

Syllabus

IN THE MATTER OF

TRU-HEALTH GARMENTS CORPORATION

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

Docket 5004. Complaint, July 15, 1943—Decision, June 2, 1949

Where a corporation engaged in selling and distributing its "True-Health Shoulder Braces" and "Tru-Health Belts"; in advertising in newspapers, pamphlets, form letters, circulars, testimonials and other advertising literature—

- (a) Represented falsely that use of its said "Tru-Health Belts" would prevent and correct malformations and malpositions of the human body, and enable wearers to develop, regain and maintain health and correct posture; and would prevent and correct "dropped stomach" or "ptosis";
- (b) Represented falsely that said belts were an adequate support for sacroiliac spinal conditions and for the kidneys; that their use was desirable and proper after pregnancy and abdominal operations; would prevent sagging of parts of the body, cause wearers to stand erect, give them renewed strength and vitality, and prevent sluggishness and fatigue; and would help children to grow strong and erect, and cause them to develop properly;
- (c) Represented falsely that they would reduce the waistline, hips and abdomen, and significantly improve physical appearance; that they would make walking, sitting or standing comfortable; and that they were perfect equipment for sports activities, and would improve proficiency in various games;
- (d) Represented falsely that said belts were scientific garments, and were indorsed, approved, and recommended by physicians everywhere; and
- (e) Represented falsely that use of its said "Tru-Health Shoulder Braces" would similarly prevent and correct malformations and malpositions of the body, and enable wearers to develop, regain and maintain health and correct posture; and prevent slouching, straighten the shoulders, give military erectness, support the muscles of the back, expand the chest, force deep breathing; and
- (f) Represented falsely that they would eliminate the causes of many common casual ailments; prevent and relieve fatigue or a tired run-down feeling and do away with a scrawny-looking appearance; slenderize the abdomen, waist and hips, and benefit all persons irrespective of weight, age or size; and cause children to stand and sit erect and grow healthy, strong and well-developed; and bring out the loveliness of the female form and develop and uplift the bust;

The facts being the usefulness of its said devices was limited to providing a measure of support to, and a change of position of, certain parts of the body to which they were applied, and any such support or change of position would remain only so long as the devices were worn, the body resuming its normal form upon their removal;

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With capacity and tendency to mislead a substantial portion of the purchasing public into the erroneous belief that such representations were true, and with effect of so doing, and of inducing such public to purchase said devices: *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.

Mr. DeWitt T. Puckett for the Commission.

Mr. Robert Sterling, of New York City, 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 Tru-Health Garments Corp., a corporation, hereinafter referred to as respondent, has violated the provisions of the said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, Tru-Health Garments Corp., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, and has its principal office and place of business at 25 West Twenty-sixth Street, New York, N. Y. The respondent is now, and for several years last past has been, engaged in selling and distributing shoulder braces designated "Tru-Health Shoulder Braces" and body braces or belts designated "Tru-Health Belts."

In the course and conduct of its aforesaid business, the respondent causes its braces and belts, when sold, to be transported from its 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. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said braces in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 2. In the course and conduct of its aforesaid business the respondent has disseminated and is now disseminating and has caused and is now causing the dissemination of, false advertisements concerning its said braces and belts by the United States mails and by various other means in commerce, as "commerce" is defined in the Federal Trade Commission Act; and respondent has also disseminated and is now disseminating and has caused and is now causing the dissemination of false advertisements concerning its said braces and belts by various means for the purpose of inducing and which are

likely to induce, directly or indirectly, the purchase of its said braces and belts in commerce as "commerce" is defined in the Federal Trade Commission Act.

Among and typical of the false, misleading, and deceptive statements and representations contained in said false advertisements, disseminated and caused to be disseminated as hereinabove set forth, by the United States mails, by advertisements in newspapers, by pamphlets, form letters, circulars, testimonials, and other advertising literature with reference to its said "Tru-Health Belts," are the following:

The name that means everything for correct posture.

TRU-HEALTH

The Wonder Health Belt—For Men, Women and Children.

The Natural Way to Health!

See what this WONDER HEALTH BELT will do for you.

Dropped stomach.

Ptosis.

Kidney support.

Sacro iliac support.

After any abdominal operation.

After pregnancy.

This garment will correct your posture and make you stand erect. Permits free and easy breathing—Prevents sluggishness and sagging. Will relieve tired feeling by giving you additional back support.

* * * controls the abdomen and gives a good sacro-iliac support. Gives you renewed pep—strength—vitality. Will help children grow erect.

Will * * * reduce you from 2 to 8 inches without effort.

Will improve and correct your physical appearance so rapidly that you will be amazed at the immediate results. Makes walking, sitting, standing pleasantly comfortable. The perfect garment for use in all sports because it gives you correct posture and back support and will help you play a better game of golf, tennis, baseball, etc.

Endorsed, approved and recommended by physicians everywhere.

These directions if properly followed will give you an effortless exercise and will relieve fatigue—will provide your back and kidneys with additional and comfortable support—AND WILL PERMIT FREE, EASY, DEEP AND HEALTHFUL BREATHING.

A Scientific Correcting Garment. Helps most men, women and children.

Comfortably supports and controls the abdomen and gives good back support. Helps reduce waist, abdomen and hips.

PAR. 3. By and through the use of the aforesaid statements and representations, and other statements and representations of similar import and nature not specifically set out herein, the respondent has represented and is now representing that the use of said belts will prevent and correct malformations and malpositions of the human

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body, and will enable the wearers thereof to develop, regain and maintain their health and correct posture; that they will prevent and correct "dropped stomach" or "ptosis"; that they are an adequate support for sacro-iliac spinal conditions and provide effective support for the kidneys; that their use is desirable and proper after pregnancy and abdominal operations; that the use of said belts will prevent sagging of parts of the body, will cause the wearers thereof to stand erect, give them renewed strength and vitality, and will prevent sluggishness and fatigue. It is further represented that the use of said belts will help children to grow strong and erect, and will cause them to develop properly. It is represented further that the use of said belts will reduce the waistline, hips, and abdomen, and will significantly improve one's physical appearance; that they make walking, sitting or standing comfortable; that they are perfect equipment for sports activities, and will improve one's proficiency in various games. It is further represented that said belts are scientific garments, and are endorsed, approved and recommended by physicians everywhere.

PAR. 4. The aforesaid statements and representations are false, misleading, and deceptive. In truth and in fact, the use of respondent's said belts will not prevent or correct malformations or malpositions of the human body, and they will not enable the wearers thereof to develop, regain, or maintain their health or correct posture. They will not correct or prevent "dropped stomach" or "ptosis" nor will they provide adequate or effective support for sacro-iliac conditions of the spinal column, the kidneys, and the muscles of the back. Their use is not indicated after pregnancy or abdominal operations. They cannot be depended upon to prevent slouch or sagging of parts of the body; they will not cause the wearers thereof to stand erect or give them strength and vitality, nor will they prevent sluggishness or fatigue. Said belts will not cause children to grow strong and erect, and they will not cause them to develop properly. They will not permanently reduce the waistline, hips, or abdomen. They are not suitable for use in sports activities and they will not improve one's proficiency in any game. Said belts are not scientific garments and they are not approved or recommended by physicians generally. In truth and in fact, the use of said device produces a posture and shape which is abnormal for the individual.

PAR. 5. Among and typical of the false, misleading, and deceptive statements and representations contained in said false advertisements, disseminated and caused to be disseminated as hereinabove set forth, by the United States mails, by advertisements in newspapers, by

pamphlets, form letters, circulars, testimonials, and other advertising literature, with reference to its said "True-Health Braces," are the following:

TRU-HEALTH Shoulder Braces for Men! for Women! for Children! Healthfully designed to hold your shoulders correctly and correct your posture and thus eliminate the cause of many common casual ailments. You may never get to West Point but you can be a West Point man.

TRU-HEALTH Shoulder Braces give military erectness.

Supports the Back!

Expands the Chest!

A shoulder brace scientifically designed to aid men, women and children to rid themselves of that tired, run-down and scrawny-looking appearance.

Straightens your shoulders.

Removes and prevents slouching.

Forces you to breathe deeply and easily.

Will give you needed back support and relieve fatigue and tiredness.

True-Health brace will fit and benefit you regardless of weight, size and age.

By bracing your shoulders properly with a **TRU-HEALTH SHOULDER BRACE**, your abdomen, waist and hips are slenderized.

For women it will bring out the true loveliness of form and develop and uplift the bust.

Gives men an appearance of military training—erect and impressive.

For children it is a gift from heaven—because it makes children stand, sit and grow erect, healthy, strong and well developed.

PAR. 6. By and through the use of the statements and representations set out in paragraph 5 hereof, and other statements and representations of similar import and nature not specifically set out therein, the respondent has represented and is now representing that the use of said shoulder braces will prevent and correct malformations and malpositions of the human body, and will enable the wearers thereof to develop, regain, and maintain health and correct posture; that they will prevent slouching, will straighten the shoulders, hold the shoulders correctly, give military erectness, support the muscles of the back, expand the chest, force deep breathing, and eliminate the causes of many common casual ailments. It is represented further that the use of said braces will prevent and relieve fatigue or a tired run-down feeling and will do away with a scrawny-looking appearance; that they will slenderize the abdomen, waist and hips, and will benefit all persons irrespective of weight, age or size; that they will cause children to stand and sit erect and grow healthy, strong, and well developed. It is represented further that the said braces will bring out the true loveliness of the female form and will develop and uplift the bust.

PAR. 7. The aforesaid statements and representations are false, misleading, and deceptive. In truth and in fact, the use of respondent's said shoulder braces will not prevent or correct malformations or malpositions of the human body, and they will not enable the wearers thereof to develop, regain, or maintain their health or correct posture. They will not prevent slouching, will not straighten the shoulders nor will they hold shoulders correctly, give military erectness, support the muscles of the back, expand the chest, force deep breathing, and eliminate the causes of casual ailments. Said braces will not prevent or relieve fatigue, or a tired run-down feeling and will have no significant effect upon a person with a scrawny-looking appearance. They will not slenderize the abdomen, waist, or hips, and they will not be beneficial to persons, irrespective of weight, age, or size. They will not cause children to stand or sit erect, nor will they cause them to grow healthy, strong, and be well developed. Said braces will not bring out the true loveliness of the female form, nor will they serve to develop or uplift the bust.

PAR. 8. The use by the respondent of the words "Tru-Health" as a part of its corporate name and as a part of the trade name of its devices constitutes in itself false, misleading and deceptive advertising in that the use of said words serve as a representation that said devices are conducive to and bring about health to the user, when such is not the fact.

PAR. 9. The use by the respondent of the foregoing false, deceptive, and misleading statements and representations with respect to its said braces and belts, disseminated as aforesaid, and the use of its corporate name and the trade name for its devices, 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 and representations are true, and to induce a portion of the purchasing public because of such erroneous and mistaken belief to purchase respondent's said devices.

PAR. 10. The foregoing acts and practices of the respondent as herein alleged are all to the prejudice and injury of the public, and constitute unfair and deceptive acts and practices 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 July 15, 1943, issued and subsequently served its complaint in this proceeding upon the respondent, Tru-Health Garments Corp., a corporation, charging it with the use

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of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of the answer of the respondent thereto, a stipulation as to the facts was entered into by Daniel J. Murphy, Chief of the Trial Division, and respondent, by its attorney, subject to the approval of the Commission, whereby it was stipulated that the statement of facts set out in said stipulation might be taken as the facts of this proceeding and in lieu of testimony in support of the charges stated in the complaint and in opposition thereto, and that the Commission might proceed upon the complaint, answer of the respondent, and said statement of facts to make its report stating its findings as to the facts (including inferences which might be drawn from said stipulated facts) and its conclusion based thereon, and enter its order disposing of the proceeding without any intervening procedure. Thereafter, this proceeding regularly came on for final hearing before the Commission upon said complaint, the answer thereto, and stipulation, said stipulation having been approved, accepted and filed by the Commission; and the Commission, having duly considered the matter and being now fully advised in the premises, makes this its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent, Tru-Health Garment Corp., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, and has its principal office and place of business at 25 West Twenty-sixth Street, New York, N. Y. The respondent is now, and for several years last past has been, engaged in selling and distributing shoulder braces designated "Tru-Health Shoulder Braces" and body braces or belts designated "Tru-Health Belts."

In the course and conduct of its aforesaid business, the respondent causes its braces and belts, when sold, to be transported from its 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. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said braces and belts in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 2. In the course and conduct of its aforesaid business the respondent has disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements con-

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cerning its said braces and belts by the United States mails and by various other means in commerce, as "commerce" is defined in the Federal Trade Commission Act; and respondent has also disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning its said braces and belts by various means for the purpose of inducing or which are likely to induce, directly or indirectly, the purchase of its said braces and belts in commerce, as "commerce" is defined in the Federal Trade Commission Act.

Among and typical of the statements and representations contained in said advertisements, disseminated and caused to be disseminated as hereinabove set forth by the United States mails, by advertisements in newspapers, by pamphlets, form letters, circulars, testimonials, and other advertising literature with reference to its said "Tru-Health Belts" and "Tru-Health Shoulder Braces" are the following:

The name that means everything for correct posture.

TRU-HEALTH

The Wonder Health Belt—For Men, Women and Children.

The Natural Way to Health!

See what this WONDER HEALTH BELT will do for you.

Dropped stomach.

Ptosis.

Kidney support.

Sacro iliac support.

After any abdominal operation.

After pregnancy.

This garment will correct your posture and make you stand erect. Permits free and easy breathing—Prevents sluggishness and sagging. Will relieve tired feeling by giving you additional back support."

* * * controls the abdomen and gives good sacroiliac support. Gives you renewed pep—strength—vitality. Will help children grow erect."

Will * * * reduce you from 2 to 8 inches without effort.

Will improve and correct your physical appearance so rapidly that you will be amazed at the immediate results. Makes walking, sitting, standing pleasantly comfortable. The perfect garment for use in all sports because it gives you correct posture and back support and will help you play a better game of golf, tennis, baseball, etc.

Endorsed, approved and recommended by physicians everywhere.

These directions if properly followed will give you an effortless exercise and will relieve fatigue—will provide your back and kidneys with additional and comfortable support—AND WILL PERMIT FREE, EASY, DEEP AND HEALTHFUL BREATHING.

A scientific Correcting Garment. Helps most men, women and children.

Comfortably supports and controls the abdomen and gives good back support.
Helps reduce waist, abdomen and hips.

TRU-HEALTH Shoulder Braces for men! for Women! for Children!

Heathfully designed to hold your shoulders correctly and correct your posture and thus eliminate the cause of many common casual ailments.

You may never get to West Point but you can be a West Point man.

TRU-HEALTH Shoulder Braces give military erectness.

Supports the Back!

Expands the Chest!

A shoulder brace scientifically designed to aid men, women and children to rid themselves of that tired, run-down and scrawny-looking appearance.

Straightens your shoulders.

Removes and prevents slouching.

Forces you to breathe deeply and easily.

Will give you needed back support and relieve fatigue and tiredness.

Tru-Health brace will fit and benefit you regardless of weight, size and age.

By bracing your shoulders properly, with a TRU-HEALTH SHOULDER BRACE, your abdomen, waist and hips are slenderized.

For women it will bring out the true loveliness of form and develop and uplift the bust.

Gives men an appearance of military training—erect and impressive.

For children it is a gift from heaven—because it makes children stand, sit and grow erect, healthy, strong and well developed.

PAR. 3. By and through the use of the aforesaid statements and representations, and other statements and representations of similar import and nature not specifically set out herein, the respondent has represented that the use of said belts will prevent and correct malformations and malpositions of the human body, and will enable the wearers thereof to develop, regain and maintain their health and correct posture; that they will prevent and correct "dropped stomach" or "ptosis"; that they are an adequate support for sacro-iliac spinal conditions and provide effective support for the kidneys; that their use is desirable and proper after pregnancy and abdominal operations; that the use of said belts will prevent sagging of parts of the body, will cause the wearers thereof to stand erect, give them renewed strength and vitality, and will prevent sluggishness and fatigue. It has represented further that the use of said belts will help children to grow strong and erect, and will cause them to develop properly. It has further represented that the use of said belts will reduce the waistline, hips, and abdomen, and will significantly improve one's physical appearance; that they make walking, sitting, or standing comfortable; that they are perfect equipment for sports activities, and will improve one's proficiency in various games, that said belts are

scientific garments, and are endorsed, approved, and recommended by physicians everywhere. It has further represented that the use of its said shoulder braces will prevent and correct malformations and malpositions of the human body, and will enable the wearers thereof to develop, regain, and maintain health and correct posture; that they will prevent slouching; will straighten the shoulders, hold the shoulders correctly, give military erectness, support the muscles of the back, expand the chest, force deep breathing, and eliminate the causes of many common casual ailments; that the use of said braces will prevent and relieve fatigue or a tired run-down feeling, and will do away with a scrawny-looking appearance; that they will slenderize the abdomen, waist, and hips, and will benefit all persons irrespective of weight, age, or size; that they will cause children to stand and sit erect and grow healthy, strong, and well developed; that the said braces will bring out the true loveliness of the female form and will develop and uplift the bust.

PAR. 4. In truth and in fact respondent's devices have no preventive, therapeutic, or corrective properties, their usefulness being limited to providing a measure of support to, and a change of position of certain parts of the body to which they are applied. Any support or change of position will remain only so long as the devices are worn and the body will resume its normal form when the devices are removed. The use of respondent's said belts will not prevent or correct malformations or malpositions of the human body, and they will not enable the wearers thereof to develop, regain, or maintain their health or correct posture except as said belts may be helpful while being worn. They will not correct or prevent "dropped stomach" or "ptosis," nor will they provide adequate or effective support for sacro-iliac conditions of the spinal column, the kidneys, and the muscles of the back, except as said belts may be helpful while being worn. Their use is not indicated after pregnancy or abdominal operations. They cannot be depended upon to prevent slouching or sagging of parts of the body; they will not cause the wearers thereof to stand erect or give them strength and vitality, nor will they prevent sluggishness or fatigue, except as said belts may be helpful while being worn. They will not permanently reduce the waistline, hips, or abdomen. They are not suitable for use in sports activities and they will not improve one's proficiency at any game. Said belts are not approved or recommended by physicians except in certain individual cases.

The use of respondent's said shoulder braces will not prevent or correct malformations or malpositions of the human body, and they will not enable the wearers thereof to develop, regain or maintain their

health or correct posture, except that said braces may be helpful while being worn. They will not prevent slouching, will not straighten the shoulders nor will they hold shoulders correctly, give military erectness, support the muscles of the back, except as they may be helpful while being worn. They do not expand the chest, force deep breathing, and eliminate the causes of casual ailments. Said braces will have no significant effect upon a person with a scrawny-looking appearance. They will not slenderize the abdomen, waist, or hips, and they will not be beneficial to persons, irrespective of weight, age, or size, except that they may be helpful while being worn. They will not cause children to stand or sit erect, except that they may be helpful while being worn. They will not cause children to grow healthy, strong, and be well developed. Said braces will not develop the bust. They will not bring out the true loveliness of the female form, nor will they serve to uplift the bust, except that they may be helpful while being worn.

PAR. 5. The use by the respondent of the foregoing statements and representations with respect to its said braces and belts, disseminated as aforesaid has had and now has the capacity and tendency to and does mislead a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements and representations are true, and to induce a portion of the purchasing public because of such erroneous and mistaken belief to purchase respondent's said devices.

CONCLUSION

The acts and practices of the respondents as herein found are all to the prejudice and injury of the public and constitute unfair and 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, the answer of the respondent, and a stipulation as to the facts, in which stipulation the respondent 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 said respondent had violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Tru-Health Garments Corp., a corporation, and its officers, representatives, and employees, directly

or through any corporate or other device in connection with the offering for sale, sale or distribution of respondent's devices designated "Tru-Health Belts" and "Tru-Health Shoulder Braces" or any other device of substantially similar construction or performing substantially similar functions, whether sold under the same names or under any other names, do forthwith cease and desist from:

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

(a) That the use of respondent's Tru-Health Belt will prevent or correct malformations or malpositions of the human body;

(b) That the use of respondent's Tru-Health Belt will enable the wearer to regain or maintain health or posture in excess of affording support while being worn;

(c) That the use of respondent's Tru-Health Belt will correct or prevent dropped stomach or ptosis;

(d) That the use of respondent's Tru-Health Belt will provide adequate or effective support for sacro-iliac conditions of the spinal column, the kidneys, or the muscles of the back in excess of affording support as long as worn;

(e) That the use of respondent's Tru-Health Belt is indicated for after-pregnancy or abdominal operations;

(f) That the use of respondent's Tru-Health Belt will prevent slouching or sagging of parts of the body or cause wearers thereof to stand erect or give them strength and vitality or prevent sluggishness or fatigue in excess of affording support as long as worn;

(g) That the use of respondent's Tru-Health Belt will permanently reduce the waist line, hips, or abdomen;

(h) That respondent's Tru-Health Belt is suitable for use in sports activities or that its use will improve proficiency at any game;

(i) That respondent's Tru-Health Belt has been endorsed, approved, or recommended by physicians generally or that it has been recommended in other than certain individual cases;

(j) That the use of respondent's Tru-Health Shoulder Braces will prevent or correct malformations or malpositions of the human body or enable the wearers thereof to develop, regain, or maintain their health or correct posture in excess of affording support as long as worn;

(k) That the use of respondent's Tru-Health Shoulder Braces will prevent slouching or straighten the shoulders;

(*l*) That the use of respondent's Tru-Health Shoulder Braces will hold shoulders correctly, give military erectness, or support the muscles of the back in excess of affording support as long as worn;

(*m*) That the use of respondent's Tru-Health Shoulder Braces will expand the chest, force deep breathing, or eliminate the causes of casual ailments;

(*n*) That the use of respondent's Tru-Health Shoulder Braces have any significant effect upon a person with a scrawny-looking appearance;

(*o*) That the use of respondent's Tru-Health Shoulder Braces will slenderize the abdomen, waist, or hips, or be beneficial to persons regardless of weight, age, or size, in excess of affording support as long as worn;

(*p*) That the use of respondent's Tru-Health Shoulder Braces will cause children to grow healthy, strong, and be well developed;

(*q*) That the use of respondent's Tru-Health Shoulder Braces will improve the female form or serve to uplift the bust in excess of affording support as long as worn;

(*r*) That respondent's devices, Tru-Health Belt or Tru-Health Shoulder Braces, have any preventive, therapeutic, or corrective properties or that they have any usefulness other than providing a measure of support to and a change of position of certain parts of the body to which they may be applied during the time the said devices are worn.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's devices, "Tru-Health Belts" and "Tru-Health Shoulder Braces," which advertisements contain any of the representations prohibited in paragraph 1 hereof.

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

Complaint

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IN THE MATTER OF
EVANSTON LABORATORIES, INC.COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 5583. Complaint, Sept. 23, 1948—Decision, June 3, 1949*

Where a corporation and its president—one of its principal stockholders, who dominated and controlled its advertising, sales policies, and operations—engaged in the processing and interstate sale and distribution of their drug product known as "Red Cell Caps," in advertising through catalogs, circulars, and other advertising literature—

- (a) Falsely represented that use of said "Caps" as directed would materially increase the red cell count and the amount of hemoglobin in the blood; improve the quality of the blood and increase its potency; and provide the blood building solids contained in raw whole blood in the same manner and to the same degree as by blood transfusion;
- (b) Falsely represented that said product was an adequate source of iron, copper, amino acids, proteins, carotene, and other vital blood elements when they were lacking in the blood; that it would aid digestion and eliminate constipation; and that it was an adequate dietary supplement;
- (c) Falsely represented that it was an effective treatment for secondary anemia or hydremia in pregnancy, and for loss of blood during menstruation; and that it would fortify the blood during the menopause;
- (d) Falsely represented that it was a competent and effective treatment for stomach and bowel disorders; and that it relieved the distress of ulcerated stomach and bowels; and
- (e) Represented that 68 out of 100 persons throughout the country have nutritional anemia and that said product would cure such conditions;

Notwithstanding the fact that there are no reliable or authentic statistics which show that said number or any certain number of persons have such anemia; and that said product is neither a cure nor a competent treatment therefor; With capacity and tendency to mislead and deceive the purchasing public into the erroneous and mistaken belief that such representations were true and thereby induce its purchase of said 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. Charles S. Cox for the Commission.

Mr. Henry Junge, of Chicago, Ill., 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 Evanston Laboratories, Inc., a corporation, Merle Slane, Roy Iverson, and Emil Levin,