

Syllabus

IN THE MATTER OF
RETONGA MEDICINE COMPANY

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

Docket 5519. Complaint, Nov. 21, 1947—Decision, Oct. 6, 1948

Where a corporation engaged in the interstate sale and distribution of their medicinal preparation "Retonga," which contained chemical preservatives, artificial coloring, and significant amounts of glycerin and alcohol; through testimonial and other advertisements in newspapers, and through radio broadcasts; directly and by implication—

- (a) Falsely represented that said preparation was compounded entirely from the extracts of roots, herbs and barks, combined with liberal quantities of vitamin B₁, and could be characterized properly as a vitamin B₁ medicine;
- (b) Represented that if one suffered from loss of weight or sleep, sour stomach, heartburn, indigestion or gas, nervousness, muscular pains, run-down condition, loss of energy, weakness, inability to work and a toxic feeling, such conditions were brought about by an insufficient flow of gastric juices or loss of appetite or vitamin B₁ deficiency or constipation, and that use of their said preparation as directed insured the flow of vital digestive juices, improved the appetite to the extent that strength and weight were regained, and corrected vitamin B₁ deficiency;

The facts being that while "Retonga," taken before meals, would cause a flow of gastric juices into the stomach, under normal conditions food alone will stimulate a sufficient flow thereof; presence of such juices in the stomach, thus induced by said preparation, at the time of the entrance of food, might, through its action on the ptyalin therein contained, interfere with proper digestion; it would have no effect upon the production of such juices, or upon the glands providing them, when impaired for any reason; it would not remedy the cause of loss of appetite; while it might increase appetite slightly, it would not bring about any significant increase in weight, nor, in view of its relatively small vitamin B₁ content, correct any deficiency thereof or symptom or condition resulting therefrom; and it would be of no value to an individual suffering from heartburn, and other aforesaid conditions;

- (c) Represented that said product was not a laxative and would cure constipation, through use of such statements as "I was almost a slave to laxatives" followed by "I am no longer a slave to laxatives";

The facts being that use of "Retonga" over a period of several days would produce a mild laxative effect; so long as taken, it might relieve constipation and its few symptoms, but would not effect a cure thereof; and if use was

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discontinued, the individual subject to constipation would again experience the symptoms for the relief of which it had been taken;

With tendency and capacity to mislead a substantial portion of the purchasing public into the erroneous belief that said advertisements were true, whereby it was induced to purchase large quantities of aforesaid preparation:

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

Mr. Fletcher G. Cohn for the Commission.

Mr. Michael F. Markel, of Washington, D. C., for respondent.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that Retonga Medicine Co., a corporation, hereinafter referred to as respondent, has violated the provisions of said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges as follows:

PARAGRAPH 1. Respondent is a corporation, organized and existing under the laws of the State of Georgia, with its office and principal place of business at 161 Spring Street, Atlanta, Ga.

PAR. 2. Respondent is now, and has been for several years last past, engaged in the sale and distribution of a drug preparation as "drug" is defined in the Federal Trade Commission Act.

The designation used by said respondent for its said preparation and the formula and direction for use are as follows:

Designation: Retonga.

Formula:

	<i>Per fluid ounce</i>
Special Grape Flavor.....	0.025 min.
Retonga Concentrate (Oil of Lemon and Oil of Bitter Almond F. P. A. [meaning free from Prussic Acid]).....	0.0409 gr.
Certified Color.....	q. s.
Acid Phosphoric.....	0.6562 gr.
Acid Salicylic U. S. P.....	0.2187 gr.
Glycerine.....	26.25 grs.
Alcohol U. S. P. 95%.....	50.51 mins
Gentian Root Grd. U. S. P.....	8.483 grs.
Berberis Grd. U. S. P.....	8.55 grs.
Wild Cherry Bark Grd. U. S. P.....	1.777 grs.
Pariera Brave Grd.....	1.777 grs.
F. E. Cascara Sagrada 10%.....	9.12 mins.
Licorice Root Grd.....	1.777 mins.

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	<i>Per fluid ounce</i>
Thiamin Chloride.....	2 mgs.
Methyl Parasept (methyl-parahydroxybenzoate).....	0.4561 grs.
Water.....	q. s.
Sugar U. S. P.....	2.7343 grs.

Directions: Adults should take two teaspoonfuls of Retonga in water before each meal. We do not believe it wise to suddenly whip up body functions or actions by large or drastic doses of medicines, but favor their gradual and steady improvement. For this reason, it is suggested that, to secure the best results, Retonga be taken regularly three times a day for at least three weeks, or longer, if desired. After completing this course of Retonga, a rest period of six weeks is suggested, followed by another course of Retonga. The dosage for children is in proportion to the adult dose.

Respondent causes its said preparation, when sold, to be transported from its place of business in the State of Georgia, or from the place or places where said preparation is compounded, to the purchasers thereof located in various other States of the United States.

PAR. 3. In the course and conduct of its aforesaid business, respondent, subsequent to March 21, 1938, has disseminated and caused the dissemination of certain advertisements concerning its said preparation, by the United States mails and by various means in commerce as "commerce" is defined in the Federal Trade Commission Act, including, but not limited to, advertisements appearing in the August, Ga., Herald of October 12, 1945; the Nashville Banner, Nashville, Tenn., of October 9, 1945; the Durham Morning Herald, Durham, N. C., of October 26, 1945; the Birmingham Ace-Herald, Birmingham, Ala., of September 28, 1945; the Jacksonville Journal, Jacksonville, Fla., of November 6, 1945; the Birmingham News, Birmingham, Ala., of November 19, 1945; and by means of radio continuity broadcast over Station WHLN located at Harlan, Ky., and other stations during the years of 1945 and 1946, of which the broadcast of December 3, 1945, over Station WHLN, is typical; and respondent has disseminated, and caused the dissemination of, advertisements concerning said preparation by various means, including, but not limited to, the advertisements referred to above, for the purpose of inducing and which are likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. Among the statements and representations contained in the said advertisements disseminated as aforesaid, are the following:

Newspaper advertisements in the form of testimonials:

For about three years it seemed to me that I suffered distress from sour indigestion and heartburn after every meal. My appetite was good but food seemed to turn to sour gas almost as soon as I ate it. I tried not to eat things I thought

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would cause me trouble, but I continued to suffer just the same. My nerves seemed to stay on edge all the time, my sleep did not seem to rest me, and I got up mornings feeling as tired as if I had already done a day's work. I suffered so badly from sluggish elimination that I felt like I was choked up with toxic poisons. No matter what I did I seemed to continue down hill and I got to where a day's work wore me out completely.

My wife suffered much the same as I did, and Retonga relieved her so much that I tried it too. My own relief was so remarkable that I eat anything set before me now without a bit of distress afterward. I don't feel nervous like I did. I sleep fine, and the sluggish elimination and toxic feeling also are relieved. I feel so much better and stronger that I can do a good day's work and still feel good when I get home at night. My wife and I think there is nothing like Retonga. Anyone suffering as we did ought to give it a trial. Retonga is compounded entirely from the extracts of roots, herbs, and barks combined with liberal quantities of Vitamin B₁, and is intended to relieve distress due to insufficient flow of gastric juices in the stomach, loss of appetite, Vitamin B₁ deficiency, and constipation.

* * * * *

I think few people were ever in more distress from acid indigestion than I was. I lost 42 lbs. within a year. I could hardly swallow any kind of food without suffering tortures from gas pains and pressure in my stomach, which made me feel like I could scarcely get my breath. My nerves were on edge to such an extent that I could sleep only a couple of hours during the whole night. I had to take laxatives until it was difficult to find one that would have any effect. I felt so weak and exhausted that I could stay up only a part of the time, and I spent money on medicines and treatments without relief until I was utterly discouraged.

I finally decided to try Retonga and it gave me the only real relief I ever found. I now eat anything on the table with a fine appetite, my nerves seem as strong as ever, and I sleep splendidly. The sluggish elimination also is relieved, my strength has returned and I am on the go all the time. I have regained all my lost weight and more. I never expected to find a medicine that would give me the relief Retonga did and I can never say enough for it.

Retonga is a purely herbal stomachic medicine combined with liberal quantities of Vitamin B₁ and is intended to relieve distress due to insufficient flow of gastric juices in the stomach, loss of appetite, Vitamin B₁ deficiency and constipation. Thousands praise it.

* * * * *

Up until about a year ago I was one of the strongest men physically in the State, not knowing an ache or pain. Then I began suffering excruciating pains in my arms and legs, which became so severe I was forced to use crutches. My appetite was almost entirely gone, I suffered much distress from indigestion, and I lost considerable weight. My head often swam from sluggish elimination until I could hardly get about without holding on to something. I was almost a slave to laxatives. The pain in my arms and legs often prevented me from getting more than a few hours sleep at night. Nothing seemed to help me and I decided to try Retonga.

The relief Retonga gave me was far beyond anything I expected. I have discarded my crutches and no longer feel any pain in my legs. My appetite and digestion are splendid. I sleep well and feel good all the time. I superintend

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my farm and am able to teach my Sunday School Class, the same class I have had for over 40 years. I am no longer a slave to laxatives. My friends and neighbors often say—"What have you been doing, you look so well," and my reply is—"I have been using Retonga." "I never expect to be without Retonga in my medicine chest."

Retonga is a purely herbal stomachic medicine combined with liberal quantities of Vitamin B₁, and is intended to relieve distress due to insufficient flow of gastric juices in the stomach, loss of appetite, Vitamin B₁ deficiency and sluggish elimination.

* * * * *

For about two years I felt so weak and rundown that I seemed to have no pep or energy whatever. I had no desire for food and no matter how careful I was of my diet everything seemed to disagree with me. I felt bloated and nervous and full of gas after every meal. Especially my evening meal felt as heavy as lead in my stomach and I could seldom get to sleep until most of the night was gone. As a result I woke up mornings feeling tired, weak, and worn out. I suffered badly from sluggish elimination and felt toxic all the time. I have always been energetic and worked hard about my home and I could not be satisfied to be a do-nothing.

The relief Retonga gave me was certainly enlightening. I never dreamed it possible to get such grand relief from all this miserable distress after suffering so long. I have taken two bottles of Retonga now and I eat, feel and sleep so much better that I am doing all my housework and I feel good all the time. There are many things I have been thankful for all through my life and I do not hesitate to count Retonga among them.

Thousands praise Retonga. Retonga is a purely herbal gastric tonic combined with liberal quantities of Vitamin B₁ and is intended to relieve distress due to Vitamin B₁ deficiency, constipation, insufficient flow of digestive juices in the stomach, and loss of appetite.

* * * * *

This past winter and spring it looked like I would have to give up my business, for I didn't have strength enough to work more than 30 minutes at a time. My appetite was so poor that it was an effort to eat only a few bites at mealtime, and nothing seemed to have any taste to it. My nerves were badly on edge and for a year I hardly knew what a good night's sleep was. I had to take a dose of strong laxative medicine every few days, my arms, shoulders and legs ached night and day. I tried lots of medicines and treatments, but I finally got to where I would work 20 or 30 minutes and then have to lay down and rest, and I told my wife it looked like I would have to give up.

Retonga was recommended by so many people that my wife got a bottle for me, and I began to get lots of relief from this first bottle. Now my oldtime appetite is back and my food seems to digest so well that I have regained 15 lbs. of my lost weight. I sleep soundly, the constipation is relieved and I feel so much stronger that I can work all day and still feel good when night comes. My wife's mother has also taken Retonga and she thinks it's fine. I am always telling somebody what Retonga did for me.

Retonga is a purely herbal gastric tonic combined with liberal quantities of Vitamin B₁, and is intended to relieve distress due to loss of appetite, insufficient flow of gastric juices in the stomach, constipation and Vitamin B₁ deficiency.

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"During the past two years especially I seemed to go down hill rapidly," continued Mrs. Mitchell. "My appetite left me and I was so restless at night I could get only a few hours sleep. Mornings I often woke up feeling more tired and worn out than when I went to bed. I was almost a slave to strong laxatives, and my head would often swim from sluggish elimination until I had to sit down to get my balance. I felt weak and rundown almost to the point of exhaustion. Retonga brought me such prompt relief that I was truly amazed. My appetite has returned and I again enjoy my meals. Everything seems to agree with me now and I feel no discomfort from the hearty meals I eat. I sleep splendidly at night, too; and one of the grandest things about Retonga is that it relieved that terrible sluggish elimination. I feel so much stronger that I even do my housework without feeling tired out. It would be hard for me to praise Retonga enough."

Retonga is a purely herbal gastric tonic combined with liberal quantities of Vitamin B₁ and is intended to relieve distress due to Vitamin B₁ deficiency, constipation, insufficient flow of digestive juices in the stomach, and loss of appetite.

* * * * *

Radio continuity:

Friends, one of the important ingredients in Retonga is Vitamin B₁. Scientists say that insufficient Vitamin B₁ in our food every day is one common cause of indigestion, weakness, nervousness, muscular pains, sluggish elimination, and weak, rundown feeling. With its purely herbal gastric tonic medicines, combined with liberal quantities of Vitamin B₁, Retonga acts in many pleasant ways to relieve these distressing symptoms and help nature restore strength, energy, and happy living. Order a bottle of Retonga today from your favorite drug store.

PAR. 5. Through the use of the advertisements containing the statements and representations hereinabove set forth, and others of the same import, but not specifically set out herein, respondent represented, directly and by implication, that the preparation "Retonga" is compounded entirely from the extracts of roots, herbs, and barks, combined with vitamin B₁; that it contains liberal quantities of vitamin B₁, and is a vitamin B₁ medicine; that if an individual suffers from loss of weight, loss of sleep, sour stomach, heartburn, indigestion, stomach gas, nervousness, muscular pains, a run-down condition, loss of energy, weakness, inability to work, and a toxic feeling, such conditions are brought about by an insufficient flow of gastric juices in the stomach or loss of appetite or vitamin B₁ deficiency or constipation; that the use of said preparation, as directed, insures the flow of "vital digestive juices," improves the appetite to the extent that weight and strength are regained, and corrects vitamin B₁ deficiency. Through the use of the statement "I was almost a slave to laxatives," followed by "I am no longer a slave to laxatives," and similar statements, respondent represents that its product is not a laxative and that its use will cure constipation.

PAR. 6. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact, the preparation "Retonga" is not compounded entirely from the extracts of roots, herbs, and barks, plus vitamin B₁, as it contains chemical preservatives, artificial color, and significant amounts of glycerin and alcohol. Said preparation does not contain liberal quantities of vitamin B₁ when considered in connection with the claims made as to the therapeutic value of this ingredient, and, consequently, the preparation cannot be properly characterized as a vitamin B₁ medicine. When taken as directed, that is, before meals, the preparation will cause a flow of gastric juices into the stomach. However, food will also cause such flow, and if the glands supplying these juices are normal the food will stimulate the flow of sufficient gastric juices to provide proper digestion. The presence of such juices in the stomach at the time of the entrance of food may interfere with proper digestion since such juices may retard or destroy the action of the ptyalin in the saliva mixed with the food. Said preparation will have no effect upon the production of gastric juices, nor will it correct or improve the action of the glands producing such juices when their action, for any reason, is impaired. Loss of appetite is caused by some pathological or psychological condition which will not be remedied by the use of the preparation. This preparation is a feeble appetizer and its use might increase the appetite to a slight extent but not to the extent that a significant increase in weight would result. Its use will not correct vitamin B₁ deficiency or any symptom or condition which may arise because of such deficiency as the quantity of vitamin B₁ provided is far less than that required for this purpose. Said preparation is a laxative. Its use over a period of several days will produce a mild laxative effect and so long as it is taken it may relieve constipation and the few symptoms which may arise by reason of constipation. Constipation and its symptoms, however, will return if the use of the preparation is discontinued, since it will not cure or correct constipation. Said preparation is not a competent or effective treatment for loss of weight, loss of sleep, sour stomach, heartburn, indigestion, stomach gas, nervousness, muscular pains, a run-down condition, loss of energy, weakness, a toxic feeling, or such conditions as may prevent a person from working.

PAR. 7. The aforesaid acts and practices of respondent, as herein alleged, are all to the prejudice and injury of the public, and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on November 21, 1947, issued and subsequently served its complaint in this proceeding upon the respondent Retonga Medicine Co., a corporation, charging said respondent with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of that act. On August 20, 1948, the respondent filed its substitute answer to the complaint, in which answer it admitted all of the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearings as to said facts. Thereafter, this proceeding regularly came on for final hearing before the Commission upon the complaint and the answer thereto; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that said proceeding is in the interest of the public and makes this its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. The respondent, Retonga Medicine Co., is a corporation organized and existing under and by virtue of the laws of the State of Georgia, with its office and principal place of business located at 161 Spring Street, Atlanta, Ga.

PAR. 2. The respondent is now and for a number of years last past has been engaged in the sale and distribution of a medicinal preparation designated "Retonga." This product, when sold, is transported from the respondent's place of business in the State of Georgia, or from the place or places where said preparation is compounded, to the purchasers thereof located in various other States of the United States. The respondent maintains, and at all times mentioned herein has maintained, a course of trade and commerce in said preparation among and between the various States of the United States.

PAR. 3. In the course and conduct of its business, as aforesaid, the respondent, since March 21, 1938, has disseminated and has caused the dissemination of certain advertisements concerning the preparation "Retonga," by the United States mails and by various means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of said preparation. Such advertisements have included, but have not been limited to, advertisements appearing in the newspapers: Augusta Herald, Augusta, Ga., of October 12, 1945; Nashville Banner, Nashville, Tenn., of October

5, 1945; Durham Morning Herald, Durham, N. C., of October 26, 1945; Birmingham Age-Herald, Birmingham, Ala., of September 28, 1945; Jacksonville Journal, Jacksonville, Fla., of November 6, 1945; Birmingham News, Birmingham, Ala., of November 19, 1945; and radio continuities broadcast over radio station WHLN, located at Harlan, Ky., and other radio stations, during the years 1945 and 1946, of which the broadcast of December 3, 1945, over station WHLN is typical. The respondent has also disseminated, and has caused the dissemination of, advertisements concerning said preparation by various means, including, but not limited to, the advertisements referred to above, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. Among the statements and representations contained in said advertisements, disseminated and caused to be disseminated as and for the purposes hereinabove set out, have been the following:

(a) Newspaper advertisements:

For about three years it seemed to me that I suffered distress from sour indigestion and heartburn after every meal. My appetite was good but food seemed to turn to sour gas almost as soon as I ate it. I tried not to eat things I thought would cause me trouble, but I continued to suffer just the same. My nerves seemed to stay on edge all the time, my sleep did not seem to rest me, and I got up mornings feeling as tired as if I had already done a day's work. I suffered so badly from sluggish elimination that I felt like I was choked up with toxic poisons. No matter what I did I seemed to continue down hill and I got to where a day's work wore me out completely.

My wife suffered much the same as I did, and Retonga relieved her so much that I tried it too. My own relief was so remarkable that I eat anything set before me now without a bit of distress afterward. I don't feel nervous like I did. I sleep fine, and the sluggish elimination and toxic feeling also are relieved. I feel so much better and stronger that I can do a good day's work and still feel good when I get home at night. My wife and I think there is nothing like Retonga. Anyone suffering as we did ought to give it a trial.

Retonga is compounded entirely from the extracts of roots, herbs, and barks combined with liberal quantities of Vitamin B₁, and is intended to relieve distress due to insufficient flow of gastric juices in the stomach, loss of appetite, Vitamin B₁ deficiency, and constipation.

I think few people were ever in more distress from acid digestion than I was. I lost 42 lbs. within a year. I could hardly swallow any kind of food without suffering tortures from gas pains and pressure in my stomach, which made me feel like I could scarcely get my breath. My nerves were on edge to such an extent that I could sleep only a couple of hours during the whole night. I had to take laxatives until it was difficult to find one that would have any effect. I felt so weak and exhausted that I could stay up only a part of the time, and I spent money on medicines and treatments without relief until I was utterly discouraged.

I finally decided to try Retonga and it gave me the only real relief I ever found. I now eat anything on the table with a fine appetite, my nerves seem as strong as ever, and I sleep splendidly. The sluggish elimination also is relieved, my strength has returned and I am on the go all the time. I have regained all my lost weight and more. I never expected to find a medicine that would give me the relief Retonga did and I can never say enough for it.

Retonga is a purely herbal stomachic medicine combined with liberal quantities of Vitamin B₁ and is intended to relieve distress due to insufficient flow of gastric juices in the stomach, loss of appetite, Vitamin B₁ deficiency and constipation. Thousands praise it.

Up until about a year ago I was one of the strongest men physically in the State, not knowing an ache or pain. Then I began suffering excruciating pains in my arms and legs, which became so severe I was forced to use crutches. My appetite was almost entirely gone, I suffered much distress from indigestion, and I lost considerable weight. My head often swam from sluggish elimination until I could hardly get about without holding on to something. I was almost a slave to laxatives. The pain in my arms and legs often prevented me from getting more than a few hours sleep at night. Nothing seemed to help me and I decided to try Retonga.

The relief Retonga gave me was far beyond anything I expected. I have discarded my crutches and no longer feel any pain in my legs. My appetite and digestion are splendid. I sleep and feel good all the time. I superintend my farm and am able to teach my Sunday School Class, the same class I have had for over 40 years. I am no longer a slave to laxatives. My friends and neighbors often say—"What have you been doing, you look so well," and my reply is—"I have been using Retonga." I never expect to be without Retonga in my medicine chest.

Retonga is a purely herbal stomachic medicine combined with liberal quantities of Vitamin B₁, and is intended to relieve distress due to insufficient flow of gastric juices in the stomach, loss of appetite, Vitamin B₁ deficiency and sluggish elimination.

For about two years I felt so weak and rundown that I seemed to have no pep or energy whatever, I had no desire for food and no matter how careful I was of my diet everything seemed to disagree with me. I felt bloated and nervous and full of gas after every meal. Especially my evening meal felt as heavy as lead in my stomach and I could seldom get to sleep until most of the night was gone. As a result I woke up mornings feeling tired, weak, and worn out. I suffered badly from sluggish elimination and felt toxic all the time. I have always been energetic and worked hard about my home and I could not be satisfied to be a do-nothing.

The relief Retonga gave me was certain enlightening. I never dreamed it possible to get such grand relief from all this miserable distress after suffering so long. I have taken two bottles of Retonga now and I eat, feel and sleep so much better that I am doing all my housework and I feel good all the time. There are many things I have been thankful for all through my life and I do not hesitate to count Retonga among them.

Thousands praise Retonga. Retonga is a purely herbal gastric tonic combined with liberal quantities of Vitamin B₁ and is intended to relieve distress due to Vitamin B₁ deficiency, constipation, insufficient flow of digestive juices in the stomach, and loss of appetite.

This past winter and spring it looked like I would have to give up my business, for I didn't have strength enough to work more than 30 minutes at a time. My appetite was so poor that it was an effort to eat only a few bites at mealtime, and nothing seemed to have any taste to it. My nerves were badly on edge and for a year I hardly knew what a good night's sleep was. I had to take a dose of strong laxative medicine every few days, my arms, shoulders and legs ached night and day. I tried lots of medicines and treatments, but I finally got to where I would work 20 or 30 minutes and then have to lay down and rest, and I told my wife it looked like I would have to give up.

Retonga was recommended by so many people that my wife got a bottle for me, and I began to get lots of relief from this first bottle. Now my oldtime appetite is back and my food seems to digest so well that I have regained 15 lbs. of my lost weight. I sleep soundly, the constipation is relieved and I feel so much stronger that I can work all day and still feel good when night comes. My wife's mother has also taken Retonga and she thinks it's fine. I am always telling somebody what Retonga did for me.

Retonga is a purely herbal gastric tonic combined with liberal quantities of Vitamin B₁, and is intended to relieve distress due to loss of appetite, insufficient flow of gastric juices in the stomach, constipation and Vitamin B₁ deficiency.

"During the past two years especially I seemed to go down hill rapidly," continued Mrs. Mitchell. "My appetite left me and, I was so restless at night I could get only a few hours sleep. Mornings I often woke up feeling more tired and worn out than when I went to bed. I was almost a slave to strong laxatives, and my head would often swim from sluggish elimination until I had to sit down to get my balance. I felt weak and rundown almost to the point of exhaustion. Retonga brought me such prompt relief that I was really amazed. My appetite has returned and I again enjoy my meals. Everything seems to agree with me now and I feel no discomfort from the hearty meals I eat. I sleep splendidly at night, too; and one of the grandest things about Retonga is that it relieved that terrible sluggish elimination. I feel so much stronger that I even do my housework without feeling tired out. It would be hard for me to praise Retonga enough."

Retonga is a purely herbal gastric tonic combined with liberal quantities of Vitamin B₁ and is intended to relieve distress due to Vitamin B₁ deficiency, constipation, insufficient flow of digestive juices in the stomach, and loss of appetite.

(b) Radio continuity:

Friends, one of the important ingredients in Retonga is Vitamin B₁. Scientists say that insufficient vitamin B₁ in our food every day is one common cause of indigestion, weakness, nervousness, muscular pains, sluggish elimination, and weak, rundown feeling. With its purely herbal gastric tonic medicines, combined with liberal quantities of vitamin B₁, Retonga acts in many pleasant ways to relieve these distressing symptoms and help nature restore strength, energy and happy living. Order a bottle of Retonga today from your favorite drug store.

PAR. 5. Through the use of the advertisements containing the aforesaid statements and representations and others of the same import, the respondent has represented, directly and by implication, that the preparation "Retonga" is compounded entirely from the extracts of

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roots, herbs, and barks, combined with vitamin B₁; that it contains liberal quantities of vitamin B₁ and is a vitamin B₁ medicine; that if an individual suffers from loss of weight, loss of sleep, sour stomach, heartburn, indigestion, stomach gas, nervousness, muscular pains, a run-down condition, loss of energy, weakness, inability to work, and a toxic feeling, such conditions are brought about by an insufficient flow of gastric juices in the stomach or loss of appetite or vitamin B₁ deficiency or constipation; that the use of "Retonga," as directed, insures the flow of "vital digestive juices," improves the appetite to the extent that weight and strength are regained, and corrects vitamin B₁ deficiency. Through the use of the statement "I was almost a slave to laxatives," followed by "I am no longer a slave to laxatives," and similar statements, the respondent represents that its product is not a laxative, and that its use will cure constipation.

PAR. 6. Each liquid ounce of the preparation "Retonga" contains the following ingredients in the amounts stated:

	<i>Per fluid ounce</i>
Special Grape Flavor-----	0.025 min.
Retonga Concentrate (Oil of Lemon and Oil of Bitter Almond F. P. A. [meaning free from Prussic Acid])-----	0.0409 gm.
Certified Color-----	q.s.
Acid Phosphoric-----	0.6562 gr.
Acid Salicylic U. S. P-----	0.2187 gr.
Glycerin-----	26.25 grs.
Alcohol U. S. P. 95%-----	50.51 mins.
Gentian Root Grd. U. S. P-----	8.483 grs.
Berberis Grd U. S. P-----	8.55 grs.
Wild Cherry Bark Grd. U. S. P-----	1.777 grs.
Pariera Brave Grd-----	1.777 grs.
F. E. Cascara Sagrada 10%-----	9.12 mins.
Licorice Root Grd-----	1.777 mins.
Thiamin Chloride-----	2 mgs.
Methyl Parasept (methyl-parahydroxybenzoate)-----	0.4561 gr.
Water-----	q.s.
Sugar U. S. P-----	2.7343 grs.

The respondent's directions for use of the preparation are as follows:

Adults should take two teaspoonfuls of Retonga in water before each meal. We do not believe it wise to suddenly whip up body functions or actions by large or drastic doses of medicines, but favor their gradual and steady improvement. For this reason, it is suggested that, to secure the best results, Retonga be taken regularly three times a day for at least three weeks, or longer, if desired. After completing this course of Retonga, a rest period of six weeks is suggested, followed by another course of Retonga. The dosage for children is in proportion to the adult dose.

PAR. 7. As disclosed by the formula, the respondent's preparation contains chemical preservatives, artificial coloring and significant amounts of glycerin and alcohol. It is not, as the respondent represents, compounded entirely from the extracts of roots, herbs and barks, plus vitamin B₁. Said preparation does not contain liberal quantities of vitamin B₁ when considered in connection with the claims made concerning the therapeutic value of this ingredient, and, consequently, the preparation cannot be properly characterized as a vitamin B₁ medicine. When the preparation is taken before meals, in accordance with the respondent's directions, it will cause a flow of gastric juices into the stomach, but this will not necessarily be of any benefit to an individual taking it. Food will also cause a flow of the gastric juices and if the glands supplying these juices are normal the food will stimulate the flow of sufficient gastric juices to provide proper digestion without the aid of "Retonga" or any other such preparation. Moreover, the presence of such juices in the stomach at the time of the entrance of food may interfere with proper digestion, since such juices may retard or destroy the action of the ptyalin in the saliva mixed with the food. The preparation "Retonga" will have no effect upon the production of gastric juices, nor will it correct or improve the action of the glands producing such juices when their action, for any reason, is impaired.

Loss of appetite is caused by some pathological or psychological condition which will not be remedied by the use of the respondent's preparation. This preparation is a feeble appetizer and its use might increase the appetite to a slight extent, but not to the extent that any significant increase in weight would result.

The use of "Retonga" will not correct vitamin B₁ deficiency or any symptom or condition which may arise because of such deficiency, as the quantity of vitamin B₁ provided in the preparation is far less than the amount required for this purpose.

Contrary to the respondent's representations, its preparation is a laxative. Its use over a period of several days will produce a mild laxative effect and so long as it is taken it may relieve constipation and the few symptoms which may arise by reason of constipation. The preparation will not effect a cure of constipation, however, and if the use of the preparation is discontinued an individual subject to constipation will again experience the symptoms for the relief of which the preparation may have been taken. Neither is said preparation a competent or effective treatment for heartburn, indigestion, stomach gas, nervousness, muscular pains, a run-down condition, weakness, or

Order

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a toxic feeling, and it will be of no value to an individual suffering from loss of weight, loss of sleep, sour stomach, loss of energy, or from such conditions as may prevent a person from working.

PAR. 8. The Commission therefore finds that the respondent's claims for and representations concerning the preparation "Retonga," as set forth in paragraph 5 hereof, are false, misleading, and deceptive.

PAR. 9. The use by the respondent of the aforesaid false advertisements has had the tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that the representations made in said advertisements are true. In consequence of such erroneous and mistaken belief, such portion of the public has been induced to purchase large quantities of the respondent's preparation.

CONCLUSION

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

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer the respondent admitted all of the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearing as to said facts; and the Commission, having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered that the respondent, Retonga Medicine Co., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the medicinal preparation "Retonga," or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from:

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce,

as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or by implication:

(a) That said preparation is compounded entirely from the extracts of roots, herbs and barks, combined with vitamin B₁;

(b) That said preparation contains liberal quantities of vitamin B₁, or that it is a vitamin B₁ medicine;

(c) That the use of said preparation will be effective in relieving or substantially improving a vitamin B₁ deficiency or any of the symptoms or conditions which may arise from a vitamin B₁ deficiency;

(d) That said preparation is not a laxative;

(e) That said preparation is a cure or remedy for constipation or any of the symptoms of constipation, or that it has any therapeutic value in the treatment of constipation or any of the symptoms thereof in excess of the temporary relief afforded by its laxative action;

(f) That said preparation constitutes a competent or effective treatment of heartburn, indigestion, stomach gas, nervousness, muscular pains, a run-down condition, weakness or a toxic feeling, or that it will have any therapeutic effect on the causes of loss of weight, loss of sleep, sour stomach, or any of the conditions which may prevent an individual from working;

(g) That said preparation will increase the appetite of an individual to such an extent as to aid him in gaining weight or strength.

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

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

IN THE MATTER OF

NATIONAL PRESSURE COOKER COMPANY, LEWIS E. PHILLIPS, A. E. DE BONVILLE, MORTON PHILLIPS, ED H. WHITTENBERG, MARGARET M. WHELIHAN, AND J. PHILLIPS

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF SEC. 3 OF AN ACT OF CONGRESS APPROVED OCT. 15, 1914, AND SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914

Docket 5531. Complaint, Mar. 30, 1948—Decision, Oct. 20, 1948

Where a corporate manufacturer of aluminum articles, including its "Presto" pressure cooker and a large pressure canner—the world's largest manufacturer of such cookers and canners—which it sold and distributed to wholesale distributors, department stores and chain stores throughout the United States;

In dealing with a substantial number of its wholesale distributors, through whom for a recent 6 months' period they had made more than 52 percent of their dollar sales, and acting under the direction of its president, vice-presidents, and treasurer;

- (a) Made sales of its said pressure cookers and pressure canners on the condition that the purchasers should not use or deal in its competitors' pressure cookers or canners or their component parts or accessories; and,
- (b) To induce its distributors to acquiesce in such arrangement, offered to them, shortly after the end of World War II when the demand for such merchandise exceeded available supplies, favorable and adequate shipment allocations of its products on the said condition; and,
- (c) Threatened to cut off or curtail the supply of pressure cookers and pressure canners, to wholesale distributors who were not willing to enter into said exclusive dealing arrangement;

Whereby it induced or forced many of its said distributors to agree to handle only its pressure cookers and canners, in order to continue their representation in the sale of its products;

Effect of which was to substantially lessen competition with it and to tend to create a monopoly in it in the sale in commerce of said products and parts and accessories, to the injury and prejudice of its competitors and the public;

Held, That such acts and practices constituted a violation of sec. 3 of the Clayton Act, and unfair methods of competition in commerce within the intent and meaning of sec. 5 of the Federal Trade Commission Act.

Mr. William C. Kern for the Commission.

Mr. Samuel H. Maslon, of Minneapolis, Minn., for respondents.