

Syllabus

IN THE MATTER OF

W. L. ABT

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF
SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 5455. Complaint, July 25, 1946—Decision, Mar. 8, 1950*

Where an individual engaged in the interstate sale and distribution of nine food and drug products designated Tasty Soup Mix, Erbecell, Garlic-Tabs, Laxa-Tabs, Carrot Tabs, Mucin Oide, Iron-X, Vitamin B Ration and Wheatex-B; In advertising his said preparations through circulars entitled "Presenting 10 Dietary Aids to Health and Vigor" and "Break the Chains that Sap your Health," sent to food stores dealing in his products for distribution to the public, and through advertisements in the magazines "Vita Health News," "Foods for Health and Enjoyment" and "Nature's Path", and otherwise, directly and by implication—

- (a) Falsely represented that his "Tasty Soup Mix" would "energize" the eater by increasing the capacity for exertion in some manner other than supplying nutrition, through the statement "* * * a delightful soup mix that nourishes and energizes";
 - (b) Falsely represented that his "Erbecell" would relieve the discomfort of dyspepsia and griping bowels; when in fact it had no more than a limited effect in the relief of flatulence;
 - (c) Falsely represented that "Garlic-Tabs" were an effective treatment for the symptoms of some types of high blood pressure; would relieve the associated symptoms of dullness, fatigue, nervousness, dizziness, ringing in the ears, and throbbing in the head; make abnormal blood normal; and impart vim and vigor; that it possessed tonic qualities and would reduce "intestinal putrefaction"; and that one was benefited by reducing such "putrefaction";
- The facts being said "Garlic Tabs" possessed no other therapeutic or tonic properties than those of a carminative agent; reduction of "intestinal putrefaction" of food, which is a normal part of the digestive process, would be highly detrimental; and accepted treatment for abnormal putrefaction is to eliminate the material itself; and said tabs would be wholly without effect for either;
- (d) Falsely represented that as a consequence of the use of "Laxa-Tabs" the bowels would regularly evacuate themselves without assistance; that they induced the natural bowel movements, and were "natural" regulators and eliminants; that their action was prompt and non-irritating; that they possessed tonic and astringent properties; and that the longer they were used the less they would be needed;
 - (e) Falsely represented that their "Carrot-Tabs" were an aid to digestion, possessed antiseptic qualities, and would limit or reduce putrefaction changes in the body to the benefit of the user; and that their "Mucin-Oide" was soothing to nervous or irritated stomachs, would palliate the pain incident to peptic ulcers or gastritis, and form a protective coating of the stomach which protected it against stomach acids;

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- (f) Represented that a deficiency of iron in the system might produce anemia and result in impaired energy, unnatural thinness, impaired power and weak resistance to disease, and that such anemia and the said manifestations thereof would be cured or substantially benefited by the use of "Iron-X", taken as directed;

The facts being that in the relatively rare cases in which conditions above set forth are due to iron deficiency, effective therapy requires an iron dosage far greater than is provided by said "Iron-X";

- (g) Represented that fatigue, irritability, nervousness, lack of vitality, lack of appetite, digestive disturbances and graying of the hair are due to deficiencies in various components of the Vitamin B-Complex and would be cured or substantially benefited by the use of "B-Ration"; that, taken as directed, it would supply the normal daily adult requirements of Vitamin B-Complex, supply the user with 1000 International units per day of the components thereof, assure the user against dietary deficiency therein and contribute to body health, vitality and well-being; and that it would promote the tone of the intestinal muscles and help to digest carbohydrates, and that all persons would be benefited by taking it;

The facts being that in the infrequent cases in which aforesaid ailments are attributable to a deficiency in said Complex, they would not be substantially benefited by the use of "B-Ration", since effective vitamin therapy requires a dosage far greater than is provided by said product; with the exception of Vitamin B₁, none of its components are measured in terms of "International Units", and the product cannot be described in terms of such units; used as directed it assures only against deficiency in Vitamins B₁ and B₂; and its only value is as a dietary supplement to persons whose usual diet is deficient in one or more of its components;

- (h) Represented that nervousness, constipation, loss of appetite and consequent listlessness are due to deficiencies in Vitamin B-Complex, iron, calcium or phosphorous, and would be cured or substantially benefited by the use of "Wheatex-B"; that said product contained therapeutically significant amounts of said Complex and minerals, and that by its use the capacity for exertion would be increased in some manner other than by supplying nutrition; and that all persons would be benefited by taking it;

The facts being that in the relatively rare cases in which the above conditions are due to such a deficiency, they would not be cured or substantially benefited by the use of said product, which does not contain said Complex or minerals in therapeutic amounts, and its only value is as a dietary supplement in cases of deficient diet;

With tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous belief that said advertisements were true, and thereby induce its purchase of said products:

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

As respects the charge in the complaint that the use of the preparation "Laxa-Tabs," as an irritant laxative—which contained senna and rhubarb root—was not always safe and harmless to all individuals, used under prescribed or customary conditions, the Commission, subsequent to the issuance of the complaint, administratively determined that the potential danger resulting

from the use of such preparations under such conditions are not of sufficient seriousness to justify a requirement that the respondent affirmatively disclose in advertising all facts material with respect to the consequences which might result from its use; and therefore no findings of facts were made with respect thereto.

In said proceeding the record contained no evidence with respect to the charges in the complaint concerning the product "Papaya-Lets," and consequently no findings of facts in regard thereto were made.

Before *Mr. Everett F. Haycraft*, trial examiner.

Mr. Randolph W. Branch for the Commission.

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

PARAGRAPH 1. Respondent, W. L. Abt, is an individual with an office and principal place of business at 188 West Randolph Street, Chicago, Ill. He trades and does business under his own name, and also the names Abt Laboratories, Abt Institute, Abt Products, Abt Institution of Natural Therapy, and Abt Products Co.

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

The designations used by respondent for the said products, and the formulas and directions for use thereof, are as follows:

Designation: "Tasty Soup Mix"

Formula: Dehydrated Okra, Parsnips, Turnips, Celery, Kelp, Carrots, Leek, Rutabaga, Tomatoes, Beans, Parsley, Soya Beans, Potatoes, potato peelings, wheat germ, salt.

Directions: Use to make soup by adding water, or on salad, in salad dressing or on buttered bread or toast.

Designation: "Erbecell"

Formula: Golden Seal Root, Fennel Seed.

Directions: One tablet before noon and evening meals.

Designation: "Garlic-Tabs"

Formula: Garlic, Parsley.

Directions: 1 or 2 tablets twice a day just before meal time.

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Designation: "Papaya-Lets"

Formula: Papain (2½ grains), Alfalfa.

Directions: 1 or 2 tablets after each meal.

Designation: "Laxa-Tabs"

Formula: Powdered dehydrated Okra, Irish Moss, Parsley, Rhubarb Stalk and Root, Senna and Asparagus. Each tablet contains 8 grains.

Directions: Adults 2 tablets with evening meal, 2 upon retiring. Infants and small children, as prescribed by physician.

Designation: "Carrot Tabs"

Formula: Dehydrated Raw Carrots—each tablet contains 7 grains.

Directions: Four tablets twice a day just before mealtime.

Designation: "Mucin-Oide"

Formula: Okra, Persimmon, Alfalfa, Celery Root.

Directions: 4 tablets before meals, 3 times a day.

Designation: "Iron-X"

Formula: Alfalfa, Carrot Leaves, Sea Dulce, Mustard Greens, Parsley, Turnip Leaves, Water Cress, Ferric Citrate (organic). Each Tablet contains 10 grains of organic iron.

Directions: Adults, one to four tablets daily (Two with noon meal, one or two with evening meal.)

Children under five, one tablet daily with noon or evening meal.

Designation: "Vitamin B Ration"

Formula: Vitamin B₁, 85 U. S. P. units
Riboflavin (B₂ or G), 250 gamma
Niacin, 250 gamma
Pyridoxine (B₆), 42 gamma
Pantothenic Acid, 135 gamma

Directions: Five or six tablets daily.

Another formula for "Vitamin B Ration":

Vitamin B ₁	250 micrograms
Vitamin B ₂	500 micrograms
Vitamin B ₆	42 micrograms
Pantothenic Acid.....	115 micrograms
Niacin	250 micrograms

plus all other B-complex factors.

The directions for this formula are:

"Four tablets daily will supply the daily minimum requirements of both Vitamin B₁ and B₂"

Designation: "Wheatex-B"

Formula: Natural Wheat Germ

Directions: One or more tablespoons daily.

Respondent causes the said products, when sold, to be transported from his place of business in the State of Illinois to purchasers thereof located in other States of the United States and in the District of

Columbia. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in his said products in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of his business, respondent, subsequent to March 21, 1938, has disseminated and caused the dissemination of certain advertisements concerning his said products by the United States mails and by various means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing and which were likely to induce, directly or indirectly, their purchase, including, but not limited to, certain circulars entitled "Presenting 10 Dietary Aids to Health and Vigor" and "Break the Claims that Sap your Health," sent by respondent to food stores in various States of the United States which deal in his products, for distribution to members of the public, and advertisements in "Vita Health News" magazine, January 1942 and March and April 1944 issues, "Foods for Health and Enjoyment" magazine, May 1943 issue, and "Nature's Path" magazine, May 1944 issue, all of which magazines are distributed by the United States mails, and by other means in commerce as "commerce" is defined in the Federal Trade Commission Act; and respondent has disseminated and caused the dissemination of advertisements concerning his said products by various means including, but not limited to, the circulars and advertisements referred to above, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of his said products in commerce as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. Among the statements and representations contained in the said advertisements disseminated as aforesaid with respect to "Tasty Soup Mix," and specifically in the circular "Presenting 10 Dietary Aids to Health and Vigor," is the following:

* * * a delightful soup mix that nourishes and energizes.

PAR. 5. Through the use of the advertisements containing the statement and representation hereinabove set forth in paragraph 4, and others similar thereto not specifically set out herein, respondent has represented, directly and by implication, that his "Tasty Soup Mix" will "energize" the eater by increasing the capacity for exertion in some manner other than supplying nutrition.

PAR. 6. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact "Tasty Soup Mix" possesses no "energizing" properties beyond those of a nutrient.

PAR. 7. Among the statements and representations contained in the said advertisements disseminated as aforesaid with respect to "Erbecell," and specifically in the circular "Presenting 10 Dietary Aids to Health and Vigor" and in the advertisement in "Foods for Health and Enjoyment," May 1943 issue, are the following:

* * * to relieve the discomfort of dyspepsia—or griping bowel.

Anyone who knows the true value of Golden Seal and Fennel to dyspepsia sufferers will appreciate Erbecell.

PAR. 8. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 7, and others similar thereto not specifically set out herein, respondent has represented, directly and by implication, that "Erbecell" will relieve the discomfort of dyspepsia and griping bowels.

PAR. 9. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact "Erbecell" will not relieve the discomfort of dyspepsia or griping bowels. The only value of the preparation is for flatulence, where it has a limited effect.

PAR. 10. Among the statements and representations contained in said advertisements, disseminated as aforesaid, with respect to "Garlic-Tabs" and specifically in the circular "Presenting 10 Dietary Aids to Health and Vigor," and in the advertisements in "Vita Health News," March and April 1944 issues, are the following:

Sufferers from some types of high blood pressure have found garlic an effective normalizer.

Also known to reduce intestinal putrefaction.

Results observed for relief of:

Dullness	Fatigue
Nerves	Dizziness
Ear Ringing	Head throbs

associated with high blood pressure.

Observe the effects it has as a blood normalizer and builder upper.

Feel more fit. Take Garlic-Tabs.

PAR. 11. Through the use of the advertisements containing the statements and representations hereinbefore set forth in paragraph 10 and others similar thereto not specifically set out herein, respondent has represented, directly and by implication, that "Garlic-Tabs" are an effective treatment for high blood pressure; will relieve the associated symptoms of dullness, fatigue, nervousness, dizziness, ringing in the ears, and throbbing in the head; will make abnormal blood normal, and impart vim and vigor; that said product possesses tonic qualities and will reduce "intestinal putrefaction"; that one is benefited by reducing "intestinal putrefaction."

PAR. 12. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact "Garlic-Tabs" are not an effective treatment for hypertension or will they relieve any of its associated symptoms. They have no effect whatever upon abnormal blood conditions, nor will they increase vim or vigor. They possess no tonic properties nor any therapeutic properties except as a carminative agent. "Intestinal putrefaction" of food is a normal part of the digestive process and its reduction would be highly detrimental. In the presence of a disease condition there may be an abnormal putrefaction in the intestine for which the accepted treatment is to eliminate the material itself and not to "reduce putrefaction," for either of which "Garlic-Tabs" would be wholly without effect.

PAR. 13. Among the statements and representations contained in said advertisements, disseminated as aforesaid with respect to "Papaya-Lets," and specifically in the circular "Presenting 10 Dietary Aids to Health and Vigor," and in the advertisement in "Nature's Path," May 1944 issue, are the following:

Marvelous for sour stomach, poor digestion, gas pains.

Papaya-Lets contains $2\frac{1}{2}$ full grains of papain, a digestive ferment from papaya melons.

Papain is capable of digesting up to 3000 times its own weight of protein.

For digestive relief, try Papaya-Lets.

PAR. 14. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 13 and others similar thereto not specifically set out herein, respondent has represented, directly and by implication, that "Papaya-Lets" are of value in the treatment of and for the relief of sour stomach, poor digestion, indigestion and gas pains, and that papain acts in the body as a digestant of protein.

PAR. 15. The said advertisements are misleading in material respects and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact "Papaya-Lets" are of no therapeutic value in the treatment of the causes of or in the relief of any ailment of the digestive system or the symptoms thereof, including sour stomach, poor digestion, indigestion and gas pains. Papain possesses the power to digest protein under certain conditions, but these conditions do not obtain in the human body.

PAR. 16. Among the statements and representations contained in said advertisement, disseminated as aforesaid, with respect to "Laxa-Tabs," and specifically in the circular "Presenting 10 Dietary Aids to Health and Vigor," in the advertisement in "Foods for Health and

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Enjoyment," May 1943 issue, and in the circular "Break the Chains That Sap Your Health," are the following:

The new modern way to regularity.
Works gently * * *.
* * * a natural regulator * * *.
The more you take, the less you need.
Natural eliminant for the bowel.
* * * the gentle, natural action of Dr. Abt's Laxa-Tabs.
Compounded from 7 natural vegetables, known for their tonic, astringent and laxative properties.
Laxa-Tabs furnish a gentle activator for the torpid bowel.

PAR. 17. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 16, and others similar thereto not specifically set out herein, respondent has represented, directly and by implication, the "Laxa-Tabs" are an effective treatment for the underlying causes of constipation, and that as a consequence of their use the condition of the bowels will be such that they will regularly and spontaneously evacuate themselves without assistance; that the bowel movements which they induce are "natural," and that they are "natural" regulators and eliminants; that their action is gentle and nonirritant; that they possess tonic and astringent properties, and that the longer they are used the less they will be needed.

PAR. 18. The said advertisements are misleading in material respects, and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact "Laxa-Tabs" are not an effective treatment for the underlying causes of constipation. Their use will not promote or induce such a condition of the bowels that they will regularly and spontaneously evacuate themselves. The bowel movements which they induce are not natural but artificial, and they are neither a natural eliminant nor a natural regulator. Said preparation contains senna and rhubarb root, both of which are irritant laxatives, and the action of "Laxa-Tabs" is neither gentle nor nonirritant. They possess no tonic properties, and their astringent properties are insignificant.

PAR. 19. The said advertisements of "Laxa-Tabs" are further misleading and constitute "false advertisements," as that term is defined in the Federal Trade Commission Act, for the reason that they fail to reveal facts material in the light of the representations set forth in said advertisements and material with respect to the consequences which may result from the use of said preparation under the conditions prescribed in said advertisements or under such conditions as are

customary or usual. In truth and in fact, this preparation is an irritant laxative, and is potentially dangerous when taken by one suffering from abdominal pains, nausea, vomiting or other symptoms or appendicitis.

PAR. 20. Among the statements and representations contained in said advertisements, disseminated as aforesaid, with respect to "Carrot-Tabs," and specifically in the circular "Presenting 10 Dietary Aids to Health and Vigor" is the following:

Carrots—serve many as a digestive aid and is known to possess "antiseptic" qualities which help limit putrefactive changes in the body. A real health help to nutrition.

PAR. 21. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 20, and others similar thereto not specifically set out herein, respondent has represented, directly and by implication, that "Carrot-Tabs" are an aid to digestion, possess antiseptic qualities and will limit or reduce "putrefactive changes" in the body to the benefit of the user.

PAR. 22. The said advertisements are misleading in material respects, and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact "Carrot-Tabs" are not an aid to digestion nor do they possess antiseptic properties. They are of no therapeutic value where there is a putrescent condition of body tissue, either present or potential. The putrefaction of food in the intestine is a normal part of the digestive process and its reduction would be highly detrimental. In the presence of a disease condition there may be an abnormal putrefaction in the intestine for which the accepted treatment is to eliminate the material itself and not to "reduce putrefaction," for either of which "Carrot-Tabs" would be wholly without benefit.

PAR. 23. Among the statements and representations contained in said advertisements, disseminated as aforesaid, with respect to "Mucin-Oide" and specifically in the circulars "Break the Chains that Sap Your Health" and "Presenting 10 Dietary Aids to Health and Vigor," and the advertisement in "Foods for Health and Enjoyment," May 1943 issue, are the following:

Kind to nervous, irritated stomachs.

Peptic Ulcers, Gastritis. To help control the pains of peptic ulcers and gastritis.

* * * forms a protective coating against the hydrochloric acid of the stomach, often relieves irritated membranes and aids in binding excess stomach acids.

PAR. 4. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 23, and

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other similar thereto not specifically set out herein, respondent has represented, directly and by implication, that "Mucin-Oide," is soothing to nervous or irritated stomachs, will palliate the pain incident to peptic ulcers or gastritis and forms a protective coating of the stomach which protects it against stomach acids.

PAR. 25. The said advertisements are misleading in material respects, and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact "Mucin-Oide" will not soothe "nervous" or irritated stomachs. Taken as directed it will afford no significant relief to the pain incident to peptic ulcers or gastritis. It will not neutralize stomach acids, and the amount of protective mucilaginous substance which is available for deposit on the stomach wall is insignificant.

PAR. 26. Among the statements and representations contained in said advertisements, disseminated as aforesaid with respect to "Iron-X," and specifically in the circulars "Presenting 10 Dietary Aids to Health and Vigor" and "Break the Chains that Sap Your Health," are the following:

Lack of Iron in the blood may cause simple anemia, impaired energy, * * *
It takes iron to make rich red blood.

Iron * * * Lack of it causes simple anemia, which results in poor energy, unnatural thinness, pallor and weak resistance to disease.

PAR. 27. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 26, and others similar thereto not specifically set out herein, respondent has represented, directly and by implication, that impaired energy, unnatural thinness, pallor and weak resistance to disease are due to anemia caused by a deficiency of iron in the system, and that such anemia and the said manifestations thereof will be cured or substantially benefited by the use of "Iron-X," taken as directed, and that from the presence of such conditions the existence of a deficiency in iron can be determined by the general public with a reasonable degree of certainty.

PAR. 28. The said advertisements are misleading in material respects, and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact the causes of impaired energy, unnatural thinness, pallor and weak resistance to disease are numerous, and these conditions are only infrequently due to an iron deficiency and subject to correction or improvement by its use. In the relatively rare cases where the said conditions are due to iron deficiency, adequate and effective therapy by the use of iron requires a dosage far greater than is provided by respondent's prepara-

tion, taken as directed, and such iron deficiency, and its manifestations, will not be cured or substantially benefited by the use of "Iron-X" as directed. It is impossible for members of the general public, from the common symptoms to which respondent refers, to determine the existence of a deficiency in iron with any reasonable degree of certitude.

PAR. 29. Among the statements and representations contained in said advertisements, disseminated as aforesaid, with respect to "B-Ration," and specifically in the advertisement in "Vita Health News," January 1942 issue, and the circulars "Presenting 10 Dietary Aids to Health and Vigor," and "Break the Chains that Sap your Vigor," are the following:

Gain * * * Retain * * * Health with Dr. Abt's Dietary Aids.

Have you a hidden hunger for the B vitamins? Then let B-Ration be your body builder. Don't allow a shortage in your system to make you tired, irritable, nervous, cause lack of appetite or possible gastro-intestinal disturbances when 1000 International units per day will go a long way in helping you capture permanent vitality.

To promote intestinal muscle tone, help restore jaded appetite, return vitality to your system and contribute to an above average nutritional condition, buy the natural Vitamin B Complex, B-Ration.

It contains * * * pyrodoxine, pantothenic acid * * * all necessary for body building.

Vitamin B tends to aid the nerves and appetite, help digest carbohydrates. Abt's Vitamin B Ration contains * * * 135 gamma of Pantothenia (sometimes called the "anti-gray hair factor").

Vitamin B is not merely one vitamin, but actually several vitamins, known as B-Complex, * * * 5 tablets daily supply the normal daily requirement of Vitamin B.

Be sure of your health—be sure of the vitamins and minerals you take. Join the thousands who depend on Abt products.

PAR. 30. Through the use of the advertisements and representations containing the statements and representations hereinabove set forth in paragraph 29, and others similar thereto not specifically set out herein, respondent has represented, directly and by implication, that fatigue, irritability, nervousness, lack of vitality, lack of appetite, digestive disturbances and changing of the color of the hair to gray are due to deficiencies in various components of the vitamin B-complex, and will be cured or substantially benefited by the use of "B-Ration"; that from the presence of said conditions the existence of a deficiency in Vitamin B-complex can be determined by members of the general public with reasonable certitude; that "B-Ration," taken as directed, will supply the normal daily adult requirement of Vitamin B-complex, will supply the user with 1,000 international units per day of the components of vitamin B-complex, assure the user against dietary

deficiency in vitamin B-complex, and contribute to bodily health, vitality and well-being; that it will promote the tone of the intestinal muscles and help to digest carbohydrates and that all persons will be benefited by taking it.

PAR. 31. The said advertisements are misleading in material respects, and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact the causes of fatigue, irritability, nervousness, lack of vitality, and lack of appetite are numerous and they are only infrequently attributable to a deficiency in vitamin B-complex. When due to such deficiency they will not be cured nor substantially benefited by the use of "B-Ration," since effective and adequate vitamin therapy requires a dosage far greater than is provided by respondent's product, taken as directed. "B-Ration," taken as directed, gives the user the minimum daily adult requirement of vitamins B₁ and B₂, and smaller amounts of the other components of the B-complex but in such amounts it is of no therapeutic value in the correction or relief of developed symptoms of vitamin deficiency. It is impossible for members of the general public, from the common symptoms to which respondent refers, to determine the existence of a deficiency in vitamin B-complex with any reasonable degree of certitude. "B-Ration" has no effect on graying hair. With the exception of vitamin B₁, none of the components of "B-Ration" are measured in terms of "international units," and "B-Ration" cannot be described in terms of such units. The product, used as directed, will not assure against dietary deficiency in B-complex, but only against deficiency in vitamins B₁ and B₂. The product will not promote better tone in the intestinal muscles nor does it function in connection with the digestion of carbohydrates. The product possesses no therapeutic properties, and its only value is as a dietary supplement to persons whose usual diet is deficient in one or more of its components; it is impossible for members of the general public to determine the existence of such deficiencies with any reasonable degree of certainty.

PAR. 32. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to "Wheatex-B" and specifically in the circular "Presenting 10 Dietary Aids to Health and Vigor" is the following:

Gain . . . Retain . . . Health with Dr. ABTS Dietary Aids

A splendid energy "lift". . . If nervousness, constipation, lost appetite keep you all "fagged out" perhaps your diet is low in Vitamin B and minerals. This delicious wheat germ food gives you the bracing Vitamin B complex, together

with blood and body building minerals—iron, calcium, phosphorous. Discover New Wheatex-B. It's new LIFE for you!

PAR. 33. Through the use of the advertisements containing the statements and representations hereinbefore set forth in paragraph 32 and others similar thereto not specifically set out herein, respondent has represented, directly and by implication, that nervousness, constipation, lost appetite and consequent listlessness are due to deficiencies in vitamin B-complex, iron, calcium or phosphorous, and will be cured or substantially benefited by the use of "Wheatex-B," that from the presence of such conditions the existence of a deficiency in vitamin B-complex, iron, phosphorous or calcium can be determined by members of the general public with reasonable certitude; that said product contains therapeutically significant amounts of vitamin B-complex, iron, calcium and phosphorous; that by its use the capacity for exertion will be increased in some manner other than by supplying nutrition, and that all persons will be benefited by taking it.

PAR. 34. The said advertisements are misleading in material respects, and are "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact "Wheatex-B" possesses no "energizing" properties beyond those of a nutrient. The causes of nervousness, constipation, lack of appetite and consequent listlessness are numerous, and those conditions are only infrequently due to deficiencies in vitamin B-complex, iron, calcium or phosphorous, and only then are subject to correction or improvement by their use. In the relatively rare cases where these conditions are due to deficiency in vitamin B-complex, or said minerals, they will not be cured or substantially benefited by the use of "Wheatex-B." Effective and adequate vitamin or mineral therapy requires a dosage far greater than is provided by respondent's preparation which does not contain vitamin B-complex, iron, calcium, or phosphorous in therapeutic amounts. It is impossible for members of the general public, from the common symptoms to which respondent refers, to determine the existence of a deficiency in vitamin B-complex, iron, calcium, or phosphorous, with any reasonable degree of certitude. The product will not supply the user with amounts of iron, calcium, or phosphorous significant to blood and body building. The product possesses no therapeutic properties, and its only value is as a dietary supplement in cases where the usual diet is deficient in one or more of its components; it is impossible for members of the general public to determine the existence of such deficiencies with any reasonable degree of certitude.

PAR. 35. The use by the respondent of the said false advertisements containing materially misleading statements and representations with

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respect to his said preparations has had the capacity and tendency to, and has, misled and deceived a substantial portion of the purchasing public into the erroneous and mistaken belief that said statements and representations were true and that the preparation "Laxa-Tabs" may be taken under all conditions without ill effects, and into the purchase of substantial quantities of said preparations by reason of said erroneous and mistaken belief.

PAR. 36. The aforesaid acts and practices 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 July 25, 1946, issued and subsequently served its complaint in this proceeding upon the respondent, W. L. Abt, an individual, charging him with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the filing by respondent of his answer to the complaint, a hearing was held on May 12, 1947, before a trial examiner of the Commission theretofore duly designated by it, at which hearing a written stipulation as to the facts, entered into between counsel supporting the complaint and counsel for the respondent, was made a part of the record. Said stipulation as to the facts contained the provision, among others, that the statement of facts contained therein may be considered in this proceeding in lieu of evidence in support of and in opposition to the charges in the complaint, except insofar as they relate to the product "Papaya-Lets," concerning which no facts were stipulated. Subsequently the matter regularly came on for final consideration by the Commission upon the complaint, answer, stipulated facts, and recommended decision of the trial examiner (no briefs having been filed and oral argument not having been requested); and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts and its conclusion drawn therefrom:

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent, W. L. Abt, is an individual with an office and principal place of business at 188 West Randolph Street, Chicago, Ill. He trades and does business under his own name, and

also the names of Abt Laboratories, Abt Institute, Abt Products, Abt Institute of Natural Therapy, and Abt Products Co.

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

The designations used by respondent for the said products, and the formulas and directions for use thereof, are as follows:

- Designation: "Tasty Soup Mix"
 Formula: Dehydrated Okra, Parsnips, Turnips, Celery, Kelp, Carrots, Leek, Rutabaga, Tomatoes, Beans, Parsley, Soya Beans, Potatoes, potato peelings, wheat germ, salt.
 Directions: Use to make soup by adding water, or on salad, in salad dressing or on buttered bread or toast.
- Designation: "Erbecell"
 Formula: Golden Seal Root, Fennel Seed and dehydrated alfalfa.
 Directions: One tablet before noon and evening meals.
- Designation: "Garlic-Tabs"
 Formula: Garlic, Parsley.
 Directions: 1 or 2 tablets twice a day just before meal time.
- Designation: "Papaya-Lets"
 Formula: Papain (2½ grains), Alfafa.
 Directions: 1 or 2 tablets after each meal.
- Designation: "Laxa-Tabs"
 Formula: Powdered dehydrated Okra, Irish Moss, Parsley, Rhubarb Stalk and Root, Senna and Asparagus. Each tablet contains 8 grains.
 Directions: Adults 2 tablets with evening meal, 2 upon retiring. Infants and small children, as prescribed by physician.
- Designation: "Carrot Tabs"
 Formula: Dehydrated Raw Carrots—each tablet contains 7 grains.
 Directions: Four tablets twice a day just before meal time.
- Designation: "Mucin-Oide"
 Formula: Okra, Persimmon, Alfalfa, Celery Root.
 Directions: 4 tablets before meals, 3 times a day.
- Designation: "Iron-X"
 Formula: Alfalfa, Carrot Leaves, Sea Dulce, Mustard Greens, Parsley, Turnip Leaves, Water Cress, Ferric Citrate (organic). Each tablet contains 10 milligrams of organic iron.
 Directions: Adults, one to four tablets daily (Two with noon meal, one or two with evening meal). Children under five, one tablet daily with noon or evening meal.
- Designation: "Vitamin B Ration"
 Formula: Vitamin B₁, 85 U. S. P. units
 Riboflavin (B₂ or G), 250 gamma
 Niacin, 250 gamma
 Pyridoxine (B₆), 42 gamma
 Pantothenic Acid, 135 gamma

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Directions: Five or six tablets daily.

Another formula for "Vitamin B Ration":

Vitamin B ₁ -----	250 micrograms
Vitamin B ₂ -----	500 micrograms
Vitamin B ₆ -----	42 micrograms
Pantothenic Acid-----	115 micrograms
Niacin-----	250 micrograms

plus all other B-complex factors.

The directions for this formula are:

"Four tablets daily will supply the daily minimum requirements of both Vitamin B₁ and B₂"

Designation: "Wheatex-B"

Formula: Natural Wheat Germ

Directions: One or more tablepoons daily.

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

PAR. 3. In the course and conduct of his business, respondent, subsequent to March 21, 1938, has disseminated and caused the dissemination of certain advertisements concerning his said products by the United States mails and by various means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing and which were likely to induce, directly or indirectly, their purchase, including, but not limited to, certain circulars entitled "Presenting 10 Dietary Aids to Health and Vigor" and "Break the Chains that Sap your Health," sent by respondent to food stores in various States of the United States which deal in his products, for distribution to members of the public, and advertisements in "Vita Health News" magazine, January 1942 and March and April 1944 issues, "Foods for Health and Enjoyment" magazine, May 1943 issue, and "Nature's Path" magazine, May 1944 issue, all of which magazines are distributed by the United States mails, and by other means in commerce as "commerce" is defined in the Federal Trade Commission Act; and respondent has disseminated and caused the dissemination of advertisements concerning his said products by various means, including, but not limited to, the circulars and advertisements referred to above, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of his said products in commerce, as "commerce" is defined in the Federal Trade Commission Act. The

dissemination of the circular "Break the Chains that Sap your Health" was stopped in November 1943 and the dissemination of the circular "Presenting 10 Dietary Aids to Health and Vigor" was stopped in May 1946. None of the representations hereinafter set forth have been made since May 1946.

PAR. 4. Among the statements and representations contained in the said advertisements disseminated as aforesaid with respect to "Tasty Soup Mix," and specifically in the circular "Presenting 10 Dietary Aids to Health and Vigor," is the following:

* * * a delightful soup mix that nourishes and energizes.

PAR. 5. Through the use of the advertisements containing the statement and representation hereinabove set forth in paragraph 4, respondent has represented, directly and by implication, that his "Tasty Soup Mix" will "energize" the eater by increasing the capacity for exertion in some manner other than supplying nutrition.

PAR. 6. "Tasty Soup Mix" will energize by supplying nutrition but possesses no energizing properties beyond those of a nutrient.

PAR. 7. Among the statements and representations contained in the said advertisements disseminated as aforesaid with respect to "Erbecell," and specifically in the circular "Presenting 10 Dietary Aids to Health and Vigor" and in the advertisement in "Foods for Health and Enjoyment," May 1943 issues, are the following:

* * * to relieve the discomfort of dyspepsia—or griping bowel.

Anyone who knows the true value of Golden Seal and Fennel to dyspepsia sufferers will appreciate Erbecell.

PAR. 8. Through the use of the advertisements containing the statements and representations hereinabove set forth in Paragraph Seven, respondent has represented, directly and by implication, that "Erbecell" will relieve the discomfort of dyspepsia and griping bowels.

PAR. 9. "Erbecell" will not relieve the discomfort of dyspepsia or griping bowels. The preparation is of value in the relief of flatulence, where it has a limited effect.

PAR. 10. Among the statements and representations contained in said advertisements, disseminated as aforesaid, with respect to "Garlic-Tabs" and specifically in the circular "Presenting 10 Dietary Aids to Health and Vigor" and in the advertisement in "Vita Health News," March and April 1944 issues, are the following:

Sufferers from some types of high blood pressure have found garlic an effective normalizer.

Also known to reduce intestinal putrefaction.

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Results observed for relief of:

Dullness	Fatigue
Nerves	Dizziness
Ear Ringing	Head Throbs associated with high blood pressure.

Observe the effects it has as a blood normalizer and builder upper.

Feel more fit. Take Garlic-Tabs.

PAR. 11. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 10, respondent has represented, directly and by implication, that "Garlic-Tabs" are an effective treatment for the symptoms of some types of high blood pressure; will relieve the associated symptoms of dullness, fatigue, nervousness, dizziness, ringing in the ears, and throbbing in the head; will make abnormal blood normal; and impart vim and vigor; that said product possesses tonic qualities and will reduce "intestinal putrefaction"; that one is benefited by reducing "intestinal putrefaction."

PAR. 12. "Garlic-Tabs" are a carminative agent, but they possess no other therapeutic or tonic properties. They are not an effective treatment for hypertension, nor will they relieve any of its associated symptoms. They have no effect whatever upon abnormal blood conditions, nor will they increase vim or vigor. "Intestinal putrefaction" of food is a normal part of the digestive process and its reduction would be highly detrimental. In the presence of a disease condition there may be an abnormal putrefaction in the intestine for which the accepted treatment is to eliminate the material itself and not to "reduce putrefaction," for either of which "Garlic-Tabs" would be wholly without effect.

PAR. 13. Among the statements and representations contained in said advertisements, disseminated as aforesaid, with respect to "Laxa-Tabs," and specifically in the circular "Presenting 10 Dietary Aids to Health and Vigor," in the advertisement in "Foods for Health and Enjoyment," May 1943 issue, and in the circular "Break the Chains that Sap Your Health," are the following:

The new modern way to regularity.

Works gently * * *.

* * * a natural regulator * * *.

The more you take, the less you need.

Natural eliminant for the bowel.

* * * the gentle, natural action of Dr. Abt's Laxa-Tabs.

Compounded from 7 natural vegetables, known for their tonic, astringent and laxative properties.

Laxa-Tabs furnish a gentle activator for the torpid bowel.

PAR. 14. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 13, respondent has represented, directly and by implication, that as a consequence of the use of "Laxa-Tabs" the condition of the bowels will be such that they will regularly and spontaneously evacuate themselves without assistance; that the bowel movements which they induce are "natural," and that they are "natural" regulators and eliminants; that their action is gentle and non-irritant; that they possess tonic and astringent properties, and that the longer they are used the less they will be needed.

PAR. 15. The use of "Laxa-Tabs" will not promote or induce such a condition of the bowels that they will regularly and spontaneously evacuate themselves. The bowel movements which they induce are not natural but artificial, and they are neither a natural eliminant nor a natural regulator. Said preparation contains senna and rhubarb root, both of which are irritant laxatives, and the action of "Laxa-Tabs" is neither gentle nor nonirritant. They possess no tonic properties, and their astringent properties are insignificant.

PAR. 16. Among the statements and representations contained in said advertisements, disseminated as aforesaid, with respect to "Carrot-Tabs," and specifically in the circular "Presenting 10 Dietary Aids to Health and Vigor," are the following:

Carrots—serve many as a digestive aid and is known to possess "antiseptic" qualities which help limit putrefactive changes in the body.

A real health help to nutrition.

PAR. 17. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 16, respondent has represented, directly and by implication, that "Carrot-Tabs" are an aid to digestion, possess antiseptic qualities, and will limit or reduce "putrefactive changes" in the body to the benefit of the user.

PAR. 18. "Carrot-Tabs" are not an aid to digestion nor do they possess antiseptic properties. They are of no therapeutic value where there is a putrescent condition of body tissue, either present or potential. The putrefaction of food in the intestine is a normal part of the digestive process, and its reduction would be highly detrimental. In the presence of a disease condition there may be an abnormal putrefaction in the intestine for which the accepted treatment is to eliminate the material itself and not to "reduce putrefaction," for either of which "Carrot-Tabs" would be wholly without benefit.

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PAR. 19. Among the statements and representations contained in said advertisements, disseminated as aforesaid, with respect to "Mucin-Oide," and specifically in the circulars "Break the Chains that Sap Your Health" and "Presenting 10 Dietary Aids to Health and Vigor," and the advertisement in "Foods for Health and Enjoyment," May 1943 issue, are the following:

Kind to nervous, irritated stomachs.

Peptic Ulcers, Gastritis. To help control the pains of peptic ulcers and gastritis.

* * * forms a protective coating against the hydrochloric acid of the stomach, often relieves irritated membranes and aids in binding excess stomach acids.

PAR. 20. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 19, respondent has represented, directly and by implication, that "Mucin-Oide" is soothing to nervous or irritated stomachs, will palliate the pain incident to peptic ulcers or gastritis and forms a protective coating of the stomach which protects it against stomach acids.

PAR. 21. "Mucin-Oide" will not soothe "nervous" or irritated stomachs. Taken as directed it will afford no significant relief to the pain incident to peptic ulcers or gastritis. It will not neutralize stomach acids, and the amount of protective mucilaginous substance which is available for deposit on the stomach wall is insignificant.

PAR. 22. Among the statements and representations contained in said advertisements disseminated as aforesaid in the circular "Presenting 10 Dietary Aids to Health and Vigor," is the following:

"Gain . . . Retain . . . Health with Dr. Abt's Dietary Aids."

With respect to "Iron-X" in said circular is the following:

Lack of iron in the blood may cause simple anemia, impaired energy. Each tablet of "Iron-X" contains 10 milligrams of organic iron, helps fortify body iron reserve. Iron-X is derived from 8 separate vegetables, all recognized as being rich in food iron. It takes iron to make rich red blood.

Among the statements and representations contained in said advertisements disseminated as aforesaid in the circular "Break the Chains that Sap Your Health" with respect to "Iron-X" are the following:

"Iron-X"

Food Iron Tablets

Iron is one of the most essential minerals in the body. Lack of it causes simple anemia, which results in poor energy, unnatural thinness, pallor and

weak resistance to disease. For iron is a vital constituent of the blood, its chief mineral element, which gives blood its red color and used for building an abundance of vigorous red corpuscles that race through the body carrying on the process of metabolism. Hence, every normal adult should receive a minimum of 12 to 15 milligrams of iron daily. Iron-X is a concentrated mineral preparation extracted from 8 natural vegetables, all recognized as being rich in vital food iron. Each tablet supplies 10 milligrams of iron citrate and furnishes an excellent supply of that precious iron.

PAR. 23. Through the use of the advertisements containing the statements and representations hereinabove set forth in paragraph 22, respondent has represented, directly and by implication, that a deficiency of iron in the system may produce anemia and may result in impaired energy, unnatural thinness, pallor and weak resistance to disease, and that such anemia and the said manifestations thereof will be cured or substantially benefited by the use of "Iron-X," taken as directed.

PAR. 24. The preparation taken as directed will provide from one to three times the adult minimum daily requirement for iron. A normal person taking the preparation as directed will not become anemic from lack of iron. The causes of impaired energy, unnatural thinness, pallor and weak resistance to disease are numerous and these conditions are only infrequently due to an iron deficiency. In the relatively rare cases where the said conditions are due to iron deficiency, adequate and effective therapy by the use of iron requires a dosage far greater than is provided by respondent's preparation, taken as directed, and such iron deficiency, and its manifestations, will not be cured or substantially benefited by the use of "Iron-X" as directed.

PAR. 25. Among the statements and representations contained in said advertisements, disseminated as aforesaid, with respect to "B-Ration," and specifically in the advertisement in "Vita Health News," January 1942 issue, and the circulars "Presenting 10 Dietary Aids to Health and Vigor," and "Break the Chains that Sap your Vigor," are the following:

Gain * * * Retain * * * Health with Dr. Abt's Dietary Aids.

Have you a hidden hunger for the B vitamins? Then let B-Ration be your body builder. Don't allow a shortage in your system to make you tired, irritable, nervous, cause lack of appetite or possible gastro-intestinal disturbances when 1000 International units per day will go a long way in helping you capture permanent vitality.

To promote intestinal muscle tone, help restore jaded appetite, return vitality to your system and contribute to an above average nutritional condition, buy the natural vitamin B Complex, B-Ration.

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It contains * * * pyrodoxine, pantothenic acid * * * all necessary for body building.

Vitamin B tends to aid the nerves and appetite, help digest carbohydrates. Abt's Vitamin B Ration contains * * * 135 gamma of Pantothenia (sometimes called the "anti-gray hair factor").

Vitamin B is not merely one vitamin, but actually several vitamins, known as B-Complex, * * * 5 tablets daily supply the normal daily requirement of Vitamin B.

Be sure of your health—be sure of the vitamins and minerals you take. Join the thousands who depend on Abt products.

PAR. 26. Through the use of the advertisements and representations containing the statements and representations hereinabove set forth in paragraph 25, respondent has represented, directly and by implication, that fatigue, irritability, nervousness, lack of vitality, lack of appetite, digestive disturbances and changing of the color of the hair to gray are due to deficiencies in various components of the Vitamin B-complex, and will be cured or substantially benefited by the use of "B-Ration"; that "B-Ration," taken as directed, will supply the normal daily adult requirement of Vitamin B-complex, will supply the user with 1,000 international units per day of the components of vitamin B-complex, assure the user against dietary deficiency in vitamin B-complex, and contribute to bodily health, vitality and well-being; that it will promote the tone of the intestinal muscles and help to digest carbohydrates and that all persons will be benefited by taking it.

PAR. 27. The causes of fatigue, irritability, nervousness, lack of vitality, and lack of appetite are numerous and they are only infrequently attributable to a deficiency in vitamin B-complex. When due to such deficiency they will not be cured nor substantially benefited by the use of "B-Ration," since effective and adequate vitamin therapy requires a dosage far greater than is provided by respondent's product, taken as directed. "B-Ration," taken as directed, gives the user the minimum daily adult requirement of vitamins B₁ and B₂, and smaller amounts of the other components of the B-complex but in such amounts it is of no therapeutic value in the correction or relief of developed symptoms of vitamin deficiency. "B-Ration" has no effect on graying hair. With the exception of vitamin B₁, none of the components of "B-Ration" are measured in terms of "international units," and "B-Ration" cannot be described in terms of such units. The product, used as directed, will not assure against dietary deficiency in B-complex, but only against deficiency in vitamins B₁ and B₂. The product will not promote better tone in the intestinal muscles nor does it function in connection with the digestion of carbohydrates. The

product possesses no therapeutic properties, and its only value is as a dietary supplement to persons whose usual diet is deficient in one or more of its components.

PAR. 28. Among the statements and representations contained in said advertisements disseminated as aforesaid with respect to "Wheatex-B" and specifically in the circular "Presenting 10 Dietary Aids to Health and Vigor" are the following:

Gain . . . Retain . . . Health with Dr. ABT'S dietary aids.

A splendid energy "lift" . . . If nervousness, constipation, lost appetite keep you all "fagged out" perhaps your diet is low in Vitamin B and minerals. This delicious wheat germ food gives you the bracing Vitamin B complex, together with blood and body building minerals—iron, calcium, phosphorous. Discover New Wheatex-B. It's new LIFE for you!

PAR. 29. Through the use of the advertisements containing the statements and representations hereinbefore set forth in paragraph 28, respondent has represented, directly and by implication, that nervousness, constipation, lost appetite and consequent listlessness are due to deficiencies in vitamin B-complex, iron, calcium or phosphorous, and will be cured or substantially benefited by the use of "Wheatex-B"; that said product contains therapeutically significant amounts of vitamin B-complex, iron, calcium, or phosphorous; that by its use the capacity for exertion will be increased in some manner other than by supplying nutrition, and that all persons will be benefited by taking it.

PAR. 30. "Wheatex-B" possesses no "energizing" properties beyond those of a nutrient. The causes of nervousness, constipation, lack of appetite, and consequent listlessness are numerous, and those conditions are only infrequently due to deficiencies in vitamin B-complex, iron, calcium, or phosphorous. In the relatively rare cases where these conditions are due to deficiency in vitamin B-complex, or said minerals, they will not be cured or substantially benefited by the use of "Wheatex-B." Effective and adequate vitamin or mineral therapy requires a dosage far greater than is provided by respondent's preparation which does not contain vitamin B-complex, iron, calcium, or phosphorous in therapeutic amounts. The product will not supply the user with amounts of iron, calcium, or phosphorous significant to blood and body building. The product possesses no therapeutic properties, and its only value is as a dietary supplement in cases where the usual diet is deficient in one or more of its components.

PAR. 31. For the reasons stated and in the particulars indicated herein, the Commission finds that the representations made by respondent with respect to the aforesaid preparations are erroneous and misleading and constitute false advertisements.

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PAR. 32. While the complaint alleges that the use of the preparation "Laxa-Tabs," an irritant laxative, is not always safe and harmless to all individuals if used under the conditions prescribed for its use or under such conditions as are customary or usual, the Commission, subsequent to the issuance thereof, has administratively determined that the potential dangers resulting from the use of preparations which are irritant laxatives under such conditions are not of sufficient seriousness to justify a requirement that respondent affirmatively disclose in advertising all facts material with respect to the consequences which may result from its use, and therefore no findings of facts have been made with respect thereto.

The record contains no evidence with respect to the charges in the complaint concerning the product "Papaya-Lets," and consequently, no findings of facts with respect thereto have been made.

PAR. 33. The use by the respondent of the aforesaid false advertisements has had the tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that the said advertisements are true and to induce a substantial portion of the purchasing public, because of such erroneous and mistaken belief, to purchase said products.

CONCLUSION

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

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, respondent's answer thereto, stipulation as to the facts entered into by and between counsel supporting the complaint and respondent, and recommended decision of the trial examiner (no briefs having been filed and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered That the respondent, W. L. Abt, individually and trading as Abt Laboratories, Abt Institute, Abt Products, Abt Institute of Natural Therapy, and Abt Products Co., or trading under any other name, his agents, representatives, and employees, directly or

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through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondent's products designated "Tasty Soup Mix," "Erbecell," "Garlic-Tabs," "Laxa-Tabs," "Carrot Tabs," "Mucin-Oide," "Iron-X," "Vitamin B Ration," and "Wheatex-B," or any other products of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from:

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

(a) That the preparation "Tasty Soup Mix" will provide energy in any manner other than by supplying nutrition or that it possesses any energizing properties beyond those of a nutrient.

(b) That the preparation "Erbecell" will relieve the discomforts of dyspepsia or griping bowels.

(c) That the preparation "Garlic-Tabs"—

(1) Is a competent or effective treatment for any of the symptoms of high blood pressure or will afford any relief from dullness, fatigue, nervousness, dizziness, ringing in the ears, throbbing in the head, or any other associated symptom of high blood pressure;

(2) Will have any effect upon abnormal blood conditions;

(3) Will increase vim or vigor;

(4) Possesses any tonic properties;

(5) Posses any therapeutic properties other than as a carminative agent; or

(6) Will reduce intestinal putrefaction, or that one is benefited by a reduction of intestinal putrefaction.

(d) That the preparation "Laxa-Tabs"—

(1) Will cause the bowels to regularly and spontaneously evacuate themselves without assistance;

(2) Will induce bowel movements that are natural;

(3) Is a natural regulator or eliminant;

(4) Is gentle and non-irritant in its action; or

(5) Possesses any tonic or significant astringent properties.

(e) That the preparation "Carrot-Tabs"—

(1) Is an aid to digestion;

(2) Possesses any antiseptic properties; or

(3) Has any therapeutic value where there is a putrescent condition of body tissue either present or potential.

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- (f) That the preparation "Mucin-Oide" will—
- (1) Soothe nervous or irritated stomachs;
 - (2) Alleviate the pain incident to peptic ulcers or gastritis; or
 - (3) Form a protective coating of the stomach which protects it against stomach acids.
- (g) That the preparation "Iron-X," when taken as directed by respondent, will—
- (1) Have any therapeutic effect upon an iron deficiency in the system, or upon any manifestations of such an iron deficiency; or
 - (2) Have any beneficial effect in the treatment of impaired energy, unnatural thinness, pallor, or weak resistance to disease.
- (h) That the preparation "Vitamin B Ration," when taken as directed by respondent, will—
- (1) Provide any therapeutic benefits;
 - (2) Cure, or constitute an adequate or effective treatment of, fatigue, irritability, or nervousness;
 - (3) Restore vitality or appetite;
 - (4) Have any effect on the color of the hair;
 - (5) Except for Vitamins B₁ and B₂, provide the minimum daily adult nutritional requirements of the components of Vitamin B-complex;
 - (6) Promote better one in the intestinal muscles or aid in the digestion of carbohydrates; or
 - (7) Have any beneficial value except as a dietary supplement to persons whose usual diet is deficient in one or more of its components.
- (i) That the components of the Vitamin B-complex, with the exception of Vitamin B₁, are measured in terms of International Units.
- (j) That the preparation "Wheatex-B"—
- (1) Contains therapeutically significant amounts of Vitamin B-complex, iron, calcium, or phosphorus, or will supply the user with amounts of iron, calcium, or phosphorus significant to blood or body building;
 - (2) Will cure or substantially benefit nervousness, constipation, lack of appetite, and consequent listlessness;
 - (3) Possesses any therapeutic properties; or
 - (4) Will increase the capacity for exertion in any manner other than by supplying nutrition, or have any beneficial value except as a dietary supplement in cases where the usual diet is deficient in one or more of its components.
2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing, or which is likely to induce,

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directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

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

IN THE MATTER OF
SAMUEL WORTH DOING BUSINESS AS WORTHMORE
SALES COMPANY

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

Docket 5203. Complaint, Aug. 10, 1944—Decision, Mar. 10, 1950

Where lottery schemes are devised and sold in connection with disclaimers which pretend to offer them as straight sales promotion plans, free of the lottery element, prudence requires that the Commission's remedy should reach any variations of the plans which, as a result of their design, readily lend themselves to the operation of a lottery scheme; and such a remedy obviously would not reach or be intended to reach a plan which was in fact free of the lottery element, but which might be so changed or corrupted by customers of the seller as to be used in connection with lotteries.

As examination of pertinent decisions of the several Circuit Courts of Appeal with respect to orders of the Commission enjoining the use of merchandising plans or sales promotion plans which reasonably anticipate or suggest a lottery, or are of such a nature that a lottery is likely to occur therefrom, make it clear that there is no difference in the purpose or scope of the orders intended by the Commission and those approved by said courts, and that the only differences between the opinions of the several Circuit Courts and between certain of said courts and the Commission involved construction of the language used rather than the proper scope of the orders themselves.

As respects orders in such cases it seems clear from the decisions concerned, and it is the opinion of the Commission, that such orders should be sufficient to enjoin the use of such merchandise plans or sales promotion plans as above described. It is not the intent of the Commission, however, to go beyond such point, and no Court has held that the Commission's orders in such cases were too broad when construed as the Commission intended they should be construed, it appearing, as above noted, that differences involved question of construction only.

A type of order in such cases, adopted in 1942 for general use in appropriate matters, as a result of a study directed to the possibility of choosing language which would eliminate the uncertainty of construction found by the courts, but would still be sufficiently broad to accomplish the purposes intended, and which requires a respondent engaged in lottery schemes of the nature concerned, to cease and desist from "selling or distributing any merchandise so packed and assembled that sales of said merchandise to the public are to be made or, *due to the manner in which such merchandise is packed and assembled at the time it is sold by respondent* may be made by means of a game of chance, gift enterprise or lottery scheme," was designed, through the addition of the *underscored* language, to make it clear that such orders were intended to apply only to those plans which might