

Syllabus

IN THE MATTER OF

HARRY H. AND ETHEL P. HEYMAN TRADING AS SUNWAY
VITAMIN COMPANY

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

Docket 5224. Complaint Dec. 20, 1946¹—Decision, Dec. 1, 1952

Where a surviving partner engaged through a corporate instrumentality in the interstate sale and distribution of a medicinal preparation containing various components of the Vitamin B complex and designated as "Sunway Vitamin Capsules"; in advertising through letters, circulars, pamphlets, booklets, and other advertising literature, and radio continuities—

- (a) Falsely represented that said preparation would relieve and eliminate low resistance to disease, coughs and colds; when in fact such low resistance is not caused by a deficiency of any of the components of its said product;
- (b) Falsely represented that it would relieve and eliminate nervousness, lack of energy, restless sleep, indigestion, aches and pains, loss of appetite, unhealthy skin and hair, dizzy spells, and general poor health, due to any vitamin deficiency; when it was of no value in doing so except in that minority of such conditions caused by a deficiency of Vitamin B₁, Vitamin B₂, or niacinamide; and it had not been scientifically determined that a deficiency of Vitamin B₃ or calcium pantothenate, the only other active ingredient, could result in any of the aforesaid disorders;
- (c) Falsely represented that the use of such preparation as directed was effective in relieving conditions arising from substantial deficiencies in one or more components of the Vitamin B complex; when in fact it was thus effective only in cases arising from a substantial deficiency of vitamin B₁, as to which it provided what is currently regarded as a therapeutic dose; while it contained approximately the daily minimum requirements of Vitamin B₂ and niacinamide, it did not provide a recognized therapeutic dosage thereof; and while it would be effective in relieving ailments caused solely by deficiencies of Vitamin B₁, and, when taken regularly over a long period of time, would tend to relieve such conditions resulting from mild deficiencies of Vitamin B₂ and niacinamide, it would be of no value in cases of substantial deficiencies of said last two;
- (d) Represented that said capsules contained all of the vitamins that are beneficial in promoting or maintaining good health in individuals generally, and that the most carefully selected foods, cooked in the tastiest ways, fail to supply the vitamins necessary for health, and that individuals generally require a fresh supply of vitamins daily through the administration of respondent's vitamin capsules or like products;

When in fact it did not contain Vitamins A, C and D; and it is entirely possible to secure the vitamins necessary for health through the ingestion of foods properly selected and appropriately cooked, and individuals generally do not

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require a fresh supply of vitamins daily through the administration of medicinal preparations;

- (e) Represented that Vitamin B₆ (Pyridoxin) is essential to nutrition and promotes restful sleep, that pantothenic acid is appropriately referred to as the "Acid of life", and Vitamin B₂ as the "beauty vitamin"; notwithstanding the fact that such representations were not justified by scientific evidence;
- (f) Represented that 45,000,000 Americans suffer perpetually from vitamin deficiencies, and that her said vitamin capsules were effective in minimizing the physical condition resulting from over-indulgence in alcoholic beverages; when there is no scientific evidence upon which to base said assertions; and
- (g) Falsely represented in her advertising that an initial supply of said capsules might be obtained by payment to the postman of \$1 plus a few cents postage; when in fact it was her general practice to send her capsules through the mail, requiring cash on delivery, and the payment of the C. O. D. charges, insurance charges and postage before the capsules could be obtained;

With tendency and capacity to mislead a substantial portion of the purchasing public into the mistaken belief that said representations were true; and with effect of inducing it to purchase large quantities of said preparation: *Held*, That such acts and practices, under the circumstances set forth, were all to the prejudice and injury of the public, and constituted unfair and deceptive acts and practices in commerce.

Mr. John L. York and *Mr. Jesse D. Kash* for the Commission.

Hickey & Hall and *Mr. Henry Junge*, of Chicago, Ill., for respondents.

AMENDED 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 Harry H. Heyman and Ethel P. Heyman, a copartnership, trading as Sunway Vitamin Co., 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 would be in the public interest, hereby issues its amended complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondents, Harry H. Heyman and Ethel P. Heyman, are copartners trading and doing business under the name and style of Sunway Vitamin Co. and having their office and principal place of business at 154 East Erie Street, in the city of Chicago, Ill.

PAR. 2. Respondents are now and for more than 1 year last past have been engaged in the sale and distribution to members of the public in general of a medicinal preparation containing various com-

ponents of the Vitamin B complex which respondents designate and identify by the trade name or brand, "Sunway Vitamin Capsules."

Respondents cause and have caused said Sunway Vitamin Capsules, when so sold, to be transported from their principal place of business in Chicago, Ill., to the purchasers and users thereof in the various States of the United States other than the State of Illinois and in the District of Columbia. Respondents maintain, and at all times mentioned herein have maintained, a course of trade and commerce in said Sunway Vitamin Capsules between and among the States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of their business, respondents have disseminated and are now disseminating, and have caused and are now causing the dissemination of false advertisements concerning their said product by the United States mails and by various other means in commerce, as "commerce" is defined in the Federal Trade Commission Act; and the respondents have also disseminated and are now disseminating, and have caused and are now causing the dissemination of false advertisements concerning their said product by various means for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of their said product in commerce, as "commerce" is defined in the Federal Trade Commission Act. Among and typical of the false, misleading, and deceptive statements and representations contained in said false advertisements, disseminated and caused to be disseminated as hereinabove set forth, by the United States mails, by means of letters, circulars, pamphlets, booklets, and other advertising literature and by radio continuities, are the following:

According to highest medical and health authorities any or all of the following conditions may result from a lack of necessary Vitamins: lack of vigor—physical and mental dullness—lack of ambition—tire easily—poor digestion—restless sleep—aches and pains—nervousness—low resistance to disease, colds, and coughs—unhealthy skin and hair—irritable disposition—failing appetite—and many more.

Wouldn't you like to feel full of pep and energy, gloriously alive, glowing with health, free from nervous upsets? Wouldn't you like to enjoy normal sleep and appetite, stamina to carry through all day long, sunny disposition, and a cheerful outlook on life? Why of course you would! Who wouldn't? VITAMINS may be the answer, the means to better health and energy for you. Use the enclosed order blank, and order your SUNWAY VITAMINS today.

These Sunway Capsules contain the all-important Vitamin B₁, for good nerves, good appetite and digestion—and a vitamin absolutely essential to vigorous vitality! And they contain B₂—often called the Beauty vitamin; they contain Pyridoxin—the B vitamin that promotes restful sleep; Pantothenic acid, often called the "Acid of life"; Nicotinic Acid; and—the important liver concentrate, which enriches the blood. All of these vitamins—as well as others beneficial

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to health—are present in Sunway Vitamin Capsules! And only in Sunway Vitamin Capsules can you obtain this high-power formula in the strength of vitamins it contains!

Vitamin B₁ (Thiamin) * * * minimizes after effects of alcohol * * *. Cooking destroys many of the VITAMINS in foods. Therefore, the most carefully selected diet, cooked in the tastiest ways, will usually fail to supply the full quota of needed VITAMINS each day.

VITAMINS are not stored within the body (except small quantities of A). The body simply discards any excess supply. A fresh supply is required DAILY. * * * So when your present supply of SUNWAY VITAMINS is gone, a new supply may become heaven-sent HEALTH INSURANCE at a cost of but a few cents per day.

That tired-out feeling of yours may indicate that you are one of the 45,000,000 Americans said to be living in a perpetual state of "half health" simply because of Vitamin deficiency! Yes, 45,000,000 seemingly well-fed Americans suffering from Vitamin deficiency!

PAR. 4. Through the use of the aforesaid statements and representations and others of similar import not specifically set out herein, respondents represent, directly and by implication, as follows:

(1) Sunway Vitamin Capsules will relieve and eliminate generally nervousness, lack of energy, restless sleep, indigestion, aches and pains, loss of appetite, low resistance to diseases, colds and coughs, unhealthy skin and hair, dizzy spells, and general poor health in individuals.

(2) The administration of said vitamin capsules as prescribed by respondents is effective in relieving conditions arising from substantial deficiency of one or more components of the vitamin B complex in the human body.

(3) Said vitamin capsules contain all of the vitamins that are beneficial in promoting or maintaining good health in individuals generally.

(4) Individuals generally require a fresh supply of vitamins daily through the administration of respondents' vitamin capsules or like vitamin capsules as the most carefully selected diet, cooked in the tastiest way fails to supply the necessary vitamins.

(5) Vitamin B₆ (Pyridoxin) is essential to nutrition and promotes restful sleep.

(6) Pantothenic acid is appropriately referred to as the "Acid of Life."

(7) Forty-five million Americans suffer perpetually from vitamin deficiencies.

(8) Vitamin B₂ is appropriately referred to as the "beauty vitamin."

(9) Respondents' vitamin capsules are effective in minimizing the physical conditions resulting from overindulgence in alcoholic beverages.

PAR. 5. In truth and in fact, the foregoing representations and implications made by respondents are false, deceptive, and misleading in the following respects:

(1) Said vitamin capsules will not generally relieve or correct nervousness, lack of energy, restless sleep, indigestion, aches and pains, loss of appetite, low resistance to diseases, colds and coughs, unhealthy skin and hair, dizzy spells, and general poor health in individuals. These indications of physical disorders are frequently symptoms of diseases and conditions of the body that are not associated with a deficiency of any component of the vitamin B complex, and in such cases, no amount of such vitamins would be effective in relieving or correcting said symptoms, diseases or conditions.

(2) Where physical conditions arise from substantial deficiency of one or more of the components of the vitamin B complex, dosage of said vitamin capsules as prescribed by respondents will not be effective in relieving or substantially improving said conditions, as much stronger dosage of said vitamins is then required.

(3) Said vitamin capsules do not contain vitamins A, C, or D and hence do not contain all of the vitamins that are beneficial in promoting or maintaining good health in individuals.

(4) Individuals generally do not require a fresh supply of vitamins daily through the administration of medicinal preparations and it is entirely possible to secure the vitamins necessary for health through the ingestion of properly selected foods that are cooked appropriately.

(5) It has not been established upon the basis of scientific evidence that Vitamin B₆ is essential to nutrition or promotes restful sleep or that Pantothenic acid can be referred to appropriately as the "Acid of life" or that vitamin B₂ can be appropriately referred to as the "beauty vitamin."

(6) There is no scientific evidence upon which to base the assertion that 45,000,000 Americans are suffering perpetually from vitamin deficiencies or that the use of respondents' product or of any like product will minimize the conditions resulting from overindulgence in alcoholic beverages.

The said advertisements are also false and misleading in that they fail to disclose facts material in the light of the representations therein contained, that is, that the causes of the conditions referred to in said advertisements are so numerous that the mere existence thereof are such uncertain indications of vitamin deficiencies that there is no reasonable likelihood that persons will be benefited by the use of respondents' product.

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PAR. 6. Respondents likewise represent in said advertising material that an initial supply of said vitamin capsules can be obtained by payment to the purchaser's postman of \$1 plus a few cents postage, whereas in truth and in fact such initial supply of said vitamin capsules cannot be obtained by such payment since it is the general practice of respondents to send said capsules to the purchaser by the United States mails, requiring cash on delivery and the c. o. d. charges, insurance charges and postage required, amount to more than a few cents.

PAR. 7. Said representations and implications made by respondents in said advertising material have the capacity and tendency to and do mislead and deceive purchasers and prospective purchasers of said Sunway Vitamin Capsules, and a substantial portion of the general public by creating the erroneous belief that said representations and implications are true and that all facts material in the light of the representations made by respondents have been disclosed in said advertising. By the use of said false advertisements and the representations and implications made therein, respondents cause and have caused a substantial portion of the purchasing public to buy large quantities of respondents' vitamin capsules.

PAR. 8. 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.

REPORT, MODIFIED FINDINGS AS TO THE FACTS AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on September 25, 1944, issued and subsequently served its complaint in this proceeding upon respondents Harry H. Heyman and Ethel P. Heyman, co-partners trading as Sunway Vitamin Company, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of that Act. After the filing by respondents of their answer to the complaint, and on December 20, 1946, the Commission issued and subsequently served its amended complaint upon said respondents. After the filing of respondents' answer to said amended complaint, the Commission, by order entered herein granted respondents' motion for permission to withdraw said answer to said amended complaint and to substitute therefor an answer admitting all the material allegations of fact set forth in said amended complaint and waiving all intervening procedure and further hearings as to said facts, which substitute answer was duly filed in the office of the Commission.

Thereafter, the proceeding regularly came on for final hearing before the Commission on the said amended complaint and substitute answer, and the Commission, having duly considered the matter, made and issued on March 25, 1948, its findings as to the facts, conclusion and order to cease and desist.

On June 15, 1951, this matter was reopened by the Commission for the reception of evidence as to certain facts for the purpose of assisting the Commission in determining the necessity of modifying the findings as to the facts, conclusion and order to cease and desist. A stipulation of counsel as to said facts being submitted in lieu of such evidence, the Commission accepted said stipulation and thereupon issued and served upon Ethel P. Heyman, the sole surviving respondent, a tentative findings as to the facts, conclusion and order to cease and desist, together with an order granting her leave to show cause why the original findings as to the facts, conclusion and order to cease and desist herein should not be modified to conform to said tentative draft.

Thereafter, this matter came on for reconsideration by the Commission upon the entire record herein, including said stipulation and tentative findings as to the facts, conclusion and order to cease and desist (respondent having filed no objection thereto within the time permitted by the order to show cause); and the Commission, having reconsidered the matter and being of the opinion that the findings as to the facts and conclusion should be modified, makes this its modified findings as to the facts and conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent Ethel P. Heyman, an individual, is the president and principal stockholder of Sunway Vitamin Company, an Illinois corporation with its principal office at 314 W. Institute Place, Chicago, Illinois, which corporation is a successor to the Sunway Vitamin Company, a partnership. Prior to October 10, 1946, respondent Ethel P. Heyman and respondent Harry H. Heyman, now deceased, were copartners trading as Sunway Vitamin Company. The term "respondent" as used hereinafter will refer to Ethel P. Heyman.

PAR. 2. Respondent Ethel P. Heyman, acting through Sunway Vitamin Company, a partnership, prior to October 10, 1946, and acting through the Sunway Vitamin Company, a corporation, since that date, has been and is now engaged in the sale and distribution of a medicinal preparation containing various components of the Vitamin B complex, designated and identified by the trade name or brand

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"Sunway Vitamin Capsules." Respondent causes said preparation, when sold, to be transported from the State of Illinois to purchasers thereof in various other states of the United States and in the District of Columbia, and respondent maintains, and at all times mentioned herein has maintained, a course of trade and commerce in said preparation among and between the states of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of said business, respondent has disseminated and has caused the dissemination of advertisements concerning said preparation by the United States mails and by various other means in commerce, as "commerce" is defined in the Federal Trade Commission Act. Respondent has also disseminated and has caused the dissemination of advertisements concerning said preparation by various means for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act. Among and typical of the statements and representations contained in said advertisements disseminated and caused to be disseminated as hereinabove set forth, by the United States mails, by means of letters, circulars, pamphlets, booklets, and other advertising literature, and by radio continuities, are the following:

According to highest medical and health authorities *any* or all of the following conditions may result from a lack of necessary Vitamins:—*lack of vigor—physical and mental dullness—lack of ambition—tire easily—poor digestion—restless sleep—aches and pains—nervousness—low resistance to disease, colds and coughs—unhealthy skin and hair—irritable disposition—failing appetite—and many more.*

Wouldn't you like to feel full of pep and energy, gloriously alive, glowing with health, free from nervous upsets? Wouldn't you like to enjoy normal sleep and appetite, stamina to carry through all day long, sunny disposition and cheerful outlook on life? Why of course you would! Who wouldn't? VITAMINS may be the answer, the means to better health and energy for you. Use the enclosed order blank, and order your SUNWAY VITAMINS today.

These Sunway Capsules contain the all important Vitamin B₁ for good nerves, good appetite and digestion—and a vitamin absolutely essential to vigorous vitality! And they contain B₂—often called the Beauty vitamin; they contain Pyridoxin—the B vitamin that promotes restful sleep; Pantothenic acid, often called the "Acid of life"; Nicotinic Acid; *and*—the important liver concentrate, which enriches the blood. *All* of these vitamins—as well as others beneficial to health, are present in Sunway Vitamin Capsules; And *only* in Sunway Vitamin Capsules can you obtain this high power formula in the strength of vitamins it contains!

Vitamin B₁ (Thiamin) * * * minimizes after effects of alcohol * * *.

Cooking destroys many of the VITAMINS in foods. Therefore the most carefully selected diet, cooked in the tastiest ways, will usually fail to supply the full quota of needed VITAMINS each day.

VITAMINS are not stored within the body (except small quantities of A). The body simply discards any excess supply. A fresh supply is required **DAILY**. * * * so when your present supply of **SUNWAY VITAMINS** is gone, a new supply may become heaven-sent *HEALTH INSURANCE* at a cost of but a few cents per day.

That tired out feeling of yours may indicate that you are one of the 45,000,000 Americans said to be living in a perpetual state of "half health" simply because of Vitamin deficiency! Yes, 45,000,000 seemingly well fed Americans suffering from Vitamin deficiency!

PAR. 4. Through the use of the foregoing statements and representations and others of the same import, respondent has represented, directly and by implication, as follows:

(1) That Sunway Vitamin Capsules will relieve and eliminate low resistance to disease, coughs and colds.

(2) That said preparation will relieve and eliminate nervousness, lack of energy, restless sleep, indigestion, aches and pains, loss of appetite, unhealthy skin and hair, dizzy spells, and general poor health, due to any vitamin deficiency.

(3) That the use of said preparation, as directed, is effective in relieving conditions arising from substantial deficiencies of one or more components of the Vitamin B complex.

(4) That said preparation contains all of the vitamins that are beneficial in promoting or maintaining good health in individuals generally.

(5) That the most carefully selected foods, cooked in the tastiest ways, fail to supply the vitamins necessary for health, and that individuals generally require a fresh supply of vitamins daily through the administration of respondent's vitamin capsules or like vitamin capsules.

(6) That Vitamin B₆ (Pyridoxin) is essential to nutrition and promotes restful sleep.

(7) That Pantothenic acid is appropriately referred to as the "Acid of life."

(8) That 45,000,000 Americans suffer perpetually from vitamin deficiencies.

(9) That Vitamin B₂ is appropriately referred to as the "beauty vitamin."

(10) That said vitamin capsules are effective in minimizing the physical condition resulting from over-indulgence in alcoholic beverages.

PAR. 5. The formula for respondent's preparation, Sunway Vitamin Capsules, is as follows:

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<i>Ingredients</i>	<i>Quantities</i>
Vitamin B ₁ (Thiamin Hydrochloride)-----	2.5 mg. or 850 U. S. P. Units
Vitamin B ₂ (Riboflavin)-----	1.0 mg.
Vitamin B ₆ (Pyridoxine Hydrochloride)----	0.25 mg.
Niacinamide-----	5.0 mg.
Calcium Pantothenate-----	0.5 mg.

The directions for use are to take two tablets daily.

PAR. 6. The foregoing statements and representations are false, deceptive and misleading in the following respects:

(1) Low resistance to disease, coughs and colds are not caused by a deficiency of any of the components of respondent's said preparation and said preparation is of no value in relieving or eliminating said symptoms, conditions or diseases.

(2) Said preparation is of no value in relieving or eliminating nervousness, lack of energy, restless sleep, indigestion, aches and pains, loss of appetite, unhealthy skin and hair, dizzy spells and general poor health except in that minority of cases where such symptoms, conditions or disorders are caused by a deficiency of Vitamin B₁, Vitamin B₂, or niacinamide. It has not been scientifically determined that a deficiency of Vitamin B₆ or calcium pantothenate could result in any of the above-listed symptoms, conditions or disorders. Said preparation does not contain any other active ingredient.

(3) Said preparation is not effective in relieving or eliminating conditions arising from a substantial deficiency of any vitamin other than Vitamin B₁. Said preparation, taken as directed, provides what is currently regarded as a therapeutic dose of Vitamin B₁, and approximately the minimum daily nutritional requirements of Vitamin B₂ and niacinamide but does not provide a recognized therapeutic dosage of these substances. When used as directed, said preparation will be effective in relieving conditions, symptoms and disorders arising solely by reason of deficiency of Vitamin B₁. If taken regularly over a long period of time, said preparation will also tend to relieve conditions, symptoms and disorders resulting from mild deficiencies of Vitamin B₂ and niacinamide. In cases of substantial deficiency of Vitamin B₂ and niacinamide, however, the use of said preparation as directed would be of no value.

(4) Said preparation does not contain Vitamins A, C and D and, thus, does not contain all of the vitamins that are beneficial in promoting or maintaining good health in individuals.

(5) It is entirely possible to secure the vitamins necessary for health through the ingestion of properly selected foods that are cooked appropriately, and individuals generally do not require a fresh supply

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of vitamins daily through the administration of medicinal preparations.

(6) It has not been established upon the basis of scientific evidence that Vitamin B₆ (Pyriodoxin) is essential to nutrition or promotes restful sleep, or that Pantothenic acid can be referred to appropriately as the "Acid of life," or that Vitamin B₂ can be appropriately referred to as the "beauty vitamin."

(7) There is no scientific evidence upon which to base the assertion that 45,000,000 Americans are suffering perpetually from vitamin deficiencies, or that the use of respondent's preparation or of any like product will minimize the conditions resulting from overindulgence in alcoholic beverages.

PAR. 7. Respondent also represented in her advertising material that an initial supply of said vitamin capsules may be obtained by payment to the purchaser's postman of \$1.00 plus a few cents postage, whereas, in truth and in fact, such initial supply of said vitamin capsules cannot be obtained by such payment. It is the general practice of respondent to send her capsules to the purchaser through the United States mails, requiring cash on delivery, and the c. o. d. charges, insurance charges and postage must all be paid before the capsules are obtained.

PAR. 8. The use by respondent of the foregoing false, misleading and deceptive statements has the tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that said statements and representations are true, and to induce a substantial portion of the purchasing public, because of such erroneous and mistaken belief, to purchase large quantities of respondent's preparation.

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.

MODIFIED ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission and the answer of respondents, in which answer respondents admit all of the material allegations of fact set forth in said amended complaint and waive all in-

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tervening procedure and further hearings as to said facts, and the Commission, after having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act, having, on March 25, 1948, issued and subsequently served upon the sole surviving respondent, Ethel P. Heyman, said findings as to the facts, conclusion, and its order to cease and desist; and

This proceeding having been reopened and additional evidence having been received and the Commission, after reconsideration of this matter on the basis of the present record, having made its modified findings as to the facts and its conclusion that respondent, Ethel P. Heyman, has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent, Ethel P. Heyman, her representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Sunway Vitamin Capsules, or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:

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

(a) That the use of said preparation is of any value in relieving or eliminating low resistance to disease, coughs or colds.

(b) That the use of said preparation is of any value in relieving or eliminating nervousness, lack of energy, restless sleep, indigestion, aches and pains, loss of appetite, unhealthy skin and hair, dizzy spells and general poor health, due to any cause other than a deficiency of Vitamin B₁, Vitamin B₂ or niacinamide.

(c) That the use of said preparation as prescribed will be of value in relieving nervousness, lack of energy, restless sleep, indigestion, aches and pains, loss of appetite, unhealthy skin and hair, dizzy spells and general poor health, caused by a deficiency of Vitamin B₂ or niacinamide, other than that it will tend to relieve said conditions, symptoms and disorders when due to a mild deficiency if taken regularly over a long period of time.

(d) That the use of said preparation as prescribed is effective in relieving or substantially improving any condition, symptom or disorder arising from a substantial deficiency of any vitamin other than Vitamin B₁.

(e) That said preparation contains all of the vitamins that are beneficial in promoting or maintaining good health in individuals.

(f) That individuals generally require a fresh supply of vitamins daily in addition to those obtained from properly selected foods appropriately cooked.

(g) That Vitamin B₆ (Pyriodoxin) is essential to nutrition or promotes restful sleep.

(h) That Pantothenic acid is appropriately referred to as the "Acid of life."

(i) That 45,000,000 Americans suffer perpetually from vitamin deficiencies.

(j) That Vitamin B₂ is appropriately referred to as the "beauty vitamin."

(k) That said preparation is effective in minimizing the physical conditions resulting from overindulgence in alcoholic beverages.

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

It is further ordered, That respondent, Ethel P. Heyman, her representatives, agents 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 said preparation, do forthwith cease and desist from representing, directly or indirectly, that a supply of said preparation may be obtained by the payment of any sum of money, plus a few cents postage, unless at the same time it is clearly and conspicuously disclosed that the c. o. d. and insurance charges also must be paid.

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

IN THE MATTER OF
DOLCIN CORPORATION ET AL.

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

Docket 5692. Complaint, Aug. 18, 1949—Decision, Dec. 2, 1952

The terms "arthritis" and "rheumatism" are general terms, sometimes used interchangeably, which may refer to any of many diseases or pathological conditions including rheumatic fever, fibrositis, myositis, neuritis, sciatica, lumbago, and bursitis, which are characterized by such symptoms or manifestations as pain, stiffness, and inflammatory and destructive changes in the joints and tissues of the body.

Such pathological conditions are of known as well as unknown origin, examples of the former being infectious arthritis, such as arthritis of syphilis, arthritis of gonorrhea, and arthritis associated with pneumonia and tubercular infections, as well as gout, which is connected with disturbances of metabolism; while examples of the latter include rheumatoid arthritis, osteomyelitis and rheumatic fever.

The various pathological conditions generally referred to as arthritis and rheumatism progress and develop differently. Likewise, they require different treatment, which will vary not only between different types of such ailments, but between different individuals suffering from the same ailment, and between different stages in the progress thereof. An adequate, effective, or reliable treatment for any kind of "arthritis" or "rheumatism" must, therefore, be predicated upon individual diagnosis, in order to determine whether the patient has arthritis or rheumatism, the particular kind of such ailment present, and whether it arose from a known or an unknown cause.

An adequate, effective, and reliable treatment for any of the various types of ailments included in the general terms "arthritis" and "rheumatism" may involve application of various therapeutic measures, including diet, rest or change of occupation, various types of physiotherapy such as orthopedic or thermal procedures, and medication; and delay of proper diagnosis, with consequent failure to administer appropriate treatment, may result in irreversible pathological changes, causing a crippled, useless joint or extremity, especially in those forms of arthritis and rheumatism known to be caused by specific infections.

There is no drug or combination of drugs, regardless of how administered, which will constitute an adequate, effective, or reliable treatment for the various forms of arthritis or rheumatism, or which can restore to normal the pathological changes which result from arthritic or rheumatic ailments.

Aspirin is one of the safest analgesics known and is widely prescribed by physicians in large dosages for temporary relief of pain and fever in arthritic and rheumatic conditions, and while serious results from such excessive use are