or severely irritated throats and has no healing properties.

The preparation designated Goodier's Anti-Pain Liniment is not an adequate treatment for colic, cramps, indigestion, or heartburn. When said preparation is applied externally it will not relieve all painful conditions.

The preparation designated Goodier's Imported Russian Mineral Oil is not a competent treatment for chronic constipation.

The preparation designated Goodier's Medicated Ointment does not heal wounds and does not constitute an adequate treatment for colds or croup.

The preparation designated Maytane is not a tonic and its use is not effective in causing a healthy condition of the blood. Its use will be of no significant benefit to the kidneys, liver, or digestive tract.

The preparation designated Aspirin Tablets is not a competent treatment for colds.

The preparation designated Solodine is not a cure or preventative for any serious ailment and is not an efficient treatment, however used, for indigestion, colic, gas on stomach, heartburn, cramps, lum-

bago, or colds. It does not have sufficient antiseptic properties to prevent infection.

The preparation designated Goodier's Liverettes, Liver Actors, and Goodier's Little Pills is not an effective treatment for a torpid liver.

The preparation designated Aunt Poody's Corn Remedy and also designated Corno will not give instant relief to the pain of corns upon the first application and will not enable one to lift a corn or callous out with the fingers.

The preparation designated as Goodier's Diuretic Pills and as Kidney Pills is not a competent treatment for diseases or disorders of the kidneys.

The preparation designated Goodier's Cod Liver Oil Tablets does not provide increased resistance to respiratory infections.

The preparation designated Goodier's Laxative Bromide and Quinine Cold Tablets is not an effective remedy for colds.

The preparation designated Goodier's Van-Nae Herb Tea is not effective in regulating the system or promoting the proper assimilation of food or in restoring or keeping a person's proper weight.

The preparation designated as Goodier's Laxative Chill Tonic and also as Chono is not a preventative of, nor an effective treatment for, malaria, chills, fever, la grippe, or colds. It is not a general tonic and has no significant effect on the blood.

The preparation designated Goodier's Purple Drops is not a preventative of, nor an effective treatment for, colds.

The preparation designated Goodier's Family Liniment is not an adequate treatment for sprains, toothache, all types of backache, or all conditions causing sore feet.

The preparation designated Femanol is not a general tonic for women and cannot be depended upon to correct conditions causing menstrual pains and ills.

The preparation designated Feminine Charm Antiseptic Douche Powder under conditions of use is not an effective antiseptic and will not destroy a sufficient number of bacteria to be effective.

The preparation designated Goodier's Pine-O-Mint Balm is not an adequate treatment for colds or croup and it will not heal inflamed tissues or congested conditions of either the throat or chest.

The preparation designated Pine-O-Mint Nose Drops does not under conditions of use destroy any significant number of germs and bacteria which may produce colds and does not prevent colds.

The preparation designated Goodier's Pine-O-Mint Cough Syrup is not an effective treatment for colds and will not heal severely irritated or inflamed throat conditions.

The preparation designated as Goodier's Compound with Sarsaparilla and also as Sarco is not a general tonic and is not an effective treatment for constipation, indigestion, sluggish liver, inactive kidneys, or sour stomach.

The preparation designated Dolly Madison Night Cream will not penetrate the pores and will not nourish the pores or the skin. Its use will not prevent wrinkles or blemishes of the skin, nor will it keep the skin firm.

The preparation designated Glad Foot Balm and also designated Acne Lotion is not an adequate treatment for acne, athlete's foot, skin eruptions, or irritations of the skin.

The preparation designated Goodier's Mineral Water Crystals will not rid the system of poisons and is not an effective treatment for correcting sluggishness or sallow or muddy complexions.

The preparation designated Goodier's White Liniment is not a competent treatment and will not afford relief for neuralgia, lumbago, toothache, spasms, stiff joints, or cramps.

The preparation designated Universal Poultry Tonic and Insect Remover will not destroy internal or external parasites that infest poultry. It is not an effective tonic and is not a competent remedy for cholera, roup, diarrhea, limber neck, dysentery, sorehead, or any other similar ailments of poultry.

The preparation designated Goodier's Inhalant is not an adequate treatment for hay fever or for sinusitis.

The preparation designated Goodier's Mentholated Balm does not possess healing powers and is not a competent treatment for severe burns or cuts. Taken internally, it would provide no significant benefit for chest colds.

The preparation designated Velvet Smooth Hand Lotion will not keep the skin of the hands young.

Neither of the preparations designated Goodier's Almond Lotion and Goodier's Kitchen Hand Lotion will replace the natural oils of the skin.

The preparation designated Goodier's Bay Rum does not impart new life to the hair and is not an adequate treatment for pimples and skin blemishes.

The preparation designated Pompadore Hair Dressing will not prevent dandruff. This preparation will not penetrate into the pores of the skin or be absorbed by the hair follicles or promote the growth of hair.

The preparation designated Gray-Rid, also known as Universal Hair Color Restorer and Universal Hair Color Lotion, will not restore the

original color of the hair, nor will it eliminate dandruff. This preparation is not absolutely safe for use, as it contains the ingredient lead acetate, which may be harmful.

The preparation designated Joan Cream of Youth will not keep the skin smooth and young, penetrate the pores of the skin, give proper circulation, or prevent the skin from becoming sallow, dry, and wrinkled, nor will it keep the muscles firm and youthful.

The preparation designated Lilac After Shave Lotion will not prevent the skin from sagging or becoming wrinkled.

Neither of the preparations designated White Gardenia Soap or Jean Marche Milk Cleansing Cream will keep the skin young.

Neither of the preparations designated Grin Shave Cream or Goodier's Foot Friend possesses healing properties. The preparation Grin Shave Cream will not improve the cutting edge of a razor blade.

The preparation designated Lucille Grey Cleansing Cream will not remove dirt imbedded in the pores of the skin or prevent blackheads or large pores.

The preparation designated Lucille Grey Clay Pack does not restore youth and vitality to the skin or keep the Skin young.

The preparation designated Lucille Grey Hand Lotion will not keep the hands young.

The preparation designated as Lucille Grey Nourishing Cream and also as Lucille Grey Blending Cream does not impart new life to the tissues and will not keep the skin firm and young. It will not strengthen sagging muscles or eliminate wrinkles, lines, or crow's-feet.

The preparation designated Lucille Grey Astringent Lotion, also known as Lucille Grey Finishing Lotion, will not keep the skin firm or prevent enlarged pores.

The preparation designated Goodier's Tissue Cream will not remove wrinkles or lines from the skin and will not nourish tissues.

The preparation designated Goodier's Liquefying Cleansing Cream does not penetrate into the pores and will not remove all dirt, dust, and oil from the pores.

The preparation designated Double-Whip Cleansing Cream will not keep the skin firm and smooth.

The preparation designated Goodier's Tasteless and Odorless Castor Oil is not an effective treatment for colds.

There are certain painful ear conditions which cannot be relieved or corrected by the use of the preparation designated Earache Drops or any other ear drops.

The preparation designated Pure Turpentine is not a competent or proper treatment for severe or extensive burns and when applied to

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burns will not stop the pain immediately. The inhaling of said preparation does not constitute an effective remedy for croup or for lung or throat ailments. The placing of a few drops of turpentine in a clothes closet will not serve to drive away moths or kill moths already present in the clothing or closet.

The preparation designated F E Cascara Sagrada Aromatic will not make an inactive liver function properly.

The preparation designated Goodier's Epsom Salts will not act as a reducing agent when dissolved in the bath water.

The preparation designated Veterinary Powder does not constitute a competent treatment for severe wounds of domestic animals or for deep extensive cuts or running sores. It will not have any significant effect in connection with the healing process.

The preparation designated Ton-Ko-Lah is not an effective tonic and will have no significant value in aiding nature in building up the hemoglobin in the blood. Said preparation will not restore vitality, energy, or pep, nor will it make one healthy and fit or, under conditions of use, provide sufficient iron so as to prevent anemia. Its use will not provide sound sleep.

The preparation designated as Pep Tablets and also as special Tablets Rx 1761 and Aunt Poody's Pep Tablets will not restore energy, pep, or vitality. It will not calm high-strung nerves and possesses no properties that will make one a new person.

The preparation designated You Darling Cream of Beauty does not feed the pores, nourish the skin, or keep the skin young.

PAR. 5. In addition to the claims hereinabove set forth, the respondent has also made certain false and misleading representations relative to his business or professional status. In certain of his circulars he has used the name Doc Goodier, thereby representing that he is a Doctor of Medicine and that the various medicinal preparations sold by him have been made and compounded by a Doctor of Medicine. In truth and in fact, respondent has no medical training and is not qualified under the laws of the State of Texas or any other State as a person entitled to practice medicine.

PAR. 6. The complaint charges that the use of the term "laboratories" in respondent's trade name is false and misleading, and the trial examiner, in his recommendation as to appropriate action, recommends that the respondent be prohibited from using the term "laboratories" in his trade name. However, the Commission finds that there is substantial evidence in this record that the respondent does in fact manufacture and compound a substantial number of the medicinal and cosmetic preparations sold and distributed by him and that the

respondent has conducted a certain amount of experimental study and tests in connection with the compounding and manufacture of these various preparations. To this extent, it is the opinion of the Commission that the charges with reference to the use of the term "laboratories" as set-out in the complaint have not been sustained by the record.

PAR. 7. The complaint further charges that certain of respondent's advertisements are false in that they fail to reveal that certain of respondent's preparations may be potentially dangerous when taken as directed or when taken under conditions that are customary and usual. Having given consideration to the record and to the nature of the remedy to be applied, the Commission is of the opinion that under the circumstances in this case and in view of the nature and extent of the testimony adduced in this proceeding, no warning as to potential danger should be required in advertising of respondent's various laxative preparations or respondent's Pine-O-Mint Nose Drops, Solodine, Goodier's Diuretic Pills, or Goodier's White Liniment.

PAR. 8. One of the products involved in this proceeding is Goodier's Laxative Bromide and Quinine Cold Tablets. Respondent has neither sold nor offered for sale this preparation or any similar preparation since 1943. It appears that respondent does not intend to sell or offer any such preparation in the future without a disclosure in any advertising with respect thereto of the effect of its use. In view of this situation the Commission finds that it is not necessary in the public interest to take affirmative action relative to this preparation at this time. An appropriate provision in regard thereto has been inserted in the order to cease and desist.

PAR. 9. The Commission further finds that the use of the trade name Liverettes, Kidney Pills, Chill Tonic, and Syrup of Figs and the use of the term "Tonic" in the trade name Femanol Tonic and the use of the term "Nourishing Cream" in the trade name Lucille Grey Nourishing Cream are false, deceptive, and misleading. The preparation Liverettes exercises no significant beneficial effect upon the liver. The preparation Kidney Pills is not effective in treating disordered conditions of the kidneys. The preparation Chill Tonic is not an effective treatment for chills and associated conditions. The fig content in respondent's preparation Syrup of Figs has no therapeutic value, and the laxative properties thereof are due to ingredients other than figs. The preparation Femanol Tonic is not an effective tonic, and the preparation Lucille Grey Nourishing Cream does not nourish the skin.

PAR. 10. Paragraph 9 of the complaint contains in part a recitation of the possible injurious effects which might result from the use of

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respondent's preparation Pep Tablets. It is the opinion of the Commission that such recitation has not been properly pleaded so as to place at issue in this proceeding the potential injurious effects of this preparation and consequently must be disregarded by the Commission in making its findings as to the facts.

PAR. 11. Respondent, by the distribution of his catalogs, circulars, and other advertising matter to agents and house-to-house canvassers who sell direct to the purchasing public, supplies to, and places in the hands of, such agents and house-to-house canvassers means and instrumentalities designed to permit, and capable of permitting, such agents and house-to-house canvassers to mislead and deceive the ultimate purchasers as to the therapeutic value and effect of his said medicinal preparations and the results to be obtained from the use of his various cosmetics.

PAR. 12. The use by the respondent of the foregoing false, deceptive, and misleading statements and representations, disseminated and caused to be disseminated as hereinbefore described in connection with the offering for sale, sale, or distribution of said medicinal preparations and cosmetics in commerce, has had, and now has, the capacity and tendency to mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements and representations are true and into the purchase of substantial quantities of such medicinal preparations and cosmetics because of such erroneous and mistaken belief.

CONCLUSION

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

Commissioner Mason dissenting in part.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony, and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, and briefs filed in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion

that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, E. J. Goodier, an individual trading and doing business as Universal Laboratories and as Goodier Co., and his representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of his various medicinal and cosmetic preparations or any other preparations of substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

A. 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—

1. That respondent's preparation designated Goodier's Milk of Magnesia is an effective treatment for indigestion or for all simple stomach ailments.

2. That respondent's preparation designated Goodier's Antiseptic Solution will prevent offensive breath or that it is an effective treatment for sore throat or colds or that it will correct the underlying conditions which cause dandruff.

3. That respondent's preparation designated Goodier's Syrup of White Pine Compound is an effective treatment for all types of coughs or colds or that it has any value in the treatment of inflamed or severely irritated throats or that it has any healing properties.

4. That respondent's preparation designated Goodier's Anti-Pain Liniment when taken internally is an adequate treatment for colic, cramps, indigestion, or heartburn or that when applied externally will relieve all painful conditions.

5. That respondent's preparation designated Goodier's Imported Russian Mineral Oil is a competent treatment for chronic constipation.

6. That respondent's preparation designated Goodier's Medicated Ointment will heal wounds or that it constitutes an adequate treatment for colds or croup.

7. That respondent's preparation designated Maytane is a tonic or that its use will be effective in causing a healthy condition of the blood or that its use will be of any significant benefit to the kidneys, liver, or digestive organs.

8. That respondent's preparation designated Aspirin Tablets is a competent treatment for colds.

9. That respondent's preparation designated Solodine when taken internally is an efficient treatment for indigestion, colic, gas on stom-

ach, heartburn, or cramps or that the inhaling of the preparation and its use as a massage is an effective treatment for head colds or that its external application is an effective treatment for lumbago or that it has sufficient antiseptic properties to prevent infection.

10. That respondent's preparation designated Goodier's Liverettes, also known as Liver Actors and as Goodier's Little Pills, is an effective treatment for a torpid liver.

11. That respondent's preparation designated Aunt Poody's Corn Remedy, also known as Corno, will give instant relief to the pain of corns on first application or that it will enable one to lift a corn or callous out with the fingers.

12. That respondent's preparation designated Goodier's Diuretic Pills, also known as Kidney Pills, is a competent treatment for diseases or disorders of the kidneys.

13. That respondent's preparation designated Goodier's Cod Liver Oil Tablets increases the resistance to respiratory infections.

14. That respondent's preparation designated Goodier's Laxative Bromide and Quinine Cold Tablets is an effective remedy for colds.

15. That respondent's preparation designated Goodier's Van-Nae Herb Tea is effective in regulating the system or promoting the proper assimilation of food or in restoring a person's proper weight.

16. That respondent's preparation designated Goodier's Laxative Chill Tonic, also known as Chono, is an effective treatment for malaria, chills, fever, la grippe, or colds or that it is a general tonic or that it has any significant effect on the blood.

17. That respondent's preparation designated Goodier's Purple Drops is a preventative of, or an effective treatment for, colds.

18. That respondent's preparation designated Goodier's Family Liniment is an adequate treatment for sprains, toothache, all types of backache, or all conditions causing sore feet.

19. That respondent's preparation designated Femanol is a general tonic for women or that it can be depended upon to correct conditions causing menstrual pains and ills.

20. That respondent's preparation Feminine Charm Antiseptic Douche Powder is an effective antiseptic or that it will destroy a sufficient number of bacteria to be effective.

21. That respondent's preparation designated Goodier's Pine-O-Mint Balm is an adequate treatment for colds or croup or that it will heal inflamed tissues or congested conditions of either the throat or chest.

22. That respondent's preparation designated Pine-O-Mint Nose Drops will destroy any significant amount of germs and bacteria which may produce colds or that it will prevent colds.

23. That respondent's preparation designated Goodier's Pine-O-Mint Cough Syrup is an effective treatment for colds or that it will heal severely irritated or inflamed throat conditions.

24. That respondent's preparation designated Goodier's Compound with Sarsaparilla, also known as Sarco, is a general tonic or that it is an effective treatment for constipation, indigestion, sluggish liver, inactive kidneys, or sour stomach.

25. That respondent's preparation designated Dolly Madison Night Cream penetrates or nourishes the pores of the skin or that its use will prevent wrinkles or blemishes of the skin or keep the skin firm.

26. That respondent's preparation designated Glad Foot Balm, also known as Acne Lotion, is an adequate treatment for acne, athlete's foot, skin eruptions, or irritations of the skin.

27. That respondent's preparation designated Goodier's Mineral Water Crystals will rid the system of poisons and is an effective treatment for correcting sluggishness or sallow or muddy complexions.

28. That respondent's preparation designated Goodier's White Liniment is a competent treatment or that it will afford relief for neuralgia, lumbago, toothache, spasms, stiff joints, or cramps.

29. That respondent's preparation designated Universal Poultry Tonic and Insect Remover will destroy internal or external parasites that infest poultry; that it is an effective tonic for poultry; of that it is a competent remedy for cholera, roup, diarrhea, limber neck, dysentery, sorehead, or any other similar ailment of poultry.

30. That respondent's preparation designated Goodier's Inhalent is an effective treatment for hay fever or sinusitis.

31. That respondent's preparation designated Goodier's Mentholated Balm possesses healing powers or that it is a competent treatment for severe burns or cuts or that when used internally it will be of any significant benefit for chest colds.

32. That respondent's preparation designated Velvet Smooth Hand Lotion will keep the skin of the hands young.

33. That respondent's preparations designated Goodier's Almond Lotion and Goodier's Kitchen Hand Lotion will replace the natural oils of the skin.

34. That respondent's preparation designated Goodier's Bay Rum imparts new life to the hair or constitutes an adequate treatment for pimples and skin blemishes.

35. That respondent's preparation designated Pompadore Hair Dressing will prevent dandruff or that it will penetrate the pores of the scalp or be absorbed by the hair follicles or that it will promote the growth of hair.

36. That respondent's preparation designated Gray-Rid, also known as Universal Hair Color Restorer and Universal Hair Color Lotion, will restore the original color of the hair or that it will eliminate dandruff or that said preparation contains no harmful ingredients.

37. That respondent's preparation designated Joan Cream of Youth will keep the skin smooth and young, penetrate the pores of the skin, give proper circulation, or prevent the skin from becoming sallow, dry, or wrinkled or that it will keep the muscles firm or youthful.

38. That respondent's preparation designated Lilac After Shave Lotion will keep the skin smooth or prevent the tissues from sagging or becoming wrinkled.

39. That respondent's preparations designated White Gardenia Soap and Jean Marche Milk Cleansing Cream will keep the skin young.

40. That respondent's preparations designated Grin Shave Cream and Goodier's Foot Friend possess healing properties or that the preparation Grin Shave Cream improves the cutting edge of a razor blade.

41. That respondent's preparation designated Lucille Grey Cleansing Cream will remove dirt embedded in the pores of the skin or prevent blackheads or large pores.

42. That respondent's preparation designated Lucille Grey Clay Pack will restore youth and vitality to the skin or keep the skin young.

43. That respondent's preparation designated Lucille Grey Hand Lotion will keep the hands young.

44. That respondent's preparation designated Lucille Grey Nourishing Cream, also known as Lucille Grey Blending Cream, imparts new life to the tissues or will keep the skin firm and young or strengthen sagging muscles or eliminate wrinkles, lines, or crow's feet.

45. That respondent's preparation designated Lucille Grey Astringent Lotion, also known as Lucille Grey Finishing Lotion, keeps the skin firm and prevents enlarged pores.

46. That respondent's preparation designated Goodier's Tissue Cream will remove wrinkles or lines from the skin or that it will nourish the tissues.

47. That respondent's preparation designated Goodier's Liquefying Cleansing Cream penetrates into the pores or that it will remove all dirt, dust, or oil from the pores.

48. That respondent's preparation designated Double-Whip Cleansing Cream keeps the skin firm or smooth.

49. That respondent's preparation designated Goodier's Tasteless and Odorless Castor Oil is an effective treatment for colds.

50. That respondent's preparation designated Earache Drops will relieve pain in the ear due to any cause.

51. That respondent's preparation designated Pure Turpentine is a competent or proper treatment for severe or extensive burns or that when applied to burns it will stop the pain immediately or that the inhaling of said preparation constitutes an effective remedy for croup or for lung or throat ailments or that its use in a clothes closet will serve to drive away moths or kill moths already present in the clothing or closet.

52. That respondent's preparation designated F E Cascara Sagrada Aromatic will make an inactive liver function properly.

53. That respondent's preparation designated Goodier's Epsom Salts will act as a reducing agent when dissolved in the bath water.

54. That respondent's preparation designated Veterinary Powder constitutes a competent treatment for severe wounds of domestic animals or for deep or extensive cuts or running sores or that it will have any significant effect in connection with healing process.

55. That respondent's preparation designated Ton-Ko-Lah is an effective tonic or that it will have any significant value in aiding nature in building up the hemoglobin of the blood or that said preparation will restore vitality, energy, or pep or make one healthy or fit or that when used as directed it will provide sufficient iron to prevent anemia or that its use will provide sound sleep.

56. That respondent's preparation designated Pep Tablets, also known as Special Tablet Rx 1761 and as Aunt Poody's Pep Tablets, will restore energy, pep, or vitality or that it will calm high-strung nerves or possesses any properties that will make one a new person.

57. That respondent's preparation designated You Darling Cream of Beauty feeds the pores, nourishes the skin, or keeps the skin young.

B. 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 respondent's medicinal and cosmetic preparations, which advertisement contains any of the representations prohibited in paragraph A hereof and the subdivisions thereof.

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C. Using the term "Doc Goodier" or the term "Doctor" or any abbreviation or simulation thereof to designate or describe the respondent.

D. Using the term "Liverettes" or any other term of similar import or meaning to designate or describe a preparation which exercises no significant beneficial effect upon the liver.

E. Using the term "Kidney Pills" to designate or describe any preparation which is not effective in treating disordered conditions of the kidneys.

F. Using the term "Chill Tonic" to designate or describe any preparation which is not an effective treatment for chills and associated conditions.

G. Using the term "Syrup of Figs" to designate or describe a medicinal preparation the fig content of which has no therapeutic value and the laxative properties of which are due to ingredients other than figs.

H. Using the term "Femamol Tonic" or the term "Tonic" to designate or describe a preparation which is not an effective tonic.

I. Using the term "Nourishing Cream" to designate or describe any cosmetic preparation.

It is further ordered, That the charges of the complaint contained in paragraph 8 thereof with references to Goodier's Laxative Bromide and Quinine Cold Tablets be dismissed without prejudice to the right of the Commission to reopen this proceeding or to institute other and further proceedings with respect to said product if respondent shall in the future sell or offer to sell the same.

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

Commissioner Mason dissenting in part.

COMMISSIONER MASON DISSENTS IN PART

Paragraph G of the order inhibits the use of the term "Syrup of Figs" to designate or describe a medicinal preparation. This inhibition is based on the finding in paragraph 9 that the fig content in respondent's preparation Syrup of Figs has no therapeutic value.

In my opinion, the prohibition of the use of the name of an ingredient on the ground that it, though present, has no therapeutic value is not required in this case. Such a prohibition should extend only to the use of the name in connection with therapeutic claims.

Syllabus

IN THE MATTER OF

WALTER H. JOHNSON CANDY CO.

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

Docket 4677. Complaint, Apr. 17, 1942¹—Decision, June 8, 1948

Where a corporation engaged in the manufacture of confectionery products, including principally candy bars sold in wrappers under the trade names Heavyweight Champ, Big Bonus, and Power House, and in the competitive interstate sale and distribution of said products, generally in 24- and 100-count packages, to confectionery jobbers and distributors of candy vending machines;

In selling large quantities of its said products to candy vending machine distributors, who competed with each other in obtaining locations for their machines in such places as moving-picture theaters, restaurants, news stands, filling stations, garages, and industrial plants and in distributing said products, and who included the A company, owner of about 100,000 such machines, whereby in 1 year more than 200,000,000 candy bars (of which about 1,000,000 were made by said corporation) were sold—

- (a) Discriminated in price between different purchasers by selling said products, and particularly candy bars, at the same time at different prices to competitive vending machine distributors located in the same trade areas through such practices as sale of its Heavyweight Champ bars in 100-count packages to vending machine distributors at a delivered price of \$2.50, while contemporaneously selling the same products to similar customers in the same trade area at delivered prices of \$2.40 and \$2.25, and to said A company, at \$2.03 (subject, in case of all, to 2 percent cash discount; and
- (b) Discriminated in price between different purchasers of its said products, including candy counter retailers, through such practice as selling its Heavyweight Champ candy bars in 24-count packages at a delivered price of 64 cents to jobbers supplying vending machine operators and other retailers in the same trade areas in which the lessees of the said A company operated their vending machines, and selling said bars to said A company in 100-count packages at a delivered price of \$2.03;

Effect of which discriminations in price might be to substantially lessen competition in the line of commerce concerned, and to injure, destroy, and prevent competition between purchasers who received the benefit of said discriminatory prices and those to whom they were denied:

Held, That aforesaid discriminations in price, under the circumstances set forth, constituted violation of subsection (a) of section 2 of the Clayton Act as amended by the Robinson-Patman Act.

Mr. Austin H. Forkner for the Commission.

Beach, Fathchild & Scofield, of Chicago, Ill., for respondent.

¹ Amended.