

Syllabus

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IN THE MATTER OF

WITOL, INC., NATIONAL PRODUCTS OUTLET, INC., AND
WILLIAM WITOLCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 5319. Complaint, May 16, 1945—Decision, Feb. 16, 1949*

Where two corporations and their principal officer, who owned and controlled them, engaged in the interstate sale and distribution of some 27 cosmetic preparations; in advertisements disseminated by the United States mails, circulars and pamphlets, and by various other means—

- (a) Represented falsely that their "Wunder Skin Compound," "Witol's Pimple Cream," "Phantom Skin Beautifier," "Freckle Cream," "Cream Keratin," "Teen-Age," "Cream F-47," "Witol's Extra Strong Facial Astringent," "Turtle Oil Cream," "Throat and Neck Compound," "Witol's Beauty Paste," "Cream Sweet 16," "Milk of Magnesia Skin Cream," "Witol's New Liquid Take Off," "Morning Beauty Tonex," "3-Minute Beauty Lotion," "Sulphurized Take Off," "Tensing Cream," "Reju-Liquid," "Herbosan," "Witol's New '3-in-one' Skin Cream," "Witol's Youth Facial Mask," and "Aristocrat Debutante Cream," would variously renovate and recondition the skin, correct skin blemishes, including pimples and blackheads, arising from external causes, and cause the skin to become youthlike, softer and clearer; would act as an astringent, contracting the pores of the skin, making loose flabby skin of the neck and throat firm and smooth, correcting premature fine lines and other evidences of age; would have a brightening and bleaching effect, and clear and whiten the skin; and would correct and relieve irritation from externally caused skin blemishes; and that said Debutante Cream contained a new active chemical ingredient;
- (b) Represented falsely that their product, "Witol's No Gray" was not a dye, and would through action thereof on scalp and hair roots, restore the color of the hair; that their "Sulphur Cream," "Corona Hair and Scalp Renovation Method" would check excessive breaking and falling hair, eliminate dandruff and kill dangerous fungi or bacteria on the hair or scalp, and that their "Corona Scalp Compound" was an effective fungicide;
- (c) Represented falsely that their "Varicosan" was an efficacious liquid preparation for varicose veins and would eliminate need for bandages or elastic stockings;
- (d) Represented falsely that their "Desert Foot Relief" would eliminate need to suffer with burning, tired feet or discomfort, and would enable an individual to walk faster without taxing his energy; and that moving picture stars and industrial workers had accepted and used the preparation; and
- (e) Represented falsely by the use of the word "Vericosan" that aforesaid preparation of that name was an effective treatment for varicose veins; by use of the words, "Milk of Magnesia," that said preparation contained a substantial quantity of milk of magnesia; by use of the word, "Sulfa," that product so referred to contained a substantial quantity of sulfanilamide, sulfathiazole, or other sulfomanide drug; and by the use of the word "Renovation" in aforesaid "New Corona Hair and Scalp Renovation Method," that

the preparation would renew hair in cases where it was breaking and falling ;
 "New Corona Hair and Scalp Renovation Method," that the preparation
 would renew hair in cases where it was breaking and falling ;

With capacity and tendency to mislead and deceive a substantial portion of
 the purchasing public into the erroneous belief that such representations
 were true, and with effect of inducing a portion of such public, because of
 such mistaken belief, to purchase said preparations :

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

With respect to the allegation of the complaint that the use of preparations con-
 taining the stated percentage of ammoniated mercury is not always safe
 and harmless to all individuals when used under prescribed or usual con-
 ditions, the Commission, subsequent to the issuance thereof, administratively
 determined that the potential dangers resulting from the use of prepara-
 tions containing no more than 5 percent ammoniated mercury under said
 conditions were not of sufficient seriousness to justify a requirement that
 respondents affirmatively disclose in advertising all facts material with
 respect to the consequences which might result from their use, and there-
 fore no findings of fact were made with regard thereto.

Before *Mr. Andrew B. Duvall*, trial examiner.

Mr. Clark Nichols for the Commission.

Mr. John A. Bowles, of New York City, for respondents.

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 Witol, Inc., Na-
 tional Products Outlet, Inc., and William Witol, as an officer of
 Witol, Inc., and National Products Outlet, Inc., and individually,
 trading as William Witol & Co., hereinafter referred to as respond-
 ents, have violated the provisions of said act, and it appearing to the
 Commission that a proceeding by it in respect thereof would be in
 the public interest, hereby issues its complaint, stating its charges in
 that respect as follows :

PARAGRAPH 1. Respondent Witol, Inc., is a corporation organized
 and existing under the laws of the State of New York. Respondent
 National Products Outlet, Inc., is a corporation organized and exist-
 ing under the laws of the State of New York. These corporations are
 owned and controlled by the individual respondent William Witol
 and he is the principal officer of each. All of said respondents are
 engaged in business at 2 Brookville Boulevard and Oliver Avenue
 (3—241st St.) Valley Stream, Nassau County, Long Island, N. Y.

PAR. 2. Respondents are now, and for more than 1 year last past
 have been, engaged in the sale and distribution of various prepara-

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tions in commerce among and between the various States of the United States and in the District of Columbia. Among the products so sold and distributed are the preparations designated and advertised as "Witol's No Gray," "Wunder Skin Compound," "Witol's Pimple Cream," "Phantom Skin Beautifier," "Freckle Cream," "Cream Keratin," "Teen-Age," "Creme F-47," "Witol's Extra Strong Facial Astringent," "Turtle Oil Cream," "Varicosan," "Throat and Neck Compound," "Witol's Beauty Paste," "Cream Sweet 16," "Milk of Magnesia Skin Cream," "Witol's New Liquid Take Off," "Morning Beauty Tonex," "3-Minute Beauty Lotion," "Desert Foot Relief," "Sulfa Cream," "Corona Hair and Scalp Renovation Method," "Sulphurized Take Off," "Tensing Cream," "Reju-Liquid," "Herbosan," "Witol's New '3-in-one' Skin Cream," "Witol's Youth Facial Mask," and "Aristocrat Debutante Cream."

Respondents cause said preparations, when sold, to be transported from their place of business in the State of New York to purchasers thereof located in various other States of the United States and in the District of Columbia.

Respondents maintain and at all times mentioned herein have maintained, a course of trade in said preparations 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 the aforesaid business, respondent corporations and William Witol, individually, and acting in his official capacity as an officer of the aforesaid corporations, have disseminated and are now disseminating, and have caused and are now causing the dissemination of, false advertisements concerning their aforesaid preparations by the United States mails and by various other means in commerce as "commerce" is defined in the Federal Trade Commission Act; and the respondents, as aforesaid, have also disseminated and are now disseminating, and have caused and are now causing the dissemination of, false advertisements concerning their aforesaid preparations by various means for the purpose of inducing and which are likely to induce, directly or indirectly the purchase of the aforesaid preparations 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 hereinbefore set forth, by the United States mail, in circulars and pamphlets and by other means and methods are the following:

WITOL'S NO GRAY

A liquid that Banishes Gray Hairs. NOT A DYE.

"The preparation aims to restore the color of the hair and is not a dye. Not being a dye or coloring matter, it naturally does not show immediate results. If one bottle does not fully restore the color, do not hesitate to order another bottle, as owing to the difference in the scalp structure of different people, some thick and hardened, others thin and pliable, it naturally takes longer in some cases to produce results than in others.

WUNDER SKIN COMPOUND

Its purpose is to renovate and recondition the surface skin so that it will look more youthful and attractive with 'New Born' cells. To young folks troubled with these common externally caused blemishes, it should prove quick and blessed relief * * * but, "it is the regular, persistent use of the compound as directed that ultimately brings that clear, smooth, youth-like and lovable skin and complexion so much desired."

WITOL'S PIMPLE CREAM

Specially combats pimples. Made only for use on pimples externally caused * * * speeds up the departure of these destroyers of true beauty.

Don't allow the externally caused pimples to keep you back from success in life's race for prosperity. A clearer skin and complexion are the happiness you deserve. Get a jar NOW of Witol's New Pimple Cream; it soothes, aids healing and speeds up the departure of these destroyers of true beauty.

PHANTOM SKIN BEAUTIFIER

Removes corneous superficial externally caused blemishes invisibly.

People of many nationalities, young and old, have successfully used this remarkable product * * *. Pimples, freckles and other common skin blemishes that are externally caused will hold anyone back in life's race for success * * *.

CREAM KERATIN

Helps make the skin softer, clearer and more youth-like.

TEEN-AGE

Its continued use as directed for a sufficient time, just seems to melt away that "oldish appearance" of both skin and complexion and bring back the beauty of the TEEN age, more youth-like appearance.

TEEN AGE works at loosening any blackheads, dry skin, scales or other externally caused complexion blemishes.

Renewed Skin Youth might be a better name for this new, non-greasy, disappearing skin cream than Teen Age.

It is a new discovery of a European Skin Specialist now in this country who has given the rights to its sale to our company.

CREME F-47

A most remarkable cream, containing tonic astringent and suitable surface pore contracting potency, yet harmless and remarkably more beautifying for women of most every age.

Has astringent, pore contracting ingredients.

WITOL'S EXTRA STRONG FACIAL ASTRINGENT

One of the greatest drawbacks to maintaining a more youthful looking beauty is when the skin becomes loose and mouth's pores enlarged, or when the flesh

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of the face appears relaxed and shrunken. Witol's Special Extra-Strong Astringent aims to make more firmer the skin on the face and neck, and in helping to keep skin smoother, and free from unnatural large mouth pores.

Helps reduce visible coarse pores. It also helps restore contour and splendid for loose, flabby skin.

TURTLE OIL CREAM

Few cosmetics can equal its efficiency in softening and beautifying a dry or scary skin or where premature fine lines and the externally caused surface blemishes mar the beauty of what otherwise may be a beautiful clear skin and youthful skin and complexion.

VARICOSAN

An efficacious liquid preparation for varicose veins. No bandages or elastic stockings needed; a real revolution in the amazing relief it gives to those so unfortunately afflicted.

THROAT AND NECK COMPOUND

Is your throat skin loose or flabby with "girdles" of lines? Or if your throat and neck are not as youthful-looking as you would wish, then by all means get this effective new product developed by our expert beautician. The preparation is named "New Throat and Neck Compound" and is used as you would a cream but with special massage directions.

This five-minute daily routine aims to help strengthen the weak and flabby throat muscles; reduce and help smooth out the visible "girdle" lines that circle the throat, and help to restore a more natural youthful-looking contour that enables you to "keep your chin up" with pride.

WITOL'S BEAUTY PASTE

Bleaches skin ivory white.

It is not a clay, cream or ointment, yet is used as you would a night cream. It is remarkably effective in clearing, whitening and beautifying the skin and complexion, also of the throat, neck, chest, arms and hands.

CREAM SWEET 16

To help you keep that School-day Beauty as the days, months and years go by. And for those troubled with the common, externally caused skin blemishes, by all means get this new cream creation and help check such damages to your skin complexion and attractive appearance.

MILK OF MAGNESIA SKIN CREAM

Contains the active influence of Milk of Magnesia, compounded with other skin and complexion beautifying creams, to cleanse, smooth out and relieve irritation caused by externally caused skin blemishes. Also for screen-lines, dry skin surfaces, or edges of premature lines which make a person look years older than they really are.

WITOL'S NEW LIQUID TAKE-OFF

Many of our customers use TAKE-OFF about every two or three months, even if they have no externally caused skin faults.

The regular price of the large 4-oz. bottle is \$5. For stubborn cases, where the skin is tougher, we have an extra strong solution. The regular price of this is \$7.50, for a large 4-oz. bottle. The extra strong Take-Off is recommended also for use on hands or arms where the skin is somewhat thicker.

MORNING BEAUTY TONEX

Whether from work or from having facial make-up on all day, or evening, and perhaps tired from being up late, any face is bound to show the results—(premature fine lines and wrinkles are being invited, if such condition is prolonged and neglected) * * *.

“MORNING BEAUTY TONEX” was made to fill this unsuspected need. Our business is to enlighten and help such women and girls, by advising them on what best to do to prevent externally caused blemishes and signs of premature aging * * *. Your skin and facial muscles will actually feel the benefit from “MORNING BEAUTY TONEX.”

3-MINUTE BEAUTY LOTION

If your skin and complexion are unnatural dark, this effective lotion helps make your surface skin whiter. If skin is “worn” looking or dry and scaly—the application of 3-minute Beauty Lotion as directed, helps soften and beautify the skin. If skin happens to be rough or turbid, or superficial enlarged pores are in evidence, this new preparation, having certain astringent ingredients helps tighten the skin causing the surface to appear smoother and younger looking.

DESERT FOOT RELIEF

No more need you suffer with burning, tired feet or discomfort. Why—because our able chemist has compounded as amazing, soothing, cooling dry substance called “Desert Foot Relief.” You will walk faster without taxing your energy. Just watch those moving Picture Stars and the girls and men in essential industries go “all out” for this quicker acting Desert Foot Relief. And think what a blessing a container of this new foot joy will be to our boys and men in the armed services, here and “over there.”

SULFA CREAM

Eliminate dandruff and check excessive falling hair.

If any of the product gets on the hair, it will not harm the hair. On the contrary, it will help cleanse any scalp fungi (germs) that may be clinging to the hair shafts. It is not claimed that Sulfa Cream will grow hair, but with the handruff, scurf and whatever bacteria or fungi that was present removed by your use of this new product, your scalp and hair are in a far better condition and your “hair garden” (scalp) will function more normally as nature intended.

NEW CORONA HAIR AND SCALP RENOVATING METHOD

Just take a little of the compound from the container on the hands of three first fingers and gently massage it on the scalp surface. * * * It also helps check excessive breaking and falling hair * * * some may get on the hair as you proceed with the massage. That will not do harm to the hair. On the contrary, it aims to kill dangerous scalp fungi that may be present.

SULPHURIZED TAKE-OFF

It is very great Treatise, yet it explains how to quickly improve your surface skin and alleviate the mental and physical suffering caused by those beauty-destroying, externally caused skin and complexion blemishes. This half supply of SULPHURIZED TAKE-OFF, is also positively guaranteed to give successful results, or money back. * * * If there are only a few isolated blemishes on forehead, chin or cheeks and you are in your teen age, you may need only the 1 oz. size, and the cost will be only \$2.50, including the free jar of the NEW

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SKIN CREAM all to have complete directions, of if your case is long standing, with many externally caused skin and complexion blemishes you may wish to first try the 1 oz. size, and if you see the results, may wish to order one of the larger sizes.

It is sure to be more efficacious than ever in quickly clearing the skin and complexion of externally caused blemishes visable in the outer skin.

Pimples, Freckles, Blotches and other blemishes caused externally * * * Write for this new prepared FREE TREATISE.

Because, by the addition of pure sulphur, that valuable substance found widely in nature when added to the already active ingredients used in compounding TAKE-OFF, renders it quite antiseptic, and combats on contact germs that may be on the epidermis or unhealthy pimples, blackheads, or mouth of dirty pores.

TENSING CREAM

For premature fine lines on skin.

REJU-LIQUID

Helps enlarged mouth-pore surface.

HERBOSAN

A new compound containing an imported herb, for use by those troubled with externally caused skin and complexion blemishes.

WITOL'S NEW "3-IN-ONE" SKIN CREAM

Therefore, to help getting a fine skin cleansing, a smoother, softer, more youthful looking skin and more attractive "teen-age" complexion, others will admire, start using this satisfying, new "3-in-one" skin cream.

WITOL'S YOUTH FACIAL MASK

It may be a mask of externally caused blemishes, a too dark or rough surface skin, or that kind of a skin and complexion—"they don't love to touch."

You simply send and get—"WITOL'S YOUTH FACIAL MASK" "That New Ten Minutes to Loveliness" compound.

ARISTOCRAT DEBUTANT CREAM

Yes, he did it again, that genius, physician-chemist, whose research into the cosmetic field for many years has enabled him to "blossom" out with another cream formula containing a new ingredient few chemists would have thought of. * * * * It seems to "soak" into the dry, dead epidermis and disintegrates the visible "film" of skin where blackheads, dirty coarse pores and "window screen" fine lines, externally caused frequently by makeup left on over night as well as other causes quire obvious.

PAR. 4. Through the use of the statements hereinabove set forth, and others similar thereto not specifically set forth herein, all of which purport to be descriptive of the therapeutic and cosmetic values and properties of the respondents' said preparations, respondents represent that:

WITOL'S NO-GRAY is not a hair dye and that its use and application, as directed, restores the color to gray hair in some other manner than dyeing it, and that its use and application operates on the scalp

and the roots of the hair to restore the natural color of the hair through restoring the natural coloring matter in the hair follicles;

WUNDER SKIN COMPOUND will renovate and recondition the skin and cause it to become attractive through the creation of new cells; that it will correct skin blemishes arising from external causes and cause the skin to become youth-like and result in a clear skin from the standpoint of removing or clearing up blemishes;

WITOL'S PIMPLE CREAM is a competent and effective treatment for externally caused pimples;

PHANTOM SKIN BEAUTIFIER will remove externally caused pimples, blackheads and is an effective treatment for skin blemishes;

TEEN-AGE will impart youth to the skin and bring back the beauty of teen-age, youth-like appearance to the skin;

CREME F-47 will act as an astringent and exert tonic effect on the skin and will contract the pores of the skin;

WITOL'S EXTRA STRONG FACIAL ASTRINGENT will make loose flabby skin of the face and neck firm and smooth, and will reduce enlarged pores and restore contour to the face and neck;

TURTLE OIL CREAM will correct premature fine lines and surface facial blemishes;

VARICOSAN is a competent and adequate treatment for varicose veins;

THROAT AND NECK COMPOUND is effective in treatment of loose and flabby skin of the throat and neck, and that its use will strengthen the weak and flabby throat muscles and will restore a more natural youthful-looking contour to the throat and neck;

WITOL'S BEAUTY PASTE will have a brightening, bleaching, and clearing effect upon the skin and will clear and whiten the skin;

CREAM SWEET 16 will preserve youthful beauty and is a remedy for the common externally caused skin blemishes;

MILK OF MAGNESIA SKIN CREAM contains milk of magnesia and corrects and relieves irritation caused by externally caused skin blemishes and brings about a youthful appearance to the skin;

WITOL'S NEW LIQUID TAKE-OFF is an effective remedy for externally caused skin faults and blemishes;

MORNING BEAUTY TONEX will prevent externally caused blemishes and premature fine lines and wrinkles and other evidence of age, and benefit the facial muscles;

3-MINUTE BEAUTY LOTION will make skin whiter, soften worn looking, dry and scaly skin, reduce enlarged pores and tighten loose or flabby skin;

DESERT FOOT RELIEF will prevent burning, tired feet and enable one to stay on his feet all day with comfort and to walk faster without taxing

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his energy, and that moving picture stars and girls and men in essential industries use this preparation;

SULFA CREAM contains one or more of the drugs commonly known as the "sulfa" drugs and is a bactericide or a fungicide; that it will eliminate dandruff and check excessive falling hair; ..

CORONA HAIR AND SCALP RENOVATION METHOD is a combination of the use of three of respondents' preparations named "Corona Solidified Seafoam," "Corona Hair Tonic," and "Corona Scalp Compound"; that when used as directed said method will check excessive breaking and falling hair and will kill all dangerous scalp fungi; by the use of the word "renovation," respondent represents that by the use of the products as directed, hair will be renewed;

SULPHURIZED TAKE-OFF is a remedy for externally caused skin and complexion blemishes; that its use will relieve irritation caused by common externally caused skin blemishes; is an effective treatment for pimples, blackheads, coarse pores, and skin blotches;

TENSING CREAM will eliminate premature fine lines of the skin;

REJU-LIQUID will reduce enlarged pores of the skin;

HERBOSAN is an effective treatment for externally caused skin and complexion blemishes;

WITOL'S NEW 3-IN-ONE SKIN CREAM will produce a more youthful looking skin;

WITOL'S YOUTH FACIAL MASK will correct externally caused skin blemishes;

ARISTOCRAT DEBUTANTE CREAM contains a new active chemical ingredient and will correct blackheads, coarse pores and lines in the face, and will preserve the youth-like appearance.

PAR. 5. The aforesaid representations and advertisements used and disseminated by the respondents, as aforesaid, are grossly exaggerated, false, and misleading.

In truth and in fact:

WITOL'S NO-GRAY is an ordinary lead and sulphur hair dye and any change made in the color of the hair by its use is caused by its dyeing qualities and its will have no effect on the natural physical functions of the body which produce hair coloring;

WUNDER SKIN COMPOUND is an ordinary emollient face cream and while it will have some softening effect upon the outermost layers of the skin it will not renovate or recondition the skin or cause it to become attractive through the creation of new cells. The use of the product will not correct skin blemishes arising from external causes, or otherwise. The use of the product will not cause skin to become youth-like nor will its use result in clear skin from the standpoint of removing or clearing up blemishes;

WITOL'S PIMPLE CREAM is not a competent or effective treatment for pimples arising from any cause;

PHANTOM SKIN BEAUTIFIER is not an effective treatment for skin blemishes generally, or for pimples, blackheads, and common externally caused skin blemishes;

CREAM KERATIN will, to some extent, produce exfoliation. However, to the extent that this effect is produced, it is produced by irritation and not by dissolving the horny substance of the skin. Even though this product causes exfoliation of the outer layer of the skin it will not make the skin more "youth-like";

"TEEN-AGE" is an ordinary emollient face cream. It will not impart youth to the skin nor will it bring back the beauty of teen-age or a youthful appearance to the skin. The name "Teen-Age" is misleading as it serves as a representation that the said product will cause the skin to assume the characteristics of an individual in her teens, which is contrary to the facts;

CREME F-47 is an ordinary emollient face cream. The product contains no ingredient which would act as an astringent, exert a tonic effect on the skin, or contract the pores of the skin;

WITOL'S EXTRA STRONG FACIAL ASTRINGENT, while having some slight degree of astringent action, it will have no appreciable effect upon loose, flabby skin and its use will not restore contour to the face and neck. It will not reduce enlarged pores. Because of its astringent action, it will produce a sensation of tightness in the skin, but it will not actually tighten the skin where it is loose, flabby or relaxed;

TURTLE OIL CREAM will act as an ordinary emollient face cream but it will not serve to correct premature fine lines or skin blemishes, whether they be externally caused or otherwise;

VARICOSAN is not a competent or adequate treatment for and will not give effective relief for varicose veins. The use of the word "Varicosan" is false and deceptive in that it serves as a representation that the product is an effective treatment for varicose veins, which is contrary to the fact;

THROAT AND NECK COMPOUND is an ordinary emollient face cream. It is not an effective treatment for and will not correct or improve loose or flabby skin or strengthen weak and flabby neck and throat muscles, nor will it restore a more natural, youthful-looking contour to the throat or neck;

WITOL'S BEAUTY PASTE contains no ingredient which will brighten, bleach or clear the skin and will not have the effect of clearing and whitening the skin;

CREAM SWEET 16 is not a competent or effective treatment for externally caused skin blemishes or any other type of skin blemishes, and will

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not preserve youthful beauty. The use of the name of this product is misleading in that it serves as a representation that the product will give the skin a youthful appearance which is contrary of the fact;

MILK OF MAGNESIA SKIN CREAM cannot be depended upon to relieve the irritation caused by externally caused blemishes or any other type of skin blemish and will not correct premature lines or any other type of lines in the skin. The use of the words "Milk of Magnesia" is misleading and deceptive since the product does not contain milk of magnesia or magnesium hydroxide, the active ingredient of milk of magnesia;

WITOL'S NEW LIQUID TAKE-OFF contains approximately 15 percent of salicylic acid. Salicylic acid is an active keratolytic agent and the product when applied as directed will cause gradual exfoliation of the outer layers of the skin. This will in many cases result in the gradual shedding of roughened or discolored skin but there are many types of "externally caused skin faults" and "blemishes" which cannot be corrected by the use of this preparation;

MORNING BEAUTY TONEX will not prevent or correct premature fine lines and wrinkles in the skin or externally caused or any other type of skin blemishes and will not prevent the signs of premature ageing and will not have any influence on the facial muscles;

3-MINUTE BEAUTY LOTION is an acid astringent lotion and contains no bleaching ingredient and will not help make the surface skin whiter. It contains no emollient ingredient and will not help soften the skin. Because of its astringent action it will produce a sensation of tightness of the skin but it will not actually tighten the skin that is loose and flabby and will not reduce enlarged pores;

DESERT FOOT RELIEF used as a foot powder will have a mildly astringent, emollient effect and will have some tendency to prevent the development of perspiration odors. Burning and tired feet frequently arise from structural defects on the surface or in the underlying structures of the foot which cannot be corrected or relieved by the external applications. It will not enable an individual to stay on his feet all day with comfort or to enable an individual to walk faster without taxing his energy. No significant member of the moving-picture stars or persons in industry use this preparation.

SULFA CREAM, while it may facilitate the removal of loose dandruff scales, will not eliminate dandruff, nor will it check excessive falling hair. It is not a dependable bactericide or fungicide. It does not contain any of the sulfa drugs and the name "sulfa cream" is false and misleading in that it serves as a representation that it contains one or more of the drugs known as sulfa drugs.

NEW CORONA HAIR AND SCALP RENOVATION METHOD will not check excessive breaking and falling hair and is not an effective fungicide. The use of the word "renovation" as a part of the name of this product is misleading and deceptive in that it serves as a representation that the product renews the hair, which is contrary to the fact;

SULPHURIZED TAKE-OFF is not a remedy for externally caused or other skin blemishes. It is not an effective treatment for pimples, blackheads, blotches, or coarse pores;

TENSING CREAM will not eliminate premature fine lines on the skin;

REJU-LIQUID will not reduce enlarged pores of the skin;

IHERBOSAN is not an effective treatment for externally caused or any other type of skin or complexion blemishes;

WITOL'S NEW THREE IN ONE SKIN CREAM will not produce a more youthful looking skin;

WITOL'S YOUTH FACIAL MASK used as a facial mask will not correct externally caused or other type of skin blemishes;

ARISTOCRAT DEBUTANTE CREAM will not correct blackheads, coarse pores and lines in the skin. It does not contain a new active chemical ingredient, and will not preserve youthful appearance.

PAR. 6. The advertisements disseminated by respondents with respect to "Phantom Skin Beautifier" and "Freckle Cream" constitute false advertisements for the reason that they fail to reveal facts material with respect to consequences which may result from the use of the preparation to which the advertisements relate, under the conditions prescribed in such advertisements and under such conditions as are customary and usual. Said preparations contain 4.3 percent of ammoniated mercury and are potentially dangerous as they may cause severe skin irritations. They should not be applied to an area of the skin larger than the face and neck at any one time. Too frequent applications and the use over excessive periods of time should be avoided and adequate rest periods between series of treatments should be observed. These preparations should not be used where the skin is cut or broken and in all cases a proper test should be made to determine whether the user is sensitive to the preparations.

PAR. 7. The use by the respondents of the foregoing false, deceptive, and misleading statements and representations has had and now has the capacity and tendency to and does mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that said statements and representations are true, and that the preparations Phantom Skin Beautifier and Freckle Cream are entirely safe and harmless for use, under the conditions

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prescribed in respondents' advertisements, or under such conditions as are customary and usual, and to induce a substantial portion of the public, because of such erroneous and mistaken belief, to purchase respondents' said preparations.

PAR. 8. The acts and practices of the respondents, 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 May 16, 1945, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After respondents filed their answer, hearings were convened by a trial examiner of the Commission, theretofore duly designated by it, for the purpose of receiving testimony and other evidence in support of and in opposition to the allegations of the complaint. At said hearings on July 11, 1946, and June 6, 1947, there were read into the record stipulations of facts which had theretofore been agreed upon between counsel for the respondents and counsel in support of the complaint. Said stipulations provide, among other things, that said statements of facts shall become the evidence of record to be submitted to the Commission for its consideration in final determination of the issues raised by the complaint and answer, without the presentation of oral argument or the filing of briefs.

Thereafter, this proceeding regularly came on for final hearing before the Commission upon the complaint, the answer thereto, the stipulations of facts, and the recommended decision of the trial examiner; 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, accepts and approves the stipulations of facts, and makes this its findings as to the facts and its conclusion drawn therefrom:

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondents Witol, Inc., and National Products Outlet, Inc., are corporations organized and existing under the laws of the State of New York. The individual respondent, William Witol, is the principal officer of each of these corporations and owns and controls them. He also trades as William Witol & Co. All of these

respondents have their offices and principal place of business at 2 Brookville Boulevard and Oliver Avenue (3—241st St.) Valley Stream, Nassau County, Long Island, N. Y. Respondents are now, and for more than 4 years last past have been, engaged in the offering for sale, sale, and distribution of various cosmetic preparations, among which are preparations designated and advertised as "Witol's No Gray," "Wunder Skin Compound," "Witol's Pimple Cream," "Phantom Skin Beautifier," "Freckle Cream," "Cream Keratin," "Teen-Age," "Creme F-47," "Witol's Extra Strong Facial Astringent," "Turtle Oil Cream," "Varicosan," "Throat and Neck Compound," "Witol's Beauty Paste," "Cream Sweet 16," "Milk of Magnesia Skin Cream," "Witol's New Liquid Take Off," "Morning Beauty Tonex," "3-Minute Beauty Lotion," "Desert Foot Relief," "Sulfa Cream," "Corona Hair and Scalp Renovation Method," "Sulphurized Take Off," "Tensing Cream," "Reju-Liquid," "Herbosan," "Witol's New 'Three-in-one' Skin Cream," "Witol's Youth Facial Mask," and "Aristocrat Debutante Cream." However, respondent Witol, Inc., has not engaged in the sale or distribution of any of these preparations since about July 1944, and the respondent National Products Outlet, Inc., has marketed only the preparation "Sulphurized Take Off."

PAR. 2. In the course and conduct of their aforesaid business, respondents cause, and have caused, their said products, when sold, to be shipped from their place of business in the State of New York to purchasers thereof at the respective points of location in various other States of the United States and in the District of Columbia; and maintain, and at all times mentioned herein have maintained, a course of trade in said products in commerce among and between the various States of the United States and in the District of Columbia.

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

(b) Among and typical of the statements and representations contained in said advertisements disseminated and caused to be dissemi-

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nated as hereinbefore set forth, by United States mails, in circulars and pamphlets, and by other means and methods, are the following:

(1) WITOL'S NO GRAY

A liquid that Banishes Gray Hairs. NOT A DYE.

The preparation aims to restore the color of the hair and is not a dye. Not being a dye or coloring matter, it naturally does not show immediate results. If one bottle does not fully restore the color, do not hesitate to order another bottle, as owing to the difference in the scalp structure of different people, some thick and hardened, others thin and pliable, it naturally takes longer in some cases to produce results than in others.

(2) WUNDER SKIN COMPOUND

Its purpose is to renovate and recondition the surface skin so that it will look more youthful and attractive with "New Born" cells. To young folks troubled with these common externally caused blemishes, it should prove quick and blessed relief. * * * but, "it is the regular, persistent use of the compound as directed that ultimately brings that clear, smooth, youth-like and lovable skin and complexion so much desired."

(3) WITOL'S PIMPLE CREAM

Specially combats pimples.

Made only for use on pimples externally caused * * * speeds up the departure of these destroyers of true beauty.

Don't allow the externally caused pimples to keep you back from success in life's race for prosperity. A clearer skin and complexion are the happiness you deserve. Get a jar NOW of Witol's New Pimple Cream: it soothes, aids healing and speeds up the departure of these destroyers of true beauty.

(4) PHANTOM SKIN BEAUTIFIER

Removes corneous superficial externally caused blemishes invisibly.

People of many nationalities, young and old, have successfully used this remarkable product * * * Pimples, freckles and other common skin blemishes that are externally caused will hold anyone back in life's race for success. * * *

(5) CREAM KERATIN

Helps make the skin softer, clearer and more youth-like. *

(6) TEEN-AGE

Its continued use as directed for a sufficient time, just seems to melt away that "oldish appearance" of both skin and complexion and bring back the beauty of the TEEN age, more youth-like appearance.

TEEN AGE works at loosening any blackheads, dry skin, scales or other externally caused complexion blemishes.

Renewed Skin Youth might be a better name for this new, non-greasy, disappearing skin cream than Teen Age.

It is a new discovery of a European Skin Specialist now in this country who has given the rights to its sale to our company.

(7) CREME F-47

A most remarkable cream, containing tonic astringent and suitable surface pore contracting potency, yet harmless and remarkably more beautifying for women of most every age.

Has astringent, pore contracting ingredients.

(8) WITOL'S EXTRA STRONG FACIAL ASTRINGENT

One of the greatest drawbacks to maintaining a more youthful looking beauty is when the skin becomes loose and mouth's pores enlarged, or when the flesh of the face appears relaxed and shrunken. Witol's Special Extra-Strong Astringent aims to make more firmer the skin on the face and neck, and in helping to keep skin smoother, and free from unnatural large mouth pores.

Helps reduce visible coarse pores. It also helps restore contour and splendid for loose, flabby skin.

(9) TURTLE OIL CREAM

Few cosmetics can equal its efficiency in softening and beautifying a dry or scaly skin or where premature fine lines and the externally caused surface blemishes mar the beauty of what otherwise may be a beautiful clear skin and youthful skin and complexion.

(10) VARICOSAN

An efficacious liquid preparation for varicose veins. No bandages or elastic stockings needed; a real revolution in the amazing relief it gives to those so unfortunately afflicted.

(11) THROAT AND NECK COMPOUND

Is your throat skin loose or flabby with "girdles" of lines? Or if your throat and neck are not as youthful-looking as you would wish, then by all means get this effective new product developed by our expert beautician. The preparation is named "New Throat and Neck Compound" and is used as you would a cream but with special massage directions.

This five-minute daily routine aims to help strengthen the weak and flabby throat muscles; reduce and help smooth out the visible "girdle" lines that circle the throat, and help to restore a more natural youthful-looking contour that enables you to "keep your chin up" with pride.

(12) WITOL'S BEAUTY PASTE

Bleaches skin ivory white.

It is not a clay, cream or ointment, yet is used as you would a night cream. It is remarkably effective in clearing, whitening and beautifying the skin and complexion, also of the throat, neck, chest, arms and hands.

(13) CREAM SWEET 16

To help you keep that School-day Beauty as the days, months and years go by. And for those troubled with the common, externally caused skin blemishes, by all means get this new cream creation and help check such damages to your skin complexion and attractive appearance.

(14) MILK OF MAGNESIA SKIN CREAM

Contains the active influence of Milk of Magnesia, compounded with other skin and complexion beautifying creams, to cleanse, smooth out and relieve irritation caused by externally caused skin blemishes. Also for screen-lines, dry skin surfaces, or edges of premature lines which make a person look years older than they really are.

(15) WITOL'S NEW LIQUID TAKE-OFF

Many of our customers use TAKE-OFF about every two or three months, even if they have no externally caused skin faults.

The regular price of the large 4-oz. bottle is \$5. For stubborn cases, where the skin is tougher, we have an extra strong solution. The regular price of this

is \$7.50 for a large 4-oz. bottle. The extra strong Take-Off is recommended also for use on hands or arms where the skin is somewhat thicker.

(16) MORNING BEAUTY TONEX

Whether from work or from having heavy facial make-up on all day, or evening, and perhaps tired from being up late, any face is bound to show the results—(premature fine lines and wrinkles are being invited, if such condition is prolonged and neglected) * * *.

“MORNING BEAUTY TONEX” was made to fill this unsuspected need. Our business is to enlighten and help such women and girls by advising them on what best to do to prevent externally caused blemishes and signs of premature aging * * *. Your skin and facial muscles will actually feel the benefit from “MORNING BEAUTY TONEX.”

(17) 3-MINUTE BEAUTY LOTION

If your skin and complexion are unnatural dark, this effective lotion helps make your surface skin whiter. If skin is “worn” looking or dry and scaly the application of 3-minute Beauty Lotion as directed, helps soften and beautify the skin. If skin happens to be rough or turbid, or superficial enlarged pores are in evidence, this new preparation, having certain astringent ingredients helps tighten the skin causing the surface to appear smoother and younger looking.

(18) DESERT FOOT RELIEF

No more need you suffer with burning, tired feet or discomfort. Why—because our able chemist has compounded an amazing, soothing, cooling dry substance called “Desert Foot Relief.” You will walk faster without taxing your energy. Just watch those moving Picture Stars and the girls and men in essential industries go “all out” for this quicker acting Desert Foot Relief. And think what a blessing a container of this new foot joy will be to our boys and men in the armed services, here and “over there.”

(19) SULFA CREAM

Eliminate dandruff and check excessive falling hair.

If any of the product gets on the hair, it will not harm the hair. On the contrary, it will help cleanse any scalp fungi (germs) that may be clinging to the hair shafts. It is not claimed that Sulfa Cream will grow hair, but with the dandruff, scurf and whatever bacteria or fungi that was present removed by your use of this new product, your scalp and hair are in a far better condition and your “hair garden” (scalp) will function more normally as nature intended.

(20) NEW CORONA HAIR AND SCALP RENOVATING METHOD

Just take a little of the compound from the container on the hands of three first fingers and gently massage it on the scalp surface. * * * It also helps check excessive breaking and falling hair * * * some may get on the hair as you proceed with the massage. That will not do harm to the hair. On the contrary, it aims to kill dangerous scalp fungi that may be present.

(21) SULPHURIZED TAKE-OFF

It is very great Treatise, yet it explains how to quickly improve your surface skin and alleviate the mental and physical suffering caused by those beauty-destroying, externally caused skin and complexion blemishes. This half supply of SULPHURIZED TAKE-OFF, is also positively guaranteed to give successful results, or money back. * * * If there are only a few isolated blemishes on forehead, chin or cheeks and you are in your teen age, you may need only

the 1 oz. size, and the cost will be only \$2.50, including the free jar of the NEW SKIN CREAM all to have complete directions, or if your case is long standing, with many externally caused skin and complexion blemishes you may wish to first try the 1 oz. size, and if you see the results, may wish to order one of the larger sizes.

It is sure to be more efficacious than ever in quickly clearing the skin and complexion of externally caused blemishes visible in the outer skin.

Pimples, Freckles, Blotches and other blemishes caused externally * * * Write for this new prepared FREE TREATISE.

Because, by the addition of pure sulphur, that valuable substance found widely in nature when added to the already active ingredients used in compounding TAKE-OFF, renders it quite antiseptic, and combats on contact germs that may be on the epidermis or unhealthy pimples, blackheads, or mouth of dirty pores.

(22) TENSING CREAM

For premature fine lines on skin.

(23) REJU-LIQUID

Helps enlarged mouth-pore surface.

(24) HERBOSAN

A new compound containing an important herb, for use by those troubled with externally caused skin and complexion blemishes.

(25) WITOL'S NEW "3-IN-ONE" SKIN CREAM

Therefore, to help getting a fine skin cleansing, a smoother, softer, more youthful looking skin and more attractive "teen-age" complexion, others will admire, start using this satisfying, new "3-in-one" skin cream.

(26) WITOL'S YOUTH FACIAL MASK

It may be a mask of externally caused blemishes, a too dark or rough surface skin, or that kind of a skin and complexion—"they don't love to touch."

You simply send and get—"WITOL'S YOUTH FACIAL MASK" "That New Ten Minutes to Loveliness" compound.

(27) ARISTOCRAT DEBUTANTE CREAM

Yes, he did it again, that genius, physician-chemist, whose research into the cosmetic field for many years has enabled him to "blossom" out with another cream formula containing a new ingredient few chemists would have thought of. * * * It seems to "soak" into the dry, dead epidermis and disintegrates the visible "film" of skin where blackheads, dirty coarse pores and "window-screen" fine lines, externally caused frequently by make-up left on overnight as well as other causes quite obvious.

PAR. 4. (a) Through the use of the foregoing statements and representations and others similar thereto not specifically set out herein all of which purport to be descriptive of the therapeutic and cosmetic values and properties of respondents' said preparations, respondents represent, and have represented, that:

(1) WITOL'S NO GRAY is not a hair dye and that its use and application, as directed, restores the color to gray hair in some other manner than dyeing it, and that its use and application operates on the scalp

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and the roots of the hair to restore the natural color of the hair through restoring the natural coloring matter in the hair follicles.

(2) WUNDER SKIN COMPOUND will renovate and recondition the skin and cause it to become attractive through the creation of new cells; that it will correct skin blemishes arising from external causes and cause the skin to become youthlike and result in a clear skin from the standpoint of removing or clearing up blemishes.

(3) WITOL'S PIMPLE CREAM is a competent and effective treatment for externally caused pimples.

(4) PHANTOM SKIN BEAUTIFIER will remove externally caused pimples, blackheads, and is an effective treatment for skin blemishes.

(5) CREAM KERATIN helps make the skin softer, clearer, and more youthlike.

(6) TEEN-AGE will impart youth to the skin and bring back the beauty of teen age, youthlike appearance to the skin.

(7) CREME F-47 will act as an astringent and exert tonic effect on the skin and will contract the pores of the skin.

(8) WITOL'S EXTRA STRONG FACIAL ASTRINGENT will make loose, flabby skin of the face and neck firm and smooth, and will reduce enlarged pores and restore contour to the face and neck.

(9) TURTLE OIL CREAM will correct premature fine lines and surface facial blemishes.

(10) VARICOSAN is a competent and adequate treatment for varicose veins.

(11) THROAT AND NECK COMPOUND is effective in treatment of loose and flabby skin of the throat and neck, and that its use will strengthen the weak and flabby throat muscles and will restore a more youthful-looking contour to the throat and neck.

(12) WITOL'S BEAUTY PASTE will have a brightening, bleaching and clearing effect upon the skin and will clear and whiten the skin.

(13) CREAM SWEET 16 will preserve youthful beauty and is a remedy for the common externally caused skin blemishes.

(14) MILK OF MAGNESIA SKIN CREAM contains milk of magnesia and corrects and relieves irritation caused by externally caused skin blemishes and brings about a youthful appearance to the skin.

(15) WITOL'S NEW LIQUID TAKE-OFF is an effective remedy for externally caused skin faults and blemishes.

(16) MORNING BEAUTY TONEX will prevent externally caused blemishes and premature fine lines and wrinkles and other evidence of age, and benefit the facial muscles.

(17) 3-MINUTE BEAUTY LOTION will make skin whiter, soften worn looking, dry and scaly skin, reduce enlarged pores and tighten loose or flabby skin.

(18) DESERT FOOT RELIEF will prevent burning, tired feet and enable one to stay on his feet all day with comfort and to walk faster without taxing his energy, and that moving picture stars and girls and men in essential industries use this preparation.

(19) SULFA CREAM contains one or more of the drugs commonly known as the "sulfa" drugs and is a bactericide or a fungicide; that it will eliminate dandruff and check excessive falling hair.

(20) CORONA HAIR AND SCALP RENOVATION METHOD is a combination of the use of three of respondents' preparations named "Corona Solidified Seafoam," "Corona Hair Tonic," and "Corona Scalp Compound"; that when used as directed said method will check excessive breaking and falling hair and will kill all dangerous scalp fungi; by the use of the word "renovation," respondents represent that by the use of the products as directed, hair will be renewed.

(21) SULPHURIZED TAKE-OFF is a remedy for externally caused skin and complexion blemishes; that its use will relieve irritation caused by common externally caused skin blemishes; is an effective treatment for pimples, blackheads, coarse pores, and skin blotches.

(22) TENSING CREAM will eliminate premature fine lines of the skin.

(23) REJU-LIQUID will reduce enlarged pores of the skin.

(24) HERBOSAN is an effective treatment for externally caused skin and complexion blemishes.

(25) WITOL'S NEW "3-IN-ONE" SKIN CREAM will produce a more youthful-looking skin.

(26) WITOL'S YOUTH FACIAL MASK will correct externally caused skin blemishes.

(27) ARISTOCRAT DEBUTANTE CREAM contains a new active chemical ingredient and will correct blackheads, coarse pores and lines in the face, and will preserve the youthlike appearance.

PAR. 5. (a) The statements and representations set forth in paragraphs 3 and 4 above are grossly exaggerated, false, misleading, and deceptive in the following particulars:

(1) WITOL'S NO GRAY is an ordinary lead and sulphur hair dye composed of wetttable sulfur, 100 grams; lead acetate, 120 grams; glycerine, 180 cc.; aqua q. s., 1 gal., or 4,000 cc.; and perfume, 10 cc. It will have no effect on the natural physical functions of the body which produce hair coloring.

(2) WUNDER SKIN COMPOUND is an ordinary emollient face cream composed of 1 ounce of Victor Levy's—2616, principally Chlorestine;

1½ ounces water; and small quantities of bee's wax or paraffin. It will have some softening effect upon the outermost layers of the skin but will not renovate the skin or cause it to become attractive through the creation of "newborn" cells. The use of this preparation cannot be depended upon to correct skin blemishes arising from external causes, and will not cause the skin to become youthlike or result in a "clear" skin from the standpoint of removing or clearing up blemishes.

(3) WITOL'S PIMPLE CREAM at times is composed of white petrolatum, 7 pounds; lanolin anhydrous, 3 pounds; bismuth subnitrate, 7½ ounces; mercury ammoniate, 4 ounces; boric acid, 2½ ounces; triethylamine, 1 ounce; and rose perfume, 1 ounce, and at other times is composed of yellow petrolatum, 10 pounds; lanolin anhydrous, ½ pound; salicylic acid, 25 grams; zinc carbonate, 600 grams (1½ pounds); oxyguinoline sulphate, 20 grams; zinc oxide, 150 grams; rose perfume, ½ ounce; and light brown color, 2 ounces. This preparation, because of its ammoniated-mercury content, is capable of producing a mild irritation of the skin, which results in a gradual exfoliation of its outer layers. Said exfoliation and the accompanying irritation cause the skin to appear brighter and tend to reduce the prominence of freckles and to lighten the color of tan skin. This preparation is not a competent or effective treatment for pimples arising from any cause.

(4) PHANTOM SKIN BEAUTIFIER is composed of white petrolatum, 2 pounds; bismuth subnitrate, 6 ounces; ammoniated mercury, 2 ounces; sodium perborate, 2 ounces; aqua, 4 ounces; and borax, ½ ounce. This preparation, because of its ammoniated-mercury content, is capable of producing a mild irritation of the skin, which results in a gradual exfoliation of its outer layers. Said exfoliation and the accompanying irritation cause the skin to appear brighter and tend to reduce the prominence of freckles and to lighten the color of tan skin. This preparation is not a competent or effective treatment for skin blemishes generally or for pimples, blackheads, and common externally caused skin blemishes.

(5) CREAM KERATIN is composed of white petrolatum, 7 pounds; lanolin anhydrous, 3 pounds; bismuth subnitrate, 7½ ounces; mercury ammoniated, 4 ounces; boric acid, 2½ ounces; triethylamine, 1 ounce; and rose perfume, 1 ounce. This preparation will, to some extent, produce exfoliation by irritation of the skin but will not dissolve its horny substance or make it more "youthlike."

(6) TEEN-AGE recommended for oily skin is composed of base No. 788-796 Victor Levy; 25 percent wax (base); 40 to 45 percent mineral oil of 75 to 80 viscosity; 30 percent water; 1 percent borax;

and perfume, apple blossom. For dry skin, the formula is the same except that the wax content is increased to 30 percent and the water content to 70 percent. This preparation is an ordinary emollient face cream and will not impart youth to the skin or bring back to it the beauty of teen age or a youthful appearance.

(7) CREME F-47 is composed of peanut oil, 3 pounds 8 ounces; stearic acid, 4 pounds; water, $2\frac{1}{2}$ gallons; benzoic acid, 24 cc.; ammonia 28 percent, $8\frac{3}{4}$ ounces; carnation bouquet, pink color, $1\frac{1}{2}$ ounces. It is an ordinary emollient face cream and contains no ingredient which will act as an astringent or exert a tonic effect on the skin or contract its pores.

(8) WITOL'S EXTRA STRONG FACIAL ASTRINGENT is composed of zinc sulphate, 3 grains; alum, 91 grams; glycerine, 91 grams; alcohol, 182 grams; perfume, 20 grams; and aqua, 277 grams, while "Improved Astringent" is composed of alum, $6\frac{1}{3}$ ozs.; acetic acid, 40 cc.; glycerine, 40 ounces; alcohol, 80 ounces; and aqua q. s., 5 gallons. This preparation will have some slight degree of astringent action and will produce a sensation of tightness in the skin by reason of its alum and zinc-sulphate content, but will have no effect in correcting loose skin of the face, neck, or other parts of the body. It will not reduce coarse, enlarged, or unnaturally large pores; help restore facial contour, or correct loose, flabby skin where the flesh of the face is relaxed or shrunk.

(9) TURTLE OIL CREAM is composed of lanolin anhydrous, 10 ounces; white bee's wax, 7 ounces; yellow bee's wax, $3\frac{3}{4}$ ounces; paraffin, 25 ounces; mineral oil, $7\frac{1}{2}$ pints; aqua, 1 quart 11 ounces; turtle oil, 10 ounces; sweet almond oil, 9 ounces; and borax, $\frac{3}{4}$ ounce. This preparation is an ordinary emollient face cream and will not serve to correct premature fine lines or skin blemishes, whether they result from external or other causes.

(10) VARICOSAN is composed of ethyl alcohol, 68 to 70 percent; phenol, 1 percent; oil of thymol, 1 percent; and ammonium hydroxide, 1 percent. This preparation is not a competent, adequate, or effective treatment for, and will not effectively relieve, varicose veins. The use of the word "Varicosan" as a trade name in connection with the aforesaid preparation implies, and serves as a representation, that it is an effective treatment for varicose veins, when in truth and in fact it is ineffective for this condition. The use of this trade name, in itself, is therefore grossly deceptive, false, and misleading.

(11) THROAT AND NECK COMPOUND is composed of lanolin anhydrous, 10 pounds; absorption base cholesterol, 1 pound 4 ounces; water, 12 pounds 8 ounces; and rose oil, 50 cc. This preparation is an ordinary

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emollient face cream and contains no ingredients which have an astringent effect. It is not an adequate or effective treatment for, and will not correct or improve, loose or flabby skin or strengthen weak and flabby neck or throat muscles, nor will it restore a more natural or youthful-looking contour to the throat or neck.

(12) WITOL'S BEAUTY PASTE is composed of stearic acid, 2 pounds (triple stearic acid); glycerine, 2 pounds, 4 ounces; ammonia concentrated, $2\frac{1}{2}$ ounces; hydrogen peroxide, $\frac{3}{4}$ ounce; zinc sulphocarbonate, 1 ounce; jasmine oil, $1\frac{1}{2}$ ounces; and water, 1 gallon 24 ounces. This preparation will not clear or whiten skin and contains no ingredient which will have a brightening, bleaching, or clearing effect upon it.

(13) CREAM SWEET 16 is composed of the same ingredients, in the same proportion, as "TEEN-AGE." This preparation is not a competent, effective, or dependable treatment for externally caused or any other type skin blemish and will not preserve youthful beauty. The use of the trade name "CREAM SWEET 16" in connection with the aforesaid preparation implies, and serves as a representation, that its use will give the skin a youthful appearance, when in truth and in fact it will not produce this result. The use of this trade name, in itself, is therefore grossly deceptive, false, and misleading.

(14) MILK OF MAGNESIA SKIN CREAM is composed of glyceryl monostearate, 20 percent; magnesium stearate, 5 percent; bee's wax, 20 percent; white petrolatum, 15 percent; vegetable mucilage, 25 percent; sodium silicate, 2 percent; tri ethyl amine, 5 percent; and aqua, 18 percent. The use of this preparation will not correct or relieve irritation resulting from externally caused or any other type of skin blemish and will not correct premature or other type lines in the skin. The use of the words "milk of magnesia" in the trade name of the aforesaid preparation and the words "contains the active ingredients of milk of magnesia" in advertising imply and serve as representations that said preparation contains milk of magnesia or magnesium hydroxide, which is the active ingredient of milk of magnesia, when in truth and in fact such representations are false and misleading since this preparation does not contain any of the aforesaid ingredients.

(15) WITOL'S NEW LIQUID TAKE-OFF—MILD TYPE is composed of salicylic acid, $42\frac{1}{2}$ ounces; alcohol, 256 ounces; glycerine, 10 ounces; perfume, 1 ounce; pink color, 10 cc. while the "STRONG TYPE" contains salicylic acid, 60 ounces; alcohol, 3 gallons; glycerine, 10 ounces; perfume, 1 ounce; and yellow color, 10 cc. The salicylic acid in this preparation is an active keratolytic agent and, when applied as directed, will cause gradual exfoliation of the outer layers of the skin

and, in many cases, will result in the gradual shedding of roughened or discolored skin. There are many types of externally caused faults and blemishes of the skin which its use will not correct.

(16) MORNING BEAUTY TONEX is composed of borax, 1 pound; glycerine, 1 quart; alum water, $\frac{1}{2}$ quart; menthol, 1 ounce; alcohol, 1 gallon; water q. s., 5 gallons; and perfume in brownish-yellow color (lilac). This preparation will have a slight astringent action because of its alum content, but it will not be effective in preventing or correcting premature fine lines, wrinkles, or other skin blemishes externally or otherwise caused. It will not prevent signs of premature ageing and will have no influence on the facial muscles.

(17) 3-MINUTE BEAUTY LOTION is composed of citric acid, 8 ounces; lactic acid, 5 ounces; alum, 6 ounces; alcohol, 30 ounces; aqua, 3 gallons; perfume lilac, $1\frac{1}{2}$ ounces; and color light pink. This preparation is an acid astringent lotion containing no bleaching ingredient and will not serve to produce whiter surface skin. It contains no emollient ingredient and will not help soften skin. Because of its astringent action, this preparation will produce a sensation of tightness of the skin but will not actually tighten skin which is loose or flabby and will not reduce enlarged pores.

(18) DESERT FOOT RELIEF is composed of talcum, 8 pounds; boric acid, 2 pounds; salicylic acid, 4 ounces; methyl salicylate, 1 ounce; menthol, $\frac{1}{2}$ ounce; and perfume $\frac{1}{2}$ ounce. This preparation, used as a foot powder, will have a mildly astringent, emollient effect and will have some tendency to prevent the development of perspiration odors. Burning or tired feet are frequently the result of structural defects on the surface or in the underlying structures of the foot which cannot be corrected or relieved by external applications. Its use will not enable an individual to stay on his feet all day with comfort or to walk faster without taxing his energy. The advertising statement "Just watch those moving-picture stars and the girls and men in essential industries go 'all out' for this quicker acting Desert Foot Relief" represents directly and by implication that moving-picture stars and industrial workers have accepted and used this preparation, when in truth and in fact no significant number of such persons have accepted or used it.

(19) SULFA CREAM No. 1 is composed of petrolatum white, 23 percent; paraffin, 5 percent; diglycol stearate, $2\frac{1}{2}$ percent; peanut oil, 25-28 percent; lactic acid, 1 percent; benzoin acid, 1 percent; colloidal sulphur, 1 percent; sulfonated peanut oil or mineral oil, 5 percent, while No. 2 contains white petrolatum, 23 percent; paraffin, 5 percent; diglycol stearate, 2.5 percent; mineral oil, 28 percent; lanolin anhydrous, 2.5 percent; lactic acid, 1 percent; benzoic compound, 1 percent;

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collodial sulphur, 1 percent; mineral oil sulphur, 5 percent; aqua a. s., 100 percent; and perfume ad. lib. While this preparation, when used as directed, may tend to facilitate removal of loose scales of dandruff, it will not eliminate dandruff or check excessive falling hair and is not a dependable bactericide or fungicide. The use of the word "sulfa" in the trade name of the aforesaid preparation constitutes a representation, and conveys to a portion of the purchasing public an unwarranted impression, that said preparation contains one of the drugs commonly known as sulfa drugs, when in truth and in fact such representation is false, misleading, and deceptive since the preparation contains no sulfanilamide, sulfathiazole, or other sulfonamide drugs, popularly known as sulfa drugs.

(20) NEW CORONA HAIR AND SCALP RENOVATION METHOD consists of the use of a shampoo preparation designated "Corona Solidified Sea-foam," a preparation designated "Corona Hair Tonic," and one designated "Corona Scalp Compound." The last named is a preparation identical to the "Sulfa Cream" described above. The use of these preparations as directed will not check excessive breaking and falling hair, and "Corona Scalp Compound" used as directed does not constitute an effective bactericide or fungicide. The word "renovation" has no well defined meaning in connection with hair and scalp. Its use as a part of the trade name in designating this recommended method constitutes a representation, and tends to create an unwarranted impression in the minds of a portion of the purchasing public, that the aforesaid preparations will renew hair in cases where it is breaking and falling. The use of this word in describing the aforesaid method, in itself, therefore constitutes a false, deceptive, and misleading representation.

(21) SULPHURIZED TAKE-OFF is composed of salicylic acid, 12 ounces; glycerine, 1 ounce; sulphur, powdered, 2 ounces; alcohol, $\frac{1}{2}$ gallon; aqua, 1 gallon; and red coloring (amerind) q. s. This preparation contains salicylic acid, a keratolytic agent, and, if used as directed, will gradually remove the outer layers of the skin. The underlying skin thus exposed will frequently have a softer texture and appear somewhat more transparent. Said preparation is not a dependable, adequate, or effective treatment or remedy for skin blemishes, pimples, blackheads, blotches, or coarse pores.

(22) TENSING CREAM is composed of $2\frac{1}{2}$ pounds cholesterol; 20 pounds lanolin (anhydrous); 25 pounds distilled water; and 100 cc. rose oil. This preparation is an ordinary emollient face cream and will not correct, relieve, act as a remedy for, or eliminate premature fine lines on the skin.

(23) REJU-LIQUID is composed of $3\frac{1}{2}$ ounces resorcinol; 5 ounces alcohol; $\frac{1}{4}$ ounce borax; $2\frac{1}{2}$ ounces glycerine; 96 ounces distilled water; and 10 cc. perfume oil. This preparation has a slightly astringent action but will not reduce enlarged pores of the skin.

(24) HERBOSAN is composed of papaya, about 50 percent; Spry vegetable fat, about 50 percent; lecithin, 1 percent; peanut oil, 2-3 percent; borax, 1 percent; and water q. s. This preparation does not constitute a remedy, cure, or competent, dependable, or effective treatment for any type blemish of the skin or complexion.

(25) WITOL'S NEW "3-IN-ONE" SKIN CREAM is composed of 5 pounds beeswax; 2 pounds white cerecin; 17 pounds mineral oil; 3 pounds lanolin; 8 pounds distilled water; 6 ounces borax; and 4 ounces lilac oil. This preparation is an ordinary emollient face cream, and its use will not produce a complexion resembling that of an attractive girl of teen age or a more youthful-looking skin.

(26) WITOL'S YOUTH FACIAL MASK is composed of kaolin, 10 pounds; powdered alum sulfurated, 1 pound; and perfume, 2 ounces. The use of this preparation as a facial mask will not correct skin blemishes of any type.

(27) ARISTOCRAT DEBUTANTE CREAM is composed of base, 600-788 or 796 Levy; coconut oil, 20 percent; olive oil, 5 percent; peanut oil, 5 percent; mineral oil, 15 percent; water, 30 percent; borax, 1 percent; and base, 25 percent mixture of waxes. The use of this preparation will not correct blackheads, coarse pores, or lines of the skin. It does not contain a new active chemical ingredient and will not preserve youthful appearance.

PAR. 6. The use by the respondents of the foregoing false, deceptive, and misleading statements and representations with respect to their cosmetic preparations, disseminated as aforesaid, has had, and now has, the capacity and tendency to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements, representations, and advertisements are true and to induce a portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondents' said preparations.

CONCLUSION

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

While the complaint alleges that the use of preparations containing the percentage of ammoniated mercury stated in paragraph 6

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thereof is not always safe and harmless to all individuals if used under the conditions prescribed for them or under such conditions as are customary and usual, the Commission, subsequent to the issuance thereof, has administratively determined that the potential dangers resulting from the use of preparations containing no more than 5 percent ammoniated mercury under such conditions are not of sufficient seriousness to justify a requirement that respondents affirmatively disclose in advertising all facts material with respect to the consequences which may result from their use, and therefore no findings of fact have been made with respect thereto.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, stipulations of facts entered into by and between counsel for respondents and counsel supporting the complaint, and the recommended decision of the trial examiner, and said stipulations providing, among other things, that the statements of facts shall become the evidence of record to be submitted to the Commission for consideration in final determination of the issues raised by the complaint and answer without the presentation of oral argument or the filing of briefs; and the Commission having accepted and approved said stipulations of facts and having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the corporate respondent Witol, Inc., the corporate respondent National Products Outlet, Inc., and the individual respondent William Witol, acting as an officer of either of them or trading as William Witol & Co. or under any other name or names, their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of their cosmetic products designated "Witol's No Gray," "Wunder Skin Compound," "Witol's Pimple Cream," "Phantom Skin Beautifier," "Cream Keratin," "Teen-Age," Cream," "Witol's Youth Facial Mark," and "Aristocrat Debutante Oil Cream," "Varicosan," "Throat and Neck Compound," "Witol's Beauty Paste," "Cream Sweet 16," "Milk of Magnesia Skin Cream," "Witol's New Liquid Take Off," "Morning Beauty Tonex," "3-Minute Beauty Lotion," "Desert Foot Relief," "Sulfa Cream," "Corona Hair and Scalp Renovation Method," "Sulphurized Take Off," "Tensing Cream," "Reju-Liquid," "Herbosan," "Witol's New '3-in-one' Skin Cream," "Witol's Youth Facial Mask," and "Aristocrat Debutante

Cream," or any other preparation or preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name or names, do forthwith cease and desist from, directly or indirectly :

A. Disseminating, or causing to be disseminated, any advertisement by means of the United States mail or by any other means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference—

1. That the preparation "Witol's No Gray" is not a hair dye or that its use and application will restore color to gray hair other than by dyeing it or that its use and application to the scalp and roots of the hair will have any effect in restoring the natural color of the hair by restoring the natural coloring matter in the hair follicles.

2. That the use of the preparation "Wunder Skin Compound" will renovate or recondition the skin or cause it to become attractive through the creation of new cells or correct skin blemishes arising from external causes or cause the skin to become clear or youthful by removing or clearing up blemishes.

3. That the preparation "Witol's Pimple Cream" is a competent, dependable, or effective treatment, remedy, or cure for pimples.

4. That the preparation "Phantom Skin Beautifier" is a competent, dependable, or effective treatment, remedy, or cure for pimples, blackheads, or skin blemishes or that it will remove externally caused pimples, blackheads, or skin blemishes.

5. That the use of the preparation "Cream Keratin" will make the skin more youthful.

6. That the use of the preparation "Teen-Age" will impart youth to the skin or bring back to it a youthful appearance or the beauty of teen age.

7. That the preparation "Cream F-47" acts as an astringent or will exert a tonic effect upon, or contract, the pores of the skin.

8. That the use of the preparation "Witol's Extra Strong Facial Astringent" will cause loose or flabby skin of the face or neck to become firm or smooth, will reduce enlarged pores, or will restore contour to the face or neck.

9. That the use of the preparation "Turtle Oil Cream" will correct or remove premature fine lines of the skin or other skin blemishes of the face.

10. That the preparation "Varicosan" is a competent, dependable, or effective treatment, cure, or remedy for varicose veins.

11. That the preparation "Throat and Neck Compound" is a competent, dependable, or effective treatment or remedy for loose or flabby skin of the throat or neck or that its use will strengthen weak or flabby

throat muscles or restore a more natural, youthful-looking contour to the throat or neck.

12. That the use of the preparation "Witol's Beauty Paste" will have a brightening, bleaching, or clearing effect upon, or will clear or whiten, the skin.

13. That the preparation "Cream Sweet 16" will preserve youthful beauty or that it constitutes a competent, dependable, or effective treatment, cure, or remedy for common externally caused skin blemishes.

14. That the preparation "Milk of Magnesia Skin Cream" is a competent, dependable, or effective treatment, cure, or remedy for, or will relieve, irritation of the skin resulting from externally caused skin blemishes or that its use will restore a youthful appearance to the skin.

15. That the use of the preparation "Witol's New Liquid Take Off" constitutes a competent, dependable, or effective treatment, cure, or remedy for externally caused faults or blemishes of the skin.

16. That the use of the preparation "Morning Beauty Tonex" will prevent, cure, or act as a competent, dependable, or effective treatment or remedy for, externally caused blemishes, premature fine lines, or wrinkles of the skin or will prevent other evidence of age or benefit the facial muscles.

17. That the preparation "3-Minute Beauty Lotion" will soften worn looking, dry, or scaly skin; tighten loose or flabby skin; reduce enlarged pores of the skin; or cause surface skin to appear whiter.

18. That the preparation "Desert Foot Relief," when used as a foot powder, will prevent burning or tired feet, unless such representation is clearly and expressly limited to the degree of relief which may result from its astringent or emollient action; that its use will enable any individual to stay on his feet without discomfort for any specified length of time or to walk faster without taxing his energy.

19. That the preparation "Sulfa Cream" is an effective or dependable bactericide or fungicide or that its use will eliminate dandruff or check excessive falling hair.

20. That the use as directed of the three preparations comprising the "New Corona Hair and Scalp Renovation Method" will check excessive breaking or falling hair or that the preparation "Corona Scalp Compound" is an effective or dependable fungicide.

21. That the preparation "Sulphurized Take Off" is a competent, dependable, or effective treatment, cure, or remedy for blemishes of the skin, pimples, blackheads, blotches, or coarse pores.

22. That the use of the preparation "Tensing Cream" will eliminate premature fine lines on the skin.

23. That the use of the preparation "Reju-Liquid" will reduce enlarged pores of the skin.

24. That the preparation "Herbosan" is a competent, dependable, or effective treatment, remedy, or cure for externally caused skin or complexion blemishes.

25. That the use of the preparation "Witol's New '3-in-one' Skin Cream" will cause the skin to have a more youthful appearance.

26. That the use of the preparation "Witol's Youth Facial Mask" will correct, or act as a competent, dependable, or effective treatment, cure, or remedy for, externally caused skin blemishes.

27. That the use of the preparation "Aristocrat Debutante Cream" will correct, or act as a competent, dependable, or effective treatment, cure, or remedy for, blackheads, coarse pores, or lines in the skin or that it contains a new chemical or will preserve a youthful appearance.

B. Disseminating, or causing the dissemination of, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of said preparations, which advertisement contains any of the representations prohibited in paragraph A hereof.

C. Using the word "Varicosan" or any other word or words of similar import or meaning, either alone or in combination with any other word or words, to designate, describe, or refer to a preparation which does not in fact constitute a competent, dependable, or effective treatment, remedy, or cure for varicose veins.

D. Using the trade name "Sweet 16" or any other word or words of similar import or meaning, either alone or in combination with any other word or words, to designate, describe, or refer to a preparation which will not in fact impart a youthful appearance to the skin.

E. Using the words "milk of magnesia" or any other word or words of similar import, or meaning either alone or in combination with any other word or words, to designate, describe, or refer to a preparation which does not in fact contain a substantial quantity of milk of magnesia or magnesium hydroxide.

F. Representing that the preparation "Desert Foot Relief" has been accepted or used by movie stars and industrial workers unless and until a substantial portion of such persons have actually accepted and used said preparation.

G. Using the word "sulfa" or any other word or words of similar import or meaning, either alone or in combination with any other word or words, to designate, describe, or refer to a preparation which does not in fact contain a substantial quantity of sulfanilamide, sulfathiazole, or other sulfonamide drugs.

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H. Using the word "renovation" or any other word or words of similar import or meaning, either alone or in combination with any other word or words, to designate, describe, or refer to a preparation or method of treatment which does not in fact constitute a competent, dependable, or effective treatment, remedy, or cure for, and will not in fact renew, breaking or falling hair.

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

Syllabus

IN THE MATTER OF
BOBBIN MANUFACTURERS ASSOCIATION ET AL.

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

Docket 5543. Complaint, May 18, 1948—Decision, Mar. 8, 1949

Where some twelve corporate or partnership concerns, makers of a very substantial portion of the bobbins, spools, cones, rolls, tubes, skewers and kindred products, made in the United States, in a wide variety of sizes for use in the spinning of yarn and the weaving of cloth; members of an association which they made use of in furthering the acts and practices below set out, and in a position, to the extent that they acted collusively or collectively, or engaged in monopolistic practices in the production, pricing, or sale of such products, to dominate and manipulate the price quotations made to unorganized purchasers of a substantial portion thereof—

Acting between and among themselves and through their said association, and by other means—

Entered into and carried out an unlawful understanding and conspiracy, with the intent and effect of substantially restricting and frustrating actual and potential competition in the sale and distribution of said products; and in pursuance thereof—

- (a) Concertedly established, fixed and maintained prices, discounts, terms and conditions of sale for said products;
- (b) Agreed to and did cooperate with each other in utilizing the facilities of their said association in formulating and cooperatively using "open price plans" and "reporting plans," pursuant to which they advised and informed agents of said association—who in turn, along with association employees, disseminated the information among the manufacturers—as to intimate details of their business transactions, including current and future price lists, every sale made at any variation from quoted price lists, and orders received monthly;
- (c) Reported, filed and exchanged the intimate details of particular transactions handled and expected to be handled by them, including information as to prices, price lists, and price conditions; and
- (d) Agreed to and did open their books and other records for examination by their common agents, and reported, filed and exchanged, through common agents and otherwise, information regarding the sales of individual respondent manufacturers and the prices at which such sales were made, with intent and effect of securing a collective and cooperative comparison with the price quotations previously announced by the manufacturers making the sales;

Capacity, tendency and effect of which understandings, etc., were—

(1) To substantially restrain and suppress competition between and among said manufacturers, in the manufacture and pricing, sale and distribution of their products in commerce;

(2) To unreasonably restrict trade in commerce therein; and

(3) To empower and enable said manufacturers to control the market and enhance the prices of said products above those which would prevail under a condition of natural, normal, and free competition: