

Complaint

IN THE MATTER OF

WARREN W. BURGESS ET AL. DOING BUSINESS AS THE
KNOX COMPANYCOMPLAINT, FINDINGS, AND ORDERS IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT 26, 1914*Docket 5881. Complaint, May 16, 1951—Decision, Apr. 18, 1952*

Where three partners engaged in the interstate sale and distribution of a number of medicinal preparations including their "Chinaroid" rectal balm and "Romind" tablets compound for relief of rheumatic aches and pains; in advertising by various means, directly and by implication—

- (a) Falsely represented that said "Chinaroid" constituted an adequate and competent treatment for hemorrhoids and their underlying causes;

The facts being that it would have merely an emollient effect and temporarily relieve symptoms of said conditions in simple cases;

- (b) Falsely represented that use of said preparation would serve to shrink sore, swollen tissues, help nature heal irritated membranes and allay nervousness induced by and accompanying hemorrhoids; and

- (c) Falsely represented that said "Romind" preparation was a competent and effective relief for arthritis, neuritis, rheumatism, swollen joints, neuralgia, sciatica, and lumbago, and would afford permanent relief from pain thereof;

- (d) Falsely represented that it was a fast-acting medicine which brought new hope, happiness and comfort to sufferers from the pain of said conditions;

The fact being that any comfort derived from it would be solely due to the temporary relief of minor pains afforded by its analgesic effect, and it was not fast-acting;

With capacity and tendency to mislead a substantial portion of the purchasing public into the erroneous belief that its said representations were true, and thereby into the purchase of substantial quantities of aforesaid preparations:

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. Everett F. Haycraft*, hearing examiner.

Mr. R. P. Bellinger for the Commission.

Davies, Richberg, Tydings, Beebe & Landa, of Washington, D. C., and *Sampson & Dryden*, of Los Angeles, Calif., for respondents.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that Warren W. Burgess, Linn D. Johnson and Richard T. Aldworth, copartners doing business under the firm name of The Knox Company, hereinafter referred to as respondents, have violated the provisions of said Act, and it appearing to the Commission that a proceeding by it in respect thereof

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would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondents Warren W. Burgess, Linn D. Johnson, and Richard T. Aldworth are individuals trading as copartners under the name of The Knox Company, with their principal place of business located at 1651 North Argyle Street, Los Angeles, California.

PAR. 2. Respondents are now, and for several years last past, have been engaged in selling and distributing a number of medicinal preparations, among which are two certain drug preparations, as "drug" is defined in the Federal Trade Commission Act, and which are designated by respondents as Chinaroid and Romind.

The formula for Chinaroid as originally furnished by the respondents is as follows:

<i>Each 100 grams contain—</i>		<i>Grams</i>
Tannic Acid -----		3.00
Benzocaine -----		1.00
Glycerin -----		3.00
Lanolin Anhydrous -----		30.667
Petrolatum Light amber -----		61.583
Phenol (Carbolic Acid) -----		0.75
		100.00

The formula for this preparation as now constituted is slightly changed to include 0.25% quinine and urea hydrochloride. Directions for the use of Chinaroid are as follows:

Use Twice Daily

Remove rubber nipple. Attach key to bottom of tube and turn slightly until salve reaches end of applicator and exudes. Insert applicator gently into rectum and turn key attached to tube one-quarter turn. This provides the proper dose of Chinaroid. Repeat morning and night as needed to relieve rectal discomfort. If satisfactory relief is not obtained after using for 2 weeks, or if undue bleeding exists, consult a physician. To avoid soiling: Should there be any difficulty from the standpoint of Chinaroid leaking and soiling clothing and linen this may largely be overcome in most cases through the use of a small cotton plug, or the wearing of a sanitary napkin. The money back guarantee covers two tubes of Chinaroid to each user.

The preparation Romind is completed as a tablet; the formula and directions for using the same are as follows:

FORMULA

Each tablet contains:

Acetphenetidin	.095 gram or 1.47 grains per tablet
Sodium salicylate	.256 gram or 3.95 grains per tablet
Caffeine (anhydrous)	.014 gram or .22 grains per tablet

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DIRECTIONS FOR USE

ADULTS: Take two Tablets four times daily: after each meal and immediately before retiring, washed down with a full glass of water. Do not take more than four doses a day. In responsive cases, when not needed for pain, discontinue use. Children over 12 years of age, follow adult dose. Children 6 to 12 years old, one Tablet. Not for children under 6 years old.

Respondents cause the said preparations, Chinaroid and Romind, when sold, to be transported from their place of business in the State of California to purchasers thereof located in other States of the United States and in the District of Columbia. Respondents maintain, and at all times mentioned herein have maintained, a course of trade in said preparations in commerce between and among the various States of the United States and in the District of Columbia. Respondents' volume of business in such commerce is substantial, the annual sales of each of said preparations being in excess of \$10,000.

PAR. 3. In the course and conduct of their business respondents, subsequent to March 21, 1938, have disseminated and have caused the dissemination of certain advertisements concerning Chinaroid and Romind by the United States mails, and by various means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase thereof.

These advertisements with respect to Chinaroid include, but are not limited to those which appeared as follows:

Page 7 of the Houston, Tex., Post for January 22, 1950; and
Page 10 of the same newspaper for March 5, 1950;
Page 6 of the Raleigh, N. C., News and Observer for October 23, 1949;
Page 14, Sec. IV of the Dallas, Tex., News for January 10, 1950; and
Page 3, Sec. V of the same newspaper for April 16, 1950;
Page 2 of the Amarillo, Tex., Sunday News Globe for September 17, 1950;
Page 44 of the Shreveport, La., Times for March 12, 1950; and
Page 45 of the same newspaper for October 1, 1950;
Page 4, Sec. A of the Little Rock, Ark., Gazette, for November 20, 1949; and
Page 6, sec. A of the same newspaper for September 17, 1950;
Page 27 of the Charleston, W. Va., Gazette for November 6, 1949;
Page 12 of the San Antonio, Tex., Express for September 11, 1949;
Page 12, Sec. B of the Cleveland, Ohio, Plain Dealer for May 15, 1949;
Page 3, Sec. 2 of the Dallas, Tex., Daily Times Herald for October 9, 1949;
Page 13 of the Editorial Section of the Portland, Oreg., Sunday Oregonian for December 4, 1949;
Page 31, Sec. A of the Oklahoma City Daily Oklahoman for December 4, 1949;
Page 2, Sec. 3 of the New Orleans Times Picayune and States for August 27, 1950;
Page 19 of the Jacksonville, Fla., Times Union for October 23, 1949; and
Page 10 of the same newspaper for February 26, 1950;
Page 4, Sec. A of the San Antonio, Tex., Evening News for November 15, 1949;
Page 10 of the Savannah, Ga., Morning News for September 10, 1950;

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Page 11 of the Greensboro, N. C., Daily News for October 15, 1950;
Page 18 of the Toledo, Ohio, Blade for December 12, 1949;
Page 9, Sec. A of the Knoxville, Tenn., Journal for March 26, 1950.

The advertisements concerning Romind include, but are not limited to those which appeared as follows:

Page 7, Sec. A of the Miami, Fla., Daily News for October 25, 1949;
Page 17 of Grier's Almanac for 1949;
Page 6, Sec. B of the Albany, N. Y., Times Union for May 21, 1950;
Page 7, Sec. D of the St. Louis, Mo., Globe-Democrat for October 23, 1949; and
Page 7, Sec. B of the same newspaper for June 25, 1950;
Page 36, News Section Cincinnati Enquirer for October 23, 1949;
Page 11, Sec. 5 of the Louisville, Ky., Courier-Journal for October 23, 1949;
Page 7, Sec. 3 of the Dallas, Tex., Daily Times-Herald for October 9, 1949;
Page 23 of the San Francisco Chronicle for October 9, 1949;
Page 11, Sec. 1 of the Fort Worth, Tex., Star-Telegram for October 9, 1949;
Page 8 of the Greensboro, N. C., Daily News for October 2, 1949;
Page 2 of the Winston-Salem, N. C., Journal and Sentinel for September 11, 1949;
Page 3, Sec. A of the San Antonio, Tex., Express for September 11, 1949;
Page 10 of the Shreveport, La., Times for January 16, 1949; and
Page 42 of the same newspaper for May 15, 1949;
Page 47 of the New York Sunday Mirror for November 6, 1949;
Page 2 of the Raleigh, N. C., News and Observer for November 27, 1949;
Page 4-A of the Little Rock, Ark., Gazette for November 14, 1948; and
Page 10, Sec. A of the same newspaper for November 20, 1949;
Page 22, Sec. 1 of the Chicago Sunday Tribune for February 26, 1950;
Page 11, Sec. 2 of the Dallas, Tex., Morning News for April 16, 1950; and
Page 8, Sec. 2 of the same newspaper for May 15, 1950;
Page 10, Sec. B of the Asheville, N. C., Citizen for April 16, 1950;
Page 11, Sec. A of the Atlanta, Ga., Constitution for May 7, 1950;
Page 9, Sec. IV of the Norfolk Virginian Pilot for April 16, 1950;
Page 25 of the Terra Haute, Ind., Tribune-Star for June 11, 1950;
Page 12, Sec. B of the Buffalo, N. Y., Courier Express for June 25, 1950;
Page 8 of the Houston, Tex., Post for June 25, 1950;
Page 54 of the Savannah, Ga., Morning News for May 14, 1950;
Page 12, Sec. 3 of the Jackson, Miss., Daily News for November 10, 1949;
Page 6, Sec. C of the Rochester, N. Y., Democrat and Chronicle for January 22, 1950;
Page 12, Sec. A of the Peoria, Ill., Journal-Star for February 26, 1950;
Page 10-B of the Akron, Ohio, Beacon-Journal for March 12, 1950;
Philadelphia Enquirer for March 6, 1949;
Page 10, Sec. F of the Los Angeles Examiner for March 28, 1948;
Page 1, Sec. D of the Knoxville, Tenn., Journal for November 7, 1948;
Page 12 of the Cleveland, Ohio, Press for March 2, 1949;
Page 8, Sec. IV of the Erie, Pa., Dispatch for November 7, 1948;
Page 6, Sec. A of the Spartanburg, S. C., Herald-Journal for April 11, 1948;
Page 3, Magazine Section of the Salt Lake City Tribune for May 9, 1948;
Page 19 of the Seattle, Wash., Times for May 9, 1948;
Page 12 of the Huntington, W. Va., Herald-Advertiser for May 9, 1948;
Page 16, Sec. A of the Tampa Sunday Tribune for May 9, 1948;
Page 12, Sec. 1 of the Sioux City, Iowa, Sunday Journal for April 25, 1948.

Subsequent to January 1, 1948, similar advertisements of Romind were broadcast as radio continuities at the instance of respondents by W. H. B. Broadcasting Company from Stations KRKD of Los Angeles, KBON of Omaha, Nebraska, and others.

Respondents have also disseminated and caused the dissemination of the advertisements referred to above for the purpose of inducing, and which were likely to induce, directly or indirectly, the purchase of the said preparations, Chinaroid and Romind, in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. Through the use of the said advertisements respondents have made, directly and by implication, the representations shown in the following subparagraphs, with respect to Chinaroid, and identified as A and B, and with respect to Romind, identified as C to I inclusive. The said advertisements, by reason of such 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 facts set forth below, with respect to Chinaroid, in subparagraphs One and Two, and with respect to Romind, in Subparagraphs Three to Nine inclusive.

A. That Chinaroid constitutes an adequate and competent treatment for hemorrhoids and the underlying causes thereof.

1. Chinaroid does not constitute an adequate or competent treatment for hemorrhoids, and would be of no benefit to any of the underlying causes thereof, nor would it lessen their severity or duration, except that when applied as directed to simple uncomplicated hemorrhoids, this preparation, may, by reason of its local anesthetic, astringent and emollient effect, temporarily relieve such symptoms as pain, itching, burning, and irritation.

B. That the use of Chinaroid will serve to shrink sore, swollen tissues, help nature heal irritated membranes and allay nervousness induced by and accompanying hemorrhoids.

2. The use of Chinaroid will not serve to shrink sore, swollen tissues; it will not assist nature in healing irritated membranes, and it will not allay nervousness, regardless of the cause.

C. That Romind is a competent and effective treatment for arthritis, rheumatism, swollen joints, neuritis, neuralgia, sciatica and lumbago, and its administration will exert a remedial effect upon the underlying causes of such ailments and conditions to the extent of affording permanent relief from pain.

3. Romind is not a competent and effective treatment for arthritis, rheumatism, swollen joints, neuritis, neuralgia, sciatica, or lumbago, and its administration will not exert a remedial effect upon the underlying causes of these ailments and conditions to the extent of affording

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permanent relief from pain. It is an ordinary analgesic with essentially the same therapeutic effect as aspirin, and taken as directed, it is limited in its analgesic effect to the temporary relief of minor aches and pains.

D. That Romind is a fast acting medicine, which brings new hope, happiness and comfort to sufferers from the pains of arthritis, rheumatism, neuritis, sciatica and lumbago.

4. Romind has no therapeutic properties which could give hope, happiness or comfort to those suffering from the pains of arthritis, rheumatism, neuritis, sciatica and lumbago. This preparation is not a fast acting medicine; moreover, its use could provide only minor and temporary analgesic effects, and its enteric coating indicates that any such relief would be delayed in onset for at least two to four hours.

E. That Romind is an effective remedy for soreness and stiff muscles, will help nature remove excess uric acid from the system, and will aid one to work and sleep more comfortably.

5. Romind is not an effective remedy for soreness or stiff muscles; it will not assist nature in removing uric acid from the system, and it will not help one to work or sleep more comfortably.

F. That Romind will cleanse the body and blood of irritating wastes, poisons and acids, thus inducing a remedial effect upon the underlying causes of arthritis and kindred ailments.

6. Romind will not cleanse the body or blood of irritating wastes, poisons or acids, and will exert no beneficial influence upon the underlying causes of arthritis or kindred ailments.

G. That Romind will stimulate the cleansing action of the kidneys.

7. Romind will not stimulate the cleansing action of the kidneys, nor will it otherwise exercise any beneficial effect upon the kidneys or their activities.

H. That Romind is an effective pain killer, and will enable one to successfully combat, fight and obtain relief from nerve-racking, stabbing, throbbing pains of arthritis, rheumatism, neuritis, sciatica, neuralgia, swollen joints and lumbago, and will relieve pains of one to ten years duration.

8. Romind is not an effective pain killer, and is only mildly palliative; it will not enable one to successfully combat, fight or obtain relief from the miseries of arthritis, rheumatism, neuritis, sciatica, neuralgia, swollen joints or lumbago, and it will not afford relief from pains of one to ten years duration.

I. That Romind consists of a new formula, and is a new kind of treatment.

9. Romind does not consist of a new formula and does not constitute a new kind of treatment.

PAR. 5. The use by respondents of the said false advertisements with respect to Chinaroid and Romind 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 statements and representations contained therein were true, and into the purchase of substantial quantities of each of the aforementioned preparations by reason of said erroneous and mistaken belief.

PAR. 6. The aforesaid acts and practices of 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.

DECISION OF THE COMMISSION

Pursuant to Rule XXII of the Commission's Rules of Practice, and as set forth in the Commission's "Decision of the Commission and Order to File Report of Compliance", dated April 18, 1952, the initial decision in the instant matter of hearing examiner Everett F. Haycraft, as set out as follows, became on that date the decision of the Commission.

INITIAL DECISION BY EVERETT F. HAYCRAFT, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on the 16th day of May 1951 issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said Act. After the issuance of said complaint and the filing of respondents' answer thereto, a hearing was held in Los Angeles, California, on July 31, 1951, at which evidence in support of the allegations of said complaint was introduced before the above-named hearing examiner theretofore duly designated by the Commission. Thereafter, on February 4, 1952, a Partial Stipulation of Facts was entered into whereby it was stipulated and agreed that the said Partial Stipulation of Facts, signed and executed by counsel for respondents and the attorney supporting the complaint, is to supply the scientific facts in this proceeding and is supplemental to and to be considered in connection with the evidence incorporated in the record at the hearing held in Los Angeles, California, on July 31, 1951. Said evidence, including the Partial Stipulation of Facts, was duly recorded

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and filed in the office of the Commission. Thereafter, the proceeding regularly came on for final consideration by said hearing examiner on the complaint, the answer thereto, and the evidence, including said Partial Stipulation of Facts, counsel having waived the filing of proposed findings as to the facts, and conclusions and oral argument not having been requested; and said hearing examiner, having duly considered the record herein, finds that this proceeding is in the interest of the public and makes the following findings as to the facts, conclusion drawn therefrom, and order:

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondents Warren W. Burgess, Linn D. Johnson, and Richard T. Aldworth are individuals trading as copartners under the name of The Knox Company, with their principal place of business located at 1651 North Argyle Street, Los Angeles, California.

PAR. 2. Respondents are now, and for several years last past have been, engaged in selling and distributing a number of medicinal preparations, among which are two certain drug preparations, as "drug" is defined in the Federal Trade Commission Act, and which are designated and described by respondents as "Chinaroid," a rectal balm in a tube with applicator for relief of piles and hemorrhoids, and "Romind," a compound in tablet form to be taken internally for relief of rheumatic aches and pains. Respondents cause the said preparations "Chinaroid" and "Romind," when sold, to be transported from their place of business in the State of California to purchasers thereof located in other States of the United States and in the District of Columbia. Respondents maintain, and at all times herein mentioned have maintained, a course of trade in said preparations in commerce between and among the various States of the United States and in the District of Columbia. Respondents' volume of business in such commerce is substantial, the annual sales of each of said preparations being in excess of \$10,000.

PAR. 3. In the course and conduct of their business, respondents, subsequent to 1948, have disseminated, and have caused the dissemination of, certain advertisements concerning "Chinaroid" by the United States mails and by various means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase thereof, as follows:

HELP YOUR PILES

Don't suffer from painful itching Piles another hour without trying CHINAROID. In a few minutes CHINAROID usually starts curbing Pile miseries 3

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ways: 1. Eases pain and itching. 2. Helps shrink sore, swollen tissues. 3. Helps nature heal irritated membranes and allay Pile nervousness. Money back guaranteed unless satisfied. Ask your druggist for CHINAROID today.

KILL YOUR PILES?

If the misery of Piles and rectal itching drive you wild, don't wait, get wonder-soothing CHINAROID from your druggist right now. See how quickly it usually brings wonderfully soothing relief for fiery piles, then helps Nature heal irritated membranes and shrink and reduce swelling of tissues, thus alleviating Pile nervousness. Demand CHINAROID. Money back guarantee.

How to Treat
PAINFUL PILES

For fast, blessed relief from sore, fiery, itching, simple Piles, get CHINAROID from your druggist. See how fast it usually soothes away pain, soreness, itching, nervousness. See how it cools fiery burning and helps shrink and heal swollen tissues. Wonder-soothing CHINAROID must prove a blessing to you or money back is guaranteed.

Through the use of said advertisements, respondents have made, directly and by implication, the representations:

(a) That "Chinaroid" constitutes an adequate and competent treatment for hemorrhoids and the underlying causes thereof.

(b) That the use of "Chinaroid" will serve to shrink sore, swollen tissues, help nature heal irritated membranes and allay nervousness induced by and accompanying hemorrhoids.

The said advertisements, by reason of such representations, are misleading in material respects and constitute "false advertisements," as that term is defined in the Federal Trade Commission Act, for the reason that, in truth and in fact, respondents' preparation "Chinaroid," containing tannic acid, benzocaine, quinine, urea hydrochloride, phenol, petrolatum and lanolin, is a palliative ointment constituting an astringent and local anesthetic and, when used in accordance with directions in simple cases of hemorrhoids, it will have an emollient effect and will temporarily relieve such symptoms thereof as pain, itching, burning and irritation. However, "Chinaroid" does not affect the underlying causes of hemorrhoids and, therefore, is neither an adequate nor competent treatment for hemorrhoids, nor would it influence the severity or duration thereof, except for the palliative relief of the symptoms above mentioned in simple hemorrhoids.

This preparation, however used, will not serve to shrink sore, swollen tissues and will not aid nature in healing irritated membranes and will have no effect upon nervousness, regardless of the cause.

PAR. 4. In the course and conduct of their business, respondents, subsequent to 1948, have disseminated, and have caused the dissemina-

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tion of, certain advertisements concerning "Romind" by the United States mails and by various means, including radio broadcasts, in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of including and which were likely to induce, directly or indirectly, the purchase thereof, as follows:

ARTHRITIS

Neuritis

Sciatica

Rheumatism PAINS

A fast acting internal medicine called ROMIND, recently developed by the Knox Control Laboratory, is now bringing new hope, happiness and comfort to thousands of sufferers from the pains of Arthritis, Rheumatism, Neuritis, Sciatica, Neuralgia and Lumbago. ROMIND dissolves in the small intestine; then the ingredients are absorbed into the blood and thus can reach every part of the body. That's why it works so fast in helping 3 ways: 1. First dose starts curbing pain. 2. Helps Nature remove excess Uric Acid which often aggravates pains, soreness and stiff muscles. 3. Helps you work and sleep in greater comfort. Get ROMIND from your druggist today. Quick satisfaction or money back guaranteed.

Would You Pay \$1

To Curb Your

ARTHRITIS PAINS

If so don't waste a minute but send to your drug store right now for ROMIND. This great medicine was recently developed in the world-famed Knox Control Laboratory of California to bring joyous comfort and relief for the pains of Arthritis, Rheumatism, Neuritis, Sciatica, Neuralgia, Bursitis and Lumbago. ROMIND usually works with great speed because it dissolves in the intestines so that the ingredients may be absorbed into the blood and carried quickly to every muscle and joint in the body. And as it fights pain ROMIND also helps Nature clear out excess uric acid which often makes muscles so sore, stiff and painful. Don't wait and let your pains make you sorry. Start taking ROMIND right now and see how quickly it may put you on the road to happier, more comfortable days and restful nights.

DO THIS IF

ARTHRITIS PAINS

DRIVE YOU WILD

Don't waste a minute but send to your drug store right now for ROMIND. This great medicine was recently developed in the world-famed Knox Control Laboratory of California to bring joyous comfort and relief for the pains of Arthritis, Rheumatism, Neuritis, Sciatica, Neuralgia, Bursitis and Lumbago. ROMIND usually works with great speed because it dissolves in the intestines so that the ingredients may be absorbed into the blood and carried quickly to every muscle and joint in the body. And as it fights pain ROMIND also helps Nature clear out excess uric acid which so often makes muscles so sore, stiff and painful. Don't wait and let your pains make you sorry. Start taking ROMIND

right now and see how quickly it may put you on the road to happier, more comfortable days and restful nights.

ARTHRITIS PAINS CURBED

By Scientifically Tested Formula

Recent medical tests by a prominent Chicago physician on a large group who had suffered from one to ten years prove that most people who suffer from nerve-racking aches and pains in the back, hands, legs, arms, shoulders and neck, due to Rheumatism, Arthritis, Neuritis, Lumbago, Neuralgia, or Sciatica may expect quick and extremely satisfying help from the scientifically laboratory tested formula called ROMIND.

ROMIND is one of the latest formulas to be developed in the Knox Testing Laboratory and is a tasteless internal medicine that is absorbed by the blood and thus reaches every part of the body, usually giving fast help in 3 ways: 1. First dose starts right to work curbing pain. 2. Helps nature remove excess acids and wastes which often cause many aches and pains. 3. Helps you to work, sleep and enjoy life in greater comfort.

If you have suffered a lot and have tried many things without really satisfying relief you owe it to yourself to try ROMIND before another day goes by. Ask your druggist for ROMIND. Your money back guaranteed unless completely satisfied.

Thousands of sufferers from the nagging pains of Arthritis, Rheumatism, Neuritis and Sciatica are gaining new hope, comfort, and happiness with a recently-developed internal medicine called Romind—ROMIND. Romind has a special coating so that it goes through the stomach and is dissolved in the small intestine, where the ingredients may be absorbed into the blood and thus can reach every part of the body. That's why it usually works so fast in helping three ways: 1. The first dose starts combating the pains of Arthritis and Rheumatism. 2. It helps Nature remove excess Uric acid which often aggravates pains and stiffness, and 3. Romind thus helps you to work and sleep in greater comfort. So don't suffer another day from the pains of Arthritis and Rheumatism without trying Romind. Unless you find Romind entirely satisfactory your money back is guaranteed. To fight the pains of Arthritis, Rheumatism, and Neuritis remind yourself to get Romind—ROMIND—from your druggist today.

Through the use of the said advertisements, including radio broadcasts, respondents have made, directly and by implication, the representations:

(a) That "Romind" is a competent and effective treatment for arthritis, rheumatism, swollen joints, neuritis, neuralgia, sciatica and lumbago and its administration will exert a remedial effect upon the underlying causes of such ailments and conditions to the extent of affording permanent relief from pain.

(b) That "Romind" is a fast-acting medicine which brings new hope, happiness and comfort to sufferers from the pains of arthritis, rheumatism, neuritis, sciatica and lumbago.

The said advertisements and radio broadcasts, by reason of such representations, are misleading in material respects and constitute "false advertisements," as that term is defined in the Federal Trade

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Commission Act, for the reason that, in truth and in fact, respondents' preparation "Romind," a drug compound in tablet form containing acetphenetidin, sodium salicylate and caffeine, is not an adequate or competent treatment for arthritis, rheumatism, swollen joints, neuritis, neuralgia, sciatica or lumbago and, taken as directed, it will not afford permanent relief from pain accompanying the said conditions and ailments. Its two active ingredients are sodium salicylate and acetphenetidin which are present in sufficient amounts to provide an analgesic and antipyretic effect, and are commonly used for the temporary relief of the minor pains of the above-mentioned conditions for the limited period of time in which such analgesics are effective. Accordingly, "Romind" cannot be correctly described as a pain killer.

"Romind" possesses no therapeutic properties which could hold out hope of happiness to sufferers from arthritis, rheumatism, neuritis, sciatica or lumbago; and any degree of comfort derived from taking Romind would be due solely to the temporary relief of such minor aches and pains afforded by its analgesic effect. These tablets resist solution in dilute acid but are soluble in dilute alkali and their enteric coating would delay their effects for about three hours, and thus any relief at the outset of use would be delayed to this extent, and it is not a fast-acting medicine.

"Romind" is not an effective remedy for soreness, except for the symptomatic relief due to the analgesic action of its ingredients; "Romind" is not an effective remedy for stiff muscles. It will not assist nature or otherwise help in removing uric acid from the system and, aside from its analgesic effect in possibly allaying certain minor aches and pains temporarily, it will not help one to work or sleep more comfortably.

"Romind" will not cleanse the body or blood of irritating wastes, poisons or acids, and will exert no beneficial influence upon the underlying causes of arthritis or kindred ailments; neither will this preparation stimulate the cleansing action of the kidneys, nor otherwise exercise any beneficial effect upon the kidneys or their activities.

"Romind" is not an effective pain killer. It contains only commonly known and widely-used analgesics with gentle and temporarily palliative properties. The value of "Romind" in cases of nerve-racking, stabbing, throbbing pains of arthritis, rheumatism, neuritis, sciatica, neuralgia, swollen joints or lumbago, and in cases where the individual has suffered such pains for a period of one to ten years, is limited to the temporary and partial relief of pain afforded by its analgesic ingredients.

All ingredients of "Romind" and their consequent analgesic and antipyretic action have been well known to the medical profession for many years; hence, these ingredients in this preparation do not constitute a new formula nor a new sort of treatment.

PAR. 5. The use by respondents of the said false advertisements, including radio broadcasts, with respect to "Chinaroid" and "Romind" has had the capacity and tendency to mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that the statements and representations contained therein were true and into the purchase of substantial quantities of each of the aforementioned preparations by reason of said erroneous and mistaken belief.

CONCLUSION

The aforesaid acts and practices of the respondents, as hereinabove set out, 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

It is ordered, That respondents Warren W. Burgess, Linn D. Johnson and Richard T. Aldworth, individually and as copartners doing business in the name of The Knox Company or in any other name, 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 of the drug preparations designated as "Chinaroid" and "Romind," or any preparations of substantially similar compositions or possessing substantially similar properties, whether sold under the said names or any other names, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated, by means of the United States mails, by radio broadcasts 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 "Chinaroid" constitutes a competent or adequate treatment for piles or hemorrhoids or would be of any benefit to the underlying causes thereof.

(b) That said preparation could exert any influence upon the severity or duration of piles or hemorrhoids, beyond that of an astringent and local anesthetic in affording temporary relief to such symptoms as pain, itching, burning and irritation which accompany simple, uncomplicated cases of piles or hemorrhoids.

Order

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(c) That said preparation, however used, will result in any shrinkage of sore, swollen tissues, or will assist nature in healing irritated membranes, or will have any effect upon nervousness, irrespective of the cause.

(d) That "Romind" constitutes an adequate or competent treatment for arthritis, rheumatism, swollen joints, neuritis, neuralgia, sciatica or lumbago, or will permanently relieve pain accompanying said conditions and ailments.

(e) That "Romind" is a pain killer, or possesses any therapeutic value in treating the nerve-racking, stabbing, throbbing pains of arthritis, rheumatism, neuritis, sciatica, neuralgia, swollen joints or lumbago, regardless of their duration, or is of any therapeutic value in these conditions, in excess of such temporary and partial relief of minor pains and fever accompanying said ailments and conditions as may be afforded by its analgesic and antipyretic action.

(f) That "Romind" possesses any therapeutic properties which could hold out hope of cure or happiness to persons afflicted with arthritis, rheumatism, neuritis, sciatica, lumbago or kindred ailments.

(g) That "Romind" is fast acting in its effects, or that one taking said preparation could anticipate any comfort therefrom, in excess of such temporary relief of minor aches, pains and fever accompanying the diseases above mentioned as its analgesic and antipyretic properties may afford.

(h) That said preparation constitutes an effective remedy or treatment for soreness in excess of the temporary symptomatic relief due to its analgesic action.

(i) That said preparation constitutes an effective remedy or competent treatment for stiff muscles, or will help in any manner to remove uric acid from the system.

(j) That taking said preparation will be of any value or benefit in enabling a person to work or sleep more comfortably aside from its temporary analgesic effects.

(k) That "Romind" will serve to cleanse the body or blood of waste, poisons or acids, or otherwise stimulate the cleansing action of the kidneys, or exercise any beneficial effect upon the kidneys or their activities, or will exert any beneficial influence upon the underlying causes of arthritis or kindred ailments.

(l) That the ingredients compounded in "Romind" constitute a new formula or a new kind of treatment.

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 in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the drug preparations "Chinaroid"

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and "Romind," any advertisement which contains any of the representations prohibited in Paragraph 1 of this order.

ORDER TO FILE REPORT OF COMPLIANCE

It is ordered, That the respondents herein 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 the order to cease and desist [as required by said declaratory decision and order of April 18, 1952].

IN THE MATTER OF
NATIONAL COACHING SERVICE INSTITUTE, INC. ET AL.
COMPLAINT, FINDINGS, AND ORDERS IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914

Docket 5876. Complaint, May 2, 1951—Decision, Apr. 21, 1952

Where a corporation and its president, who also operated a branch under a similar trade name in another city, engaged in the interstate sale and distribution of correspondence courses to prepare students for Civil Service examinations; in promoting the sale of their courses through printed postal cards mailed to prospective purchasers, and through traveling sales agents, to whom they referred inquiries received—

- (a) Falsely represented through their said agents that said corporation and business were connected with the United States Civil Service or some other Government agency, and that said agents had official connection therewith;
- (b) Falsely represented that completion of their courses assured students of appointment to Civil Service positions or made them eligible for such appointment;
- (c) Falsely represented that they would hold positions open for students who failed to pass Civil Service examinations, that prospective students must take their courses of study in order to obtain Civil Service positions, and that the examinations given by them were examinations for specific positions in Civil Service;
- (d) Falsely represented that students would receive Civil Service positions immediately or within a few days after successfully completing their courses and that they might obtain employment in or near the cities or towns in which they resided;

The facts being that the time of actual employment for those who have passed a Civil Service examination depends upon a number of factors, such as availability of eligible persons in various Civil Service districts, the rating of eligibles, veterans' preferences and other conditions over which neither they nor the applicants have any control; and neither they nor applicants can determine the place of employment;

- (e) Falsely represented that students who did not possess the experience, physical, mental or educational qualifications, or veterans' status required for many positions for which they offered training, might nevertheless find employment in such positions; and
- (f) Falsely represented that the United States Civil Service Commission was looking to or relying upon them to locate and place employees; and

Where said corporation and individual—

- (g) Falsely implied and represented through the use of the word "Institute" in their corporate and trade names, that their school was a resident institution of higher learning;

With tendency and capacity to mislead and deceive a substantial portion of the purchasing public with respect to said school and its courses, and with respect to positions in the United States Civil Service, and thereby induce its purchase of their said courses:

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