

Complaint

IN THE MATTER OF

WALSH LABORATORIES, INC., ET AL.

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

Docket 5665. Complaint, June 17, 1949—Decision, Sept. 21, 1950

Where a corporation and the two officers who controlled it, engaged in the interstate sale and distribution of a product which they designated as "Rodan"—

- (a) Represented in advertisements thereof in newspapers and circulars, on letterheads and other advertising material, that said preparation was an effective killing agent for mice and all varieties of rats, and would destroy the rats on infested premises; the facts being that it was not such an agent except for brown rats, and could not be depended upon to destroy all the rats, or even all brown rats, on infested premises;
- (b) Represented falsely, as aforesaid, that the use of the product was completely safe and would not harm domestic animals or poultry;
- (c) Falsely represented through the use of the words "manufacturing chemists" in connection with their corporate name, that they manufactured or compounded chemicals and employed chemists in connection with their business;

With tendency and capacity to mislead and deceive a substantial portion of the purchasing public with respect to their said product and their business status, and thereby induce the purchase by it of substantial quantities of said product:

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.

Before *Mr. William L. Pack*, trial examiner.

Mr. B. G. Wilson for the Commission.

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 Walsh Laboratories, Inc., a corporation, John J. Walsh and Henry E. Staffel, individually and as officers of Walsh Laboratories, Inc., a corporation, hereinafter referred to as respondents, have 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 Walsh Laboratories, Inc., is a corporation organized and existing under and by virtue of the laws of the State of Illinois. John J. Walsh is president and treasurer and Henry E.

Staffel is vice president and secretary of said Walsh Laboratories, Inc. The corporate respondent and individual officers have their office and principal place of business located at 525 West Seventy-sixth Street, Chicago 20, Ill. The individual officers control the policies and practices of said corporate respondent.

PAR. 2. Respondents are now, and for more than 1 year last past, have been engaged in the sale and distribution of a product designated by them as "Rodan."

The respondents cause their said product when sold to be transported from their place of business in the State of Illinois to the purchasers thereof located in various States of the United States and in the District of Columbia. Respondents maintain, and at all times mentioned herein have maintained, a course of trade in said product between and among the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of their business and for the purpose of inducing the purchase of their said product respondents have made and now make certain statements and representations with respect to said product by means of advertisements inserted in newspapers, circulars, on letterheads and other advertising material. Among and typical of such statements and representations are the following:

GET RID OF RATS
With Guaranteed RODAN

Why let rats destroy your property, spread disease when it is so easy to kill them with RODAN—the only rat killer that contains both DuPont ANTU (the deadliest rat killer available to the public) and the scientific Walsh 16 Ingredient Rat Bait! Laboratory tests show RODAN safe around animals and poultry—get a package that contains enough to kill a thousand rats for only \$1.00 from your dealer or mail coupon today.

KILL RATS AND MICE

* * *

RODAN Rat Killer contains ANTU, the most effective killing agent for use against rats and mice available to the public.

Walsh Laboratories, Inc. Manufacturing Chemists.

PAR. 4. Through the use of the foregoing statements and representations and others of the same import not specifically set out herein, respondents represented that their product "Rodan" is an effective killing agent for mice and all varieties of rats and will destroy all rats on infested premises; and that the use of said product is completely safe and will not cause harm to animals or poultry. Further through the use of the words "manufacturing chemists" re-

spondents represent that they manufacture or compound chemicals and employ chemists in connection with their said business.

PAR. 5. The above statements and representations are false, misleading and deceptive. In truth and in fact, respondents' product "Rodan" is not an effective killing agent for mice or for rats, other than brown rats. The use of the product cannot be depended upon to destroy all the rats on infested premises, including brown rats. The product may be harmful to animals and poultry. The respondents do not manufacture or compound chemicals nor do they employ chemists in their business.

PAR. 6. The use by the respondents of the aforesaid false, misleading and deceptive statements and representations has had, and now has, the tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements and representations are true, and to induce a substantial portion of the purchasing public, because of such erroneous and mistaken beliefs, to purchase said product.

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

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on June 17, 1949, issued and subsequently served its complaint in this proceeding upon the respondents, Walsh Laboratories, Inc., a corporation, and John J. Walsh and Henry E. Staffel, individually and as officers of said corporation, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' answer thereto, a hearing was convened by a trial examiner of the Commission theretofore duly designated by it for the purpose of receiving testimony and other evidence in support of and in opposition to the allegations of the complaint. At said hearing there was read into the record a stipulation as to the facts between counsel in support of the complaint and respondents in which it was agreed, among other things, that the facts set forth therein may be taken as the facts in this proceeding and in lieu of evidence in support of and in opposition to the charges stated in the complaint, and that the Commission may

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proceed upon said statement of facts to make its report, stating its findings as to the facts and its conclusion based thereon and enter its order disposing of this proceeding without the presentation of argument or the filing of briefs. Also at the same hearing, certain explanatory testimony and other evidence were introduced. Such testimony and other evidence, including the aforesaid stipulation as to the facts, were duly recorded and filed in the office of the Commission.

Thereafter this proceeding regularly came on for final hearing before the Commission upon the complaint, answer thereto, testimony and other evidence, including the stipulation as to the facts and recommended decision of the trial examiner; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent Walsh Laboratories, Inc., is a corporation organized and existing under and by virtue of the laws of the State of Illinois. John J. Walsh is president and treasurer and Henry E. Staffel is vice president and secretary of said Walsh Laboratories, Inc. The corporate respondent and individual officers have their office and principal place of business located at 525 West Seventy-sixth Street, Chicago 20, Ill. The individual officers control the policies and practices of said corporate respondent. Respondents are now, and for more than 1 year last past, have been engaged in the sale and distribution of a product designated by them as "Rodan."

PAR. 2. The respondents cause their said product when sold to be transported from their place of business in the State of Illinois to the purchasers thereof located in various States of the United States. Respondents maintain, and at all times mentioned herein have maintained, a course of trade in said product between and among the various States of the United States.

PAR. 3. In the course and conduct of their business and for the purpose of inducing the purchase of their said product respondents have made certain statements and representations with respect to said product by means of advertisements inserted in newspapers, circulars, on letterheads and other advertising material. Among and typical of such statements and representations are the following:

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GET RID OF RATS

With Guaranteed RODAN

Why let rats destroy your property, spread disease when it is so easy to kill them with RODAN—the only rat killer that contains both DuPont ANTU (the deadliest rat killer available to the public) and the scientific Walsh 16 Ingredient Rat Bait! Laboratory tests show RODAN safe around animals and poultry—get a package that contains enough to kill a thousand rats for only \$1.00 from your dealer or mail coupon today.

KILLS RATS AND MICE

* * *

RODAN Rat Killer contains ANTU, the most effective killing agent for use against rats and mice available to the public.

Walsh Laboratories, Inc. Manufacturing Chemists.

PAR. 4. Through the use of the foregoing statements and representations and others of the same import, respondents have represented that their product "Rodan" is an effective killing agent for mice and all varieties of rats and will destroy all the rats on infested premises; and that the use of said product is completely safe and will not cause harm to domestic animals or poultry. Through the use of the words "manufacturing chemists" in connection with the name of the corporation, respondents have also represented that they manufacture or compound chemicals and that they employ chemists in connection with their business.

PAR. 5. The above statements and representations are erroneous and misleading. In truth and in fact, respondent's product "Rodan" is not an effective killing agent for mice or for rats, other than brown rats. The use of the product cannot be depended upon to destroy all the rats, even all brown rats, on infested premises. The product may be harmful to domestic animals and poultry. The respondents do not manufacture or compound chemicals nor do they employ chemists in their business.

PAR. 6. The use by the respondents of the aforesaid erroneous and misleading representations has the tendency and capacity to mislead and deceive a substantial portion of the purchasing public with respect to respondents' said product and with respect to respondents' business status, and to induce a substantial portion of the purchasing public to purchase substantial quantities of said product as a result of the erroneous and mistaken belief so engendered.

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

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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, answer of the respondents, testimony and other evidence, including a stipulation as to the facts agreed upon by counsel, introduced before a trial examiner of the Commission theretofore duly designated by it, and the recommended decision of the trial examiner; and the Commission having made its findings as to the facts and its conclusion that respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered That the respondents, Walsh Laboratories, Inc., a corporation, its officers, agents, representatives, and employees, and John J. Walsh and Henry E. Staffel, individually and as officers of respondent corporation, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their product designated "Rodan" or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from:

- (1) Representing, directly or by implication,
 - (a) That said product is an effective killing agent for mice;
 - (b) That said product is an effective killing agent for rats other than brown rats;
 - (c) That the use of said product will destroy all rats on infested premises;
 - (d) That the use of said product will not cause harm to domestic animals and poultry.

- (2) Using the words "manufacturing chemists" in connection with the corporate name of respondent corporation; or otherwise representing, directly or by implication, that respondents manufacture or compound chemicals or that they have chemists in their employ.

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

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IN THE MATTER OF

FREDERICK GODFREY

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

Docket 5702. Complaint, Oct. 11, 1949—Decision, Sept. 22, 1950

Where an individual engaged in the interstate sale and distribution of its drug product "Terits," made, successively, under two different formulae; in advertisements thereof in various newspapers published in larger cities in Indiana, Colorado, and Ohio, among others; directly and by implication—

- (a) Falsely represented that said product was an adequate, effective, and competent treatment and cure for all kinds of rheumatism, arthritis, and neuritis; would arrest the progress and correct the underlying causes; and would afford complete and permanent relief from, and cure, the aches and pains thereof; and
- (b) Falsely represented that such product was beneficial in the treatment of the aforesaid symptoms beyond furnishing a temporary and partial relief from minor aches and pains and fever associated therewith; and constituted a new medicine:

The facts being that the aches and pains incident to the various kinds of such diseases may be of such a nature that they would be in no way alleviated by the use of said product, under either formula and however taken; and in any event relief would be limited to temporary analgesic and antipyretic effect of the salicylate content;

With capacity and tendency to mislead and deceive a substantial portion of the purchasing public with respect to its product, and thereby cause it to purchase substantial quantities thereof:

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. Joseph Callaway for the Commission.

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 Frederick Godfrey, 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:

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PARAGRAPH 1. Respondent Frederick Godfrey is an individual trading and doing business under the name "Canam Sales Agency," and having an office and principal place of business at Rockport, Mass.

PAR. 2. Respondent is now, and has been for more than one year last past, engaged in the business of selling and distributing a certain drug product, as "drug" is defined in the Federal Trade Commission Act.

The designation used by respondent, the formula and directions for use thereof are as follows:

Designation: Terits.

Formula: Each tablet contains 5 grains potassium bicarbonate and 5 grains sodium salicylate.

Directions: For adults only. Take two tablets after each meal with glass of water. Repeat dosage in 3 or 4 hours if necessary.

Respondent causes the said product, when sold, to be transported from his place of business in the State of Massachusetts 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 said product in commerce between and among the various States of the United States and in the District of Columbia. Respondent's volume of business in such commerce is substantial.

PAR. 3. In the course and conduct of his business the respondent, subsequent to March 21, 1938, has disseminated and caused the dissemination of certain advertisements concerning Terits 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, its purchase.

Among the said advertisements are those of which copies are attached hereto, marked "Exhibits 1 to 6," inclusive, and by this reference incorporated herein and made a part hereof.

The advertisement exemplified by Exhibit 1 was published in various newspapers, including, but not limited to, the following newspapers and issues thereof: Terre Haute (Ind.) Star, issue of January 21, 1947; Denver (Colo.) Post, issue of February 24, 1947; Cincinnati (Ohio) Times-Star, issue of April 14, 1947.

The advertisement exemplified by Exhibit 2 was published in various newspapers, including, but not limited to, the following newspapers and issues thereof: Denver (Colo.) Post, issue of February 28, 1947; Duluth (Minn.) News-Tribune, issue of March 1, 1947; Dayton (Ohio) Herald, issue of June 13, 1947.

The advertisement exemplified by Exhibit 3 was published in the following newspaper: Cincinnati (Ohio) Post, issue of October 1, 1948.

The advertisement exemplified by Exhibit 4 was published in various newspapers, including, but not limited to the following newspapers and issues thereof: Terre Haute (Ind.) Star, issue of February 18, 1947; Cincinnati (Ohio) Times-Star, issue of October 21, 1947; Indianapolis (Ind.) News, issue of October 7, 1947.

The advertisement exemplified by Exhibit 5 was published in the following newspaper: Denver (Colo.) Post, issue of March 3, 1947.

The advertisement exemplified by Exhibit 6 was published in the following newspapers and issues thereof: Indianapolis (Ind.) News, issue of March 5, 1947; Peoria (Ill.) Journal-Transcript, issue of March 5, 1947; Detroit (Mich.) News, issue of February 13, 1948.

Respondent has also disseminated and caused the dissemination of the advertisements referred to above for the purpose of inducing, and the said advertisements were likely to induce, directly or indirectly, the purchase of Terits in commerce as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. Through the use of the said advertisements respondent has made, directly and by implication, the representations shown in the following subparagraphs identified as (A) to (E) inclusive. The said advertisements, by reason of the said representations, are misleading in material respects and constitute "false advertisements" as that term is defined in the Federal Trade Commission Act, by reason of the true facts which are set forth in subparagraphs (1) to (5) inclusive.

(A) That Terits is an adequate, effective and competent treatment for all kinds of arthritis, rheumatism, and neuritis.

(1) Terits, however taken, is not an adequate, effective or competent treatment for any kind of rheumatism, arthritis, or neuritis.

(B) That Terits will arrest the progress of, correct the underlying causes of, and cure all kinds of arthritis, rheumatism, and neuritis.

(2) Terits, however taken, will not arrest the progress of, correct the underlying causes of, and will not cure any kind of rheumatism, arthritis, or neuritis.

(C) That Terits will afford complete and immediate and permanent relief from, and will cure, the aches and pains of all kinds of arthritis, rheumatism, and neuritis.

(3) Terits, however taken, will not correct the underlying causes of the aches and pains incident to the various kinds of arthritis, rheumatism, and neuritis, and will not cure such aches and pains. These

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aches and pains may be of such a nature that they will be in no way alleviated by the use of Terits, however taken, and in other cases the relief afforded will be limited to such degree of temporary and partial analgesic and antipyretic effect as its content of sodium salicylate may afford in the individual case.

(D) That Terits is beneficial in the treatment of arthritis, rheumatism, and neuritis and manifestations and symptoms thereof above and beyond furnishing a temporary and partial relief for minor aches and pains, and fever, associated therewith.

(4) The effect of Terits when used in any of the ailments mentioned herein is limited to temporary and partial relief of minor aches and pains, and fever, associated therewith.

(E) That Terits is a new medicine.

(5) The ingredients of Terits are not new, and so far as arthritis, rheumatism, and neuritis are concerned, it is not a new medicine.

PAR. 5. The use by respondent of said false advertisements with respect to Terits has had the capacity and tendency to mislead and deceive, and has misled and deceived, a substantial portion of the purchasing public into the erroneous and mistaken belief that the representations and statements contained therein were true, and into the purchase of substantial quantities of Terits by reason of said erroneous and mistaken belief.

PAR. 6. The aforesaid acts and practices of respondent, as herein alleged, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

(Exhibit 1)

HAD ENOUGH ARTHRITIS PAIN

Now of great interest to many sufferers is in a compound by a Canadian firm, now being distributed here for the agonizing pains of Arthritis, Rheumatism, Neuritis. Many can now get fast-acting relief by taking a product called TERITS. It is a small tablet, inexpensive and easy to take. Lick your Arthritis and Rheumatism pains today. Your druggist has TERITS, or can get them for you. Double your money back if they fail to help you. Get TERITS now. For sale by (name of local store) and druggists everywhere.

(Exhibit 2)

HAD ENOUGH ARTHRITIS PAINS?

Considerable interest is being shown thru-out Canada in a compound called TERITS now being distributed here, that brings fast-acting relief from the agonizing pains of Arthritis, Rheumatism, Neuritis. TERITS is a small tablet,

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inexpensive—easy to take. Your druggist has TERITS or can get them for you. Double your money back if they fail to help you. Get them today. For sale by (name of local store) and druggists everywhere.

(Exhibit 3)

HAD ENOUGH ARTHRITIS PAINS?

A noted New York physician has created a new formula that brings fast-acting relief from agonizing pains of Arthritis, Rheumatism, Neuritis. Known as TERITS. It is a small tablet, inexpensive, easy to take, and a real blessing to sufferers. Your druggist has them, or can get them for you. Be sure to ask for the new TERITS. Money back if they fail. Try them today. For sale by (name of local store) and druggists everywhere.

(Exhibit 4)

CANADIAN LICKS ARTHRITIS PAINS

Considerable interest is being shown throughout Canada in a compound now being distributed here which is bringing fast-acting relief from the agonizing pains of Arthritis, Rheumatism, Neuritis, which often cripple so many sufferers. Many can now get fast-acting relief by taking the product called TERITS. It is a small tablet, inexpensive and easy to take. Lick your Arthritis or Rheumatic pains today. Your druggist has TERITS, or can get them for you. Double your money back if they fail to help you. Get TERITS now. For sale by (name of local store) and druggists everywhere.

(Exhibit 5)

FAST RELIEF FOR ARTHRITIS PAINS

Considerable interest is being shown throughout Canada in a compound now being distributed here which is bringing fast-acting relief from the agonizing pains of Arthritis, Rheumatism, Neuritis, which often cripple so many sufferers. Many can now get fast-acting relief by taking the product called TERITS. It is a small tablet, inexpensive and easy to take. Relieve your Arthritis and Rheumatic pains today. Your druggist has TERITS or can get them for you. Double your money back if they fail to help you. Get TERITS now. For sale by (name of local store) and druggists everywhere.

(Exhibit 6)

NEWS FOR ARTHRITIS SUFFERERS

Now of great interest to many sufferers is in a compound by a Canadian firm, now being distributed here, for the agonizing pains of Arthritis, Rheumatism, Neuritis. Many can now get fast-acting relief by taking a product called TERITS. It's a small tablet, inexpensive and easy to take. Your druggist has Terits or can get them for you. Lick your Arthritis and Rheumatism pains today. Double your money back if they fail to help you. For sale by (name of local store) and druggists everywhere. Get TERITS today.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on October 11, 1949, issued and subsequently served its complaint in this proceeding upon respondent Frederick Godfrey, an individual trading as Canam Sales Agency, charging said respondent with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the filing of answer to such complaint, a stipulation as to the facts was entered into between Daniel J. Murphy, Chief of Trial Division, of the Federal Trade Commission, and the respondent, subject to the approval of the Commission, whereby it was stipulated that the statement of facts set out in such stipulation might be taken as the facts in this proceeding and in lieu of evidence in support of the charges stated in the complaint or in opposition thereto, and that the Commission might proceed upon 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 this proceeding without other intervening procedure. Thereafter, this proceeding regularly came on for final hearing before the Commission upon said complaint, answer thereto, and stipulation, said stipulation having been approved and accepted and filed by the Commission; 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 Frederick Godfrey is an individual trading and doing business under the name "Canam Sales Agency," and having an office and principal place of business at Rockport, Mass.

PAR. 2. Respondent is now, and has been for more than one year last past, engaged in the business of selling and distributing a certain drug product, as "drug" is defined in the Federal Trade Commission Act.

Respondent's product is designated as "Terits" and under the formula followed prior to July 1, 1948, each tablet contained 5 grains potassium bicarbonate and 5 grains sodium salicylate. At such time, the directions for use were as follows:

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For adults only. Take two tablets after each meal with glass of water. Repeat dosage in 3 or 4 hours if necessary.

Since July 1, 1948, the designation has remained the same. The formula and directions for use have been as follows:

Each tablet contains 3 grains salysal, 3 grains strontium salicylate and 3 grains of aspirin.

Take two or three tablets with a glass of water. May be repeated in two or three hours.

Respondent causes the said product, when sold, to be transported from his place of business in the State of Massachusetts 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 said product in commerce between and among the various States of the United States and in the District of Columbia. Respondent's volume of business in such commerce is substantial.

PAR. 3. In the course and conduct of his business the respondent, subsequent to March 21, 1938, has disseminated and caused the dissemination of certain advertisements concerning Terits 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, its purchase.

Among the said advertisements have been those inserted by respondent during the years 1947 and 1948 in various newspapers published in larger cities located in the States of Indiana, Colorado, and Ohio, among others, which advertisements are as follows:

HAD ENOUGH ARTHRITIS PAIN

Now of great interest to many sufferers is in a compound by a Canadian firm, now being distributed here for the agonizing pains of Arthritis, Rheumatism, Neuritis. Many can now get fast-acting relief by taking a product called TERITS. It is a small tablet, inexpensive and easy to take. Lick your Arthritis and Rheumatism pains today. Your druggist has TERITS, or can get them for you. Double your money back if they fail to help you. Get TERITS now. For sale by (name of local store) and druggists everywhere.

HAD ENOUGH ARTHRITIS PAINS?

Considerable interest is being shown thru-out Canada in a compound called TERITS now being distributed here, that brings fast-acting relief from the agonizing pains of Arthritis, Rheumatism, Neuritis.

TERITS is a small tablet, inexpensive—easy to take. Your druggist has TERITS or can get them for you. Double your money back if they fail to help you. Get them today. For sale by (name of local store) and druggists everywhere.

HAD ENOUGH ARTHRITIS PAINS?

A noted New York physician has created a new formula that brings fast-acting relief from agonizing pains of Arthritis, Rheumatism, Neuritis, Known as Terits. It is a small tablet, inexpensive, easy to take, and a real blessing to sufferers. Your druggist has them, or can get them for you. Be sure to ask for the new TERITS. Money back if they fail. Try them today. For sale by (name of local store) and druggists everywhere.

CANADIAN LICKS ARTHRITIS PAINS

Considerable interest is being shown throughout Canada in a compound now being distributed here which is bringing fast-acting relief from the agonizing pains of Arthritis, Rheumatism, Neuritis, which often cripple so many sufferers. Many can now get fast-acting relief by taking the product called TERITS. It is a small tablet, inexpensive and easy to take. Lick your Arthritis or Rheumatic pains today. Your druggist has TERITS, or can get them for you. Double your money back if they fail to help you. Get TERITS now. For sale by (name of local store) and druggists everywhere.

FAST RELIEF FOR ARTHRITIS PAINS

Considerable interest is being shown throughout Canada in a compound now being distributed here which is bringing fast-acting relief from the agonizing pains of Arthritis, Rheumatism, Neuritis, which often cripple so many sufferers. Many can now get fast-acting relief by taking the product called TERITS. It is a small tablet, inexpensive and easy to take. Relieve your Arthritis and Rheumatic pains today. Your druggist has TERITS or can get them for you. Double your money back if they fail to help you. Get TERITS now. For sale by (name of local store) and druggists everywhere.

NEWS FOR ARTHRITIS SUFFERERS

Now of great interest to many sufferers is in a compound by a Canadian firm, now being distributed here, for the agonizing pains of Arthritis, Rheumatism, Neuritis. Many can now get fast-acting relief by taking a product called TERITS. It's a small tablet, inexpensive and easy to take. Your druggist has TERITS or can get them for you. Lick your Arthritis and Rheumatism pains today. Double your money back if they fail to help you. For sale by (name of local store) and druggists everywhere. Get TERITS today.

Respondent has also disseminated and caused the dissemination of the advertisements referred to above for the purpose of inducing, and the said advertisements were likely to induce, directly or indirectly, the purchase of Terits in commerce as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. Through use of the foregoing advertisements, respondent has represented directly and by implication that Terits is an adequate, effective, and competent treatment and cure for all kinds of rheumatism, arthritis, and neuritis, and that it will arrest the progress of

and correct the underlying causes thereof, that it will be effective in affording complete and permanent relief from and will cure the aches and pains of all kinds of arthritis, rheumatism, and neuritis, that such product is beneficial in the treatment of the aforesaid diseases and the symptoms thereof above and beyond furnishing a temporary and partial relief from minor aches and pains, and fever associated therewith, and that Terits is a new medicine.

PAR. 5. The said advertisements by reason of the foregoing representations are misleading in material respects and constitute "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact, under either formula however taken, Terits is not an adequate, effective or competent treatment or cure for any kind of rheumatism, arthritis, or neuritis. Respondent's said preparation will not arrest the progress of or correct the underlying causes of any kind of rheumatism, arthritis, or neuritis, or correct the underlying causes of such aches and pains as are incident to any kind of rheumatism, arthritis, or neuritis.

Respondent's preparation will not afford complete or permanent relief from nor will it cure the aches and pains incident to the various kinds of rheumatism, arthritis, and neuritis. These aches and pains may be of such a nature that they will be in no way alleviated by the use of Terits under either formula however taken, and in other cases the relief afforded will be limited to such degree of temporary and partial analgesic and antipyretic effect as the salicylate content of Terits may afford in individual cases. In any event, the value of Terits under either formula or directions when used for the ailments mentioned herein is limited to temporary and partial relief of minor aches and pains, and fever associated therewith. The ingredients of Terits under either formula are not new and insofar as arthritis, rheumatism, and neuritis are concerned it is not a new medicine.

PAR. 6. The use by respondent of said false advertisements has had the capacity and tendency to mislead and deceive a substantial portion of the purchasing public with respect to respondent's product and the tendency and capacity to cause such portion of the public to purchase substantial quantities of Terits as a result of the erroneous and mistaken belief so engendered.

CONCLUSION

The aforesaid acts and practices of 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

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ORDER TO CEASE AND DESIST

This proceeding came on to be heard by the Federal Trade Commission upon the complaint of the Commission, the answer to the respondent, and a stipulation as to the facts, in which stipulation 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 the said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Frederick Godfrey, individually and trading under the name of Canam Sales Agency, or any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of the preparation designated "Terits," or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from:

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

(a) That said preparation is a competent or effective treatment or cure for rheumatism, arthritis, or neuritis or that it will have any therapeutic value in the treatment of rheumatism, arthritis, or neuritis, or in treating or relieving any of the symptoms thereof, in excess of affording temporary and partial relief of minor aches and pains, and fever associated therewith.

(b) That said preparation is a new medicine.

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

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

Syllabus

IN THE MATTER OF
STERLING DRUG, INC.

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

Docket 5441. Complaint, June 4, 1946—Decision, Sept. 25, 1950

Where a corporation engaged in the manufacture and competitive interstate sale and distribution of its "Bayer Tablets of Aspirin," "Bayer Aspirin Tablets," "Bayer Aspirin," "Phillips Milk of Magnesia Cleansing Cream" and "Phillips Milk of Magnesia Skin Cream"; in weekly broadcasts, during the period from the spring of 1936 until April or May of 1944 over a Nation-wide hookup of a certain radio musical program known as the "American Melody Hour," which promoted and advertised the sale of its Bayer Aspirin—

- (a) Falsely represented to the radio listening public through opening announcements, that the druggists of America sponsored and presented said program, and through such representations in said connection as "presented" or "brought to you" by or with "the compliments or best wishes of the druggists of America" imported that said druggists were recommending such products; with the potentiality, necessarily, of injuring manufacturers and sellers of competitive products and of deceiving the public; and
- (b) Falsely represented that the retail price of its said product had only recently been reduced through such statements as "Get it at any drugstore * * * now for only 15 cents for 12 tablets" or "only 15 cents now, for 12 tablets"; the facts being that while said representation was true, when first made in 1934, it was deceptive as continued for 9 years thereafter; and

Where said corporation, in advertising its said creams in newspapers and periodicals and by radio, directly or by implication—

- (c) Represented that the use of its said cleansing and skin creams would keep the skin free of enlarged pores and prevent enlarged pore openings; the facts being that said creams would have no value in the reduction in size of pore openings except to the extent that use thereof would facilitate the removal of blackheads from the follicles and thus apparently reduce the size of the latter; and they would not under any circumstances "keep the skin free of enlarged pores" or "prevent enlarged pore openings";
- (d) Represented falsely that said skin creams would control oiliness of the skin or oily shine or dull shine; the facts being that while application thereof followed by vigorous rubbing would temporarily remove the accumulated oil from the skin, persistent use thereof would result in over activity of the sebaceous glands and increased oiliness; and
- (e) Represented falsely that its said creams would keep the skin free of dry, scaly roughness; the facts being that any possible improvement would be only temporary, the duration thereof depending largely upon the degree of perspiration to which the skin was subjected after application thereof; said condition, when resulting from pathological causes would not be appreciably affected; and in no case would they "keep the skin free of dry, scaly roughness";