

IN THE MATTER OF  
SIDNEY J. MUELLER TRADING AS MUELLER HAIR  
EXPERTS

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

*Docket 5977. Complaint, Apr. 11, 1952—Decision, Dec. 2, 1952*

Where an individual engaged in the interstate sale and distribution of preparations for the hair and scalp, and in operating in various cities including Dallas, San Antonio, Oklahoma City, Tulsa, Cincinnati, Atlanta, Jacksonville, and San Francisco, branch offices known as hair and scalp clinics which dealt in his preparations and used them in office treatments; and also in establishing temporary clinics from time to time in other cities;

In carrying on the sale of his preparations through (1) extensive advertising in which he invited persons to come to his places of business for diagnosis, at which time a series of treatments was recommended, and certain of his preparations, if treatments were agreed to, were sold to the persons concerned, and used therein; (2) selling home treatment kits with instructions, to persons thus induced to visit his offices; and (3) sending traveling representatives to various cities, following extensive advertisement of their visits, in which the public was invited to call upon them for diagnosis, whereupon either treatment at one of his branches or the purchase of the home treatment kit was recommended; in his advertising, principally in newspapers and periodicals—

- (a) Represented falsely, directly and by implication, that through the use of his said preparations, and treatments by his operators in his places of business, and by purchasers thereof in their homes, that all types of baldness would be prevented and overcome, that hair would be made to grow thicker where thin, and that "fuzz" would be replaced with normal hair;
- (b) Represented falsely that the hair growing functions of the scalp would be rejuvenated, that his preparations would kill bacteria beneath the scalp, and that subscalp blood circulation would be stimulated, and the scalp energized to grow hair;
- (c) Represented falsely that dandruff, itching, dryness and oiliness of the hair would be permanently eliminated, that all different kinds of hair and scalp disorders would be cured and the hair kept healthy, and that an individual would be able to maintain a thick growth of hair; and
- (d) Represented falsely that his preparations employed none of the "common property" medications used by others but were based upon warborn medical discoveries and research conducted by his own nationally known chemists;

The facts being that the ingredients in his said preparations had been used without success for many years, the preparations were purchased by him from another concern, and he employed no chemists;

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(e) Represented falsely, through referring to them as "Trichologists" and describing them as hair scientists and otherwise, that certain of his employees had had competent training in dermatology and other branches of medicine having to do with the diagnosis of scalp disorders affecting the hair;

With effect of misleading and deceiving a substantial portion of the purchasing public into the erroneous belief that such representations were true, and with capacity and tendency to induce said public to visit his offices for the purpose of obtaining treatment, and to purchase his said preparations and order them by mail:

*Held*, That such acts and practices, under the circumstances set forth, constituted unfair and deceptive acts and practices in commerce.

Before *Mr. Abner E. Lipscomb*, hearing examiner.

*Mr. Joseph Callaway* for the Commission.

*Mr. Seymour Lieberman*, of Houston, Tex., for respondent.

## COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that Sidney J. Mueller, an individual trading as Mueller Hair Experts, hereinafter referred to as respondent, has violated the provisions of said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Sidney J. Mueller is an individual trading as Mueller Hair Experts with his office and principal place of business located at 603 Avondale Street, in the city of Houston, State of Texas.

The respondent also maintains and operates branch offices known as hair and scalp clinics in various cities, including Dallas and San Antonio, Texas, Oklahoma City and Tulsa, Oklahoma, Memphis and Nashville, Tennessee, Cincinnati, Ohio, Atlanta, Georgia, Jacksonville, Florida and San Francisco, California, which deal in the preparations sold by respondent and in the use of said preparations in office treatments. Respondent also establishes temporary clinics from time to time in various other cities.

PAR. 2. In the course and conduct of his business, the respondent for several years last past has been engaged in the sale and distribution of various cosmetic and medicinal preparations for external use in the treatment of conditions of the hair and scalp, including sales of such preparations through use of them in connection with treatments administered in his various offices. Said preparations, sold and dis-

tributed as aforesaid by respondent, are purchased by him from the manufacturer thereof located in the State of Missouri. Respondent causes said preparations to be transported from his place of business in the State of Texas and from the place of business of the manufacturer of said preparations in the State of Missouri to respondent's various branch offices, owned and operated as hereinabove set forth, and located in other States of the United States, and also to individual purchasers of said preparations located in various other States of the United States. Respondent maintains, and at all times mentioned herein has maintained, a substantial course of trade in said cosmetic and medicinal preparations in commerce between and among the various States of the United States.

PAR. 3. Respondent has adopted several methods in connection with the sale of his various preparations. First, respondent, through extensive advertising, invites persons to come to his places of business for diagnosis and treatment; whereupon certain series of treatments are recommended. If said treatments are agreed to, certain of respondent's cosmetic and medicinal preparations are sold to such persons and used in the process of such treatments. Second, respondent sells home treatment kits with instructions to persons induced to visit respondent's said offices by virtue of said advertisements. These kits consist of certain of respondent's cosmetic and medicinal preparations for the treatment of the hair and scalp. Third, respondent sends traveling representatives to various cities, whose visits are extensively advertised in the cities to be visited which advertisements invite the public to call upon said representatives for diagnosis and advice. These representatives recommend either treatment at one of respondent's branches or the purchase of the home treatment kits previously described. Still another method employed by respondent is advertising the home treatment kits for sale by direct mail order without the benefit of examination and so-called diagnosis.

PAR. 4. In the course and conduct of his aforesaid business, the respondent has disseminated, and has caused the dissemination of, advertisements concerning his preparations by the United States mails and by various other means in commerce, as "commerce" is defined in the Federal Trade Commission Act for the purpose of inducing and which are likely to induce directly or indirectly, the sale of said medicinal and cosmetic preparations; and respondent has also disseminated, and has caused the dissemination of, advertisements concerning his said preparations, by various means, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of his preparations 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 advertisements, principally in newspapers and other periodicals, disseminated and caused to be disseminated as hereinabove set forth, are the following:

True, some few also inherit a type of scalp structure which may serve as a contributing factor in hair loss. That accounts for the fact that baldness may seem to run in families.

But such hereditary scalp weakness can be overcome if you keep your scalp healthy with Mueller treatment.

The victim of alopecia prematura, the young man trying to get ahead is especially unfortunate. Receding hair lines \* \* \* bald spot on top \* \* \* hair so thin the scalp shows through \* \* \* these hurt a man's chances as well as his pride. Worse they definitely point to early total baldness.

But alopecia prematura can be arrested by Mueller treatment. Furthermore, Mueller exclusive formula will regrow much or all of the hair already lost.

Your average busy executive just doesn't take time to care for his hair—and usually doesn't know how.

But your hair loss can be stopped quickly by Mueller treatment. And in many cases your hair can be regrown completely by Mueller treatment and Mueller-directed personal care.

"You construction men must be doubly careful if you want to avoid baldness," Trichologist S. J. Mueller tells bricklayer W. R. (Ray) Johnson.

\* \* \*

But your hair loss can be stopped by Mueller treatment. Often hair already lost can be restored. And your hair can be kept strong and healthy by Mueller directed care.

Among machinists, baldness is practically an occupational disease.

\* \* \*

But such hair loss can be stopped quickly by Mueller treatment. Often hair so lost can be regrown, and you will always keep the hair you now have if you follow Mueller directions for care.

New home treatment methods for growing thicker hair—and preventing baldness.

Don't be "baldish." Your hair back quickly. \$4.95 You receive 3 generous bottles of our famous hair preparations exactly like the ones we use in our scalp clinics in all leading southern cities.

Mere "fuzz" may be replaced with hair of full body and color.

Hair killing bacteria which penetrate the follicle and choke off growth beneath the other scalp layer are destroyed. This phase of the treatment involves chemo-electrical therapy and professional massage.

Next, blood flow to the hair tubes is stimulated so nature can take over. \* \* \* Mueller experts employ sub-scalp stimulants that energize the scalp to natural hair growing activity.

Your scalp will be freed of all dandruff.

Disorders that usually foretell baldness are excessive dandruff, thinning hair, itching scalp and dry or oily hair.

\* \* \*

Successful treatment must start with thorough professional examination of your scalp.

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But all the 18 kinds of external scalp disorders yield readily to Mueller treatment. \* \* \*

When treatment is over and your hair is healthy again, the Mueller trichologist gives you exact and personal instructions for the care of your hair—to keep it healthy for life.

Nowadays, baldness is largely a matter of choice. You can enjoy a healthy head of hair all your life \* \* \* or keep losing hair until you are bald.

None of the "common property medication" used by others is ever employed in our clinic. We have surer, faster-acting formulae based on war-born medical discoveries and research conducted by our own nationally known chemists.

For proof, consult the Mueller trichologist while he's here. He's a hair scientist who will tell you in just 15 minutes what is wrong with your scalp and how the trouble can be corrected.

PAR. 5. Respondent's preparations are composed of the following ingredients in various combinations:

- Ammoniated Mercury.
- Beeswax Refined.
- Beta Naphthol.
- Boric Acid.
- Carmine Dye Solution N. F.
- Castor Oil.
- Ceresin Wax
- Cottonseed Oil.
- D & C Red No. 3 Dye Solution 3.3%.
- Dark Petrolatum.
- Di-isobutyl Phenoxy Ethoxy ethyl dimethyl benzyl Ammonium chloride monohydrate (Hyamine 1622)
- Distilled Water.
- F. D. & C Amaranth Red No. Dye Solution 3%.
- F. D. & C Blue No. 1 Dye Solution 3.1%.
- F. D. & C Chocolate Brown Shade 3.1%.
- F. D. & C Emerald Green Dye Solution 2.3%.
- F. D. & C Lemon Yellow Dye Solution 3.1%.
- F. D. C. (Naphthol Yellow S) Dye Solution 3.1%.
- Glycerin C. P.
- Glycerole 40% Liquid Soap Natural.
- Isopropyl Alcohol 99%; 70%.
- Isopropyl Alcohol Bay Rum.
- Lanolin Anhydrous.
- Liquid Phenol.
- Magnesium Aluminum Salicate.
- Menthol Crystals.
- Methyl Parahydroxybenzoate.
- Mineral Oil.

Oil Bay Terpeneless.  
Oil of Tar Rectified.  
Perfume Oil Synthetic Fern.  
Petrolatum.  
Polyoxyalkylene Sorbitan Monostearate.  
Precipitated Sulphur.  
Oxquinoline Sulphate.  
Reddish Violet Dye Solution certified.  
Resorcin.  
Salicylic Acid.  
Sorbitan Sesquioleate.  
Sulfonated Castor Oil.  
Tincture Capsicum N. F.  
White Precipitate.

PAR. 6. Through the use of the aforesaid statements and representations and others similar thereto not specifically set out herein, respondent has represented, directly and by implication, that through the use of said preparations, methods and treatments by his operators in his various places of business and by purchasers of his preparations in their homes all types of baldness, including hereditary baldness, premature baldness, occupational baldness and receding hairline will be prevented and overcome; that hair will be made to grow thicker in spots where it is thin; that "fuzz" will be replaced with normal hair; that the hair growing functions of the scalp will be rejuvenated; that his said preparations will kill bacteria located beneath the scalp; that sub-scalp blood circulation will be stimulated and the scalp energized to grow hair; that dandruff, itching, dryness and oiliness of the hair and scalp will be permanently eliminated; that all different kinds of hair and scalp disorders will be cured and the hair kept healthy; that an individual will be able to maintain a thick growth of hair; that respondent's preparation employ none of the "common property" medications used by others, but are based on war-born medical discoveries and research conducted by respondent's own nationally known chemists. By referring to certain of his employees as "Trichologists" and by other means in said advertising, such as describing them as hair scientists, respondent has represented, directly and by implication, that said employees have had competent training in dermatology and other branches of medicine having to do with the diagnosis of scalp disorders affecting the hair.

PAR. 7. The said advertisements 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, regardless

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of the exact formulae or combination of the preparations used and regardless of the method of treatment in respondent's offices or the method of application in home treatments, respondent's preparations will have no effect in preventing or overcoming any type of baldness. Regardless of the exact formulae or combination of the preparations used or the method of treatment in respondent's offices or the method of application in home treatments, respondent's preparations will not prevent or overcome receding hair line; will not cause hair to grow thicker in spots where it is thin; will not cause fuzz to be replaced with normal hair; will not rejuvenate the hair-growing functions of the scalp; will not penetrate below the surface of the scalp and kill bacteria there; will not stimulate and energize the scalp to grow hair; will not permanently eliminate dandruff, itching, dryness or oiliness of the scalp; will not cure all scalp disorders; will not keep the hair healthy or enable an individual to maintain a thick growth of hair. The ingredients in respondent's preparations have been used without success for many years in an effort to correct falling hair, to grow hair and to prevent baldness. Such preparations are not medical discoveries made during the last war or in recent years, or the result of any research conducted by chemists employed by respondent. In fact, as stated above, respondent purchases the preparations as used from another concern that manufactures them, and does not himself employ any chemists.

Neither the respondent nor his employees have undergone competent training in dermatology or any other branch of medicine pertaining to diagnosis or treatment of scalp disorders affecting the hair.

PAR. 8. The use by the respondent of the foregoing false, deceptive and misleading statements and representations, disseminated as aforesaid, has had, and now has, the capacity and tendency to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements and representations are true and induce a substantial portion of the purchasing public to visit respondent's various offices for the purpose of obtaining treatments and to purchase respondent's preparations hereinabove referred to, and to order said preparations by mail because of such erroneous and mistaken belief, engendered as above set forth.

PAR. 9. 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 within the intent and meaning of the Federal Trade Commission Act.

CONSENT SETTLEMENT<sup>1</sup>

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on April 11, 1952, issued and subsequently served its complaint on the respondent named in the caption hereof, charging him with the use of unfair and deceptive acts and practices in violation of the provisions of said Act.

The respondent, desiring that this proceeding be disposed of by the consent settlement procedure provided in Rule V of the Commission's Rules of Practice, solely for the purposes of this proceeding, any review thereof, and the enforcement of the order consented to, and conditions upon the Commission's acceptance of the consent settlement hereinafter set forth, and in lieu of answer to said complaint heretofore filed and which, upon the acceptance by the Commission of this settlement, is to be withdrawn from the record, hereby:

1. Admits all the jurisdictional allegations set forth in the complaint.

2. Consents that the Commission may enter the matters hereinafter set forth as its findings as to the facts, conclusion, and order to cease and desist. It is understood that the respondent, in consenting to the Commission's entry of said findings as to the facts, conclusion, and order to cease and desist, specifically refrains from admitting or denying that he has engaged in any of the acts or practices stated therein to be in violation of law.

3. Agrees that this consent settlement may be set aside in whole or in part under the conditions and in the manner provided in paragraph (f) of Rule V of the Commission's Rules of Practice.

The admitted jurisdictional facts, the statement of the acts and practices which the Commission had reason to believe were unlawful, the conclusion based thereon, and the order to cease and desist, all of which the respondent consents may be entered herein in final disposition of this proceeding, are as follows:

## FINDINGS AS TO THE FACTS

**PARAGRAPH 1.** Respondent Sidney J. Mueller is an individual trading as Mueller Hair Experts with his office and principal place of busi-

<sup>1</sup> The Commission's "Notice" announcing and promulgating the consent settlement as published herewith, follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on December 2, 1952 and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

The time for filing report of compliance pursuant to the aforesaid order runs from the date of service hereof.

## Findings

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ness located at 603 Avondale Street in the city of Houston, State of Texas.

The respondent also maintains and operates branch offices known as hair and scalp clinics in various cities, including Dallas and San Antonio, Texas, Oklahoma City and Tulsa, Oklahoma, Cincinnati, Ohio, Atlanta, Georgia, Jacksonville, Florida, and San Francisco, California, which deal in the preparations sold by respondent and in the use of said preparations in office treatments. Respondent also establishes temporary clinics from time to time in various other cities.

PAR. 2. In the course and conduct of his business, the respondent for several years last past has been engaged in the sale and distribution of various cosmetic and other preparations for external use in the treatment of conditions of the hair and scalp, including sales of such preparations through use of them in connection with treatments administered in his various offices. Said preparations, sold and distributed as aforesaid by respondent, are purchased by him from the manufacturer thereof located in the State of Missouri. Respondent causes said preparations to be transported from his place of business in the State of Texas and from the place of business of the manufacturer of said preparations in the State of Missouri to respondent's various branch offices, owned and operated as hereinabove set forth, and located in other States of the United States, and also to individual purchasers of said preparations located in various other States of the United States. Respondent maintains, and at all times mentioned herein has maintained, a substantial course of trade in said cosmetic and other preparations in commerce between and among the various States of the United States.

PAR. 3. Respondent has adopted several methods in connection with the sale of his various preparations. First, respondent, through extensive advertising, invites persons to come to his place of business for diagnosis and treatment; whereupon certain series of treatments are recommended. If said treatments are agreed to, certain of respondent's cosmetic and other preparations are sold to such persons and used in the process of such treatments. Second, respondent sells home treatment kits with instructions to persons induced to visit respondent's said offices by virtue of said advertisements. These kits consist of certain of respondent's cosmetic and other preparations for the treatment of the hair and scalp. Third, respondent sends traveling representatives to various cities, whose visits are extensively advertised in the cities to be visited which advertisements invite the public to call upon said representatives for diagnosis and advice. These representative recommend either treatment at one of respondent's

ent's branches or the purchase of the home treatment kits previously described.

PAR. 4. In the course and conduct of his aforesaid business, the respondent has disseminated, and has caused the dissemination of, advertisements concerning his preparations by the United States mails and by various other 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 sale of his said cosmetic and other preparations; and respondent has also disseminated, and has caused the dissemination of, advertisements concerning his said preparations, by various means, for the purpose of inducing, and which were likely to induce, directly or indirectly, the purchase of his preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act.

Among and typical of the statements and representations contained in said advertisements, principally in newspapers and other periodicals, disseminated and caused to be disseminated as hereinabove set forth, are the following:

True, some few also inherit a type of scalp structure which may serve as a contributing factor in hair loss. That accounts for the fact that baldness may seem to run in families.

But such hereditary scalp weakness can be overcome if you keep your scalp healthy with Mueller treatment.

The victim of alopecia prematura, the young man trying to get ahead is especially unfortunate. Receding hair line \* \* \* bald spot on top \* \* \* hair so thin the scalp shows through \* \* \* these hurt a man's chances as well as his pride. Worse they definitely point to early total baldness.

But alopecia prematura can be arrested by Mueller treatment. Furthermore, Mueller exclusive formula will regrow much or all of the hair already lost.

Your average busy executive just doesn't take time to care for his hair—and usually doesn't know how.

But your hair loss can be stopped quickly by Mueller treatment. And in many cases your hair can be regrown completely by Mueller treatment and Mueller-directed personal care.

"You construction men must be doubly careful if you want to avoid baldness," Trichologist S. J. Mueller, tells bricklayer W. R. (Ray) Johnson.

\* \* \*

But your hair loss can be stopped by Mueller treatment. Often hair already lost can be restored. And your hair can be kept strong and healthy by Mueller directed care.

Among machinists, baldness is practically an occupational disease.

\* \* \*

But such hair loss can be stopped quickly by Mueller treatment. Often hair so lost can be regrown, and you will always keep the hair you now have if you follow Mueller directions for care.

New home treatment methods for growing thicker hair—and preventing baldness.

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Mere "fuzz" may be replaced with hair of full body and color.

Hair killing bacteria which penetrate the follicle and choke off growth beneath the other scalp layer are destroyed. This phase of the treatment involves chemo-electrical therapy and professional massage.

Next, blood flow to the hair tubes is stimulated so nature can take over. \* \* \* Mueller experts employ sub-scalp stimulants that energize the scalp to natural hair growing activity.

Your scalp will be freed of all dandruff.

Disorders that usually foretell baldness are excessive dandruff, thinning hair, itching scalp and dry or oily hair.

\* \* \*

Successful treatment must start with thorough professional examination of your scalp.

But all the 18 kinds of external scalp disorders yield readily to Mueller treatment. \* \* \*

When treatment is over and your hair is healthy again, the Mueller trichologist gives you exact and personal instructions for the care of your hair—to keep it healthy for life.

Nowadays, baldness is largely a matter of choice. You can enjoy a healthy head of hair all your life \* \* \* or keep losing hair until you are bald.

None of the "common property medication" used by others is ever employed in our clinic. We have surer, faster-acting formulae based on war-born medical discoveries and research conducted by our own nationally known chemists.

For proof, consult the Mueller trichologist while he's here. He's a hair scientist who will tell you in just 15 minutes what is wrong with your scalp and how the trouble can be corrected.

PAR. 5. Respondent's preparations are composed of the following ingredients in various combinations:

Ammoniated Mercury.

Beeswax Refined.

Beta Naphthol.

Boric Acid.

Carmines Dye Solution N. F.

Castor Oil.

Ceresin Wax.

Cottonseed Oil.

D & C Red No. 3 Dye Solution 3.3%.

Dark Petrolatum.

Di-isobutyl Phenoxy Ethoxy ethyl dimethyl benzyl Ammonium chloride monohydrate (Hyamine 1622).

Distilled Water.

F. D. & C Amaranth Red No. Dye Solution 3%.

F. D. & C. Blue No. 1 Dye Solution 3.1%.

F. D. & C Chocolate Brown Shade 3.1%.

F. D. & C Emerald Green Dye Solution 2.3%.

F. D. & C Lemon Yellow Dye Solution 3.1%.

F. D. C. (Naphthol Yellow S) Dye Solution 3.1%.  
Glycerin C. P.  
Glycerole 40% Liquid Soap Natural.  
Isopropyl Alcohol 99%; 70%.  
Isopropyl Alcohol Bay Rum.  
Lanolin Anhydrous.  
Liquid Phenol.  
Magnesium Aluminum Salicate.  
Menthol Crystals.  
Methyl Parahydroxybenzoate.  
Mineral Oil.  
Oil Bay Terpeneless.  
Oil of Tar Rectified.  
Perfume Oil Synthetic Fern.  
Petrolatum.  
Polyoxyalkylene Sorbitan Monosterate.  
Precipitated Sulphur.  
Oxyquinoline Sulphate.  
Reddish Violet Dye Solution certified.  
Resorcin.  
Salicylic Acid.  
Sorbitan Sesquioleate.  
Sulfonated Castor Oil.  
Tincture Capsicum N. F.  
White Precipitate.

PAR. 6. Through the use of the aforesaid statements and representations and others similar thereto not specifically set out herein, respondent has represented, directly and by implication, that through the use of said preparations, methods and treatments by his operators in his various places of business and by purchasers of his preparations in their homes all types of baldness, including hereditary baldness, premature baldness, occupational baldness and receding hair line will be prevented and overcome; that hair will be made to grow thicker in spots where it is thin; that "fuzz" will be replaced with normal hair; and the the hair growing functions of the scalp will be rejuvenated; that his said preparations will kill bacteria located beneath the scalp; that sub-scalp blood circulation will be stimulated and the scalp energized to grow hair; that dandruff, itching, dryness and oiliness of the hair and scalp will be permanently eliminated; that all different kinds of hair and scalp disorders will be cured and the hair kept healthy; that an individual will be able to maintain a thick growth of hair; that respondent's preparations employ none of the "common property" medications

used by others, but are based on warborn medical discoveries and research conducted by respondent's own nationally known chemists. By referring to certain of his employees as "Trichologists" and by other means in said advertising, such as describing them as hair scientists, respondent has represented, directly and by implication, that said employees have had competent training in dermatology and other branches of medicine having to do with the diagnosis of scalp disorders affecting the hair.

PAR. 7. The said advertisements 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, regardless of the exact formulae or combination of the preparations used and regardless of the method of treatment in respondent's offices or the method of application in home treatments, respondent's preparations will have no effect in preventing or overcoming any type of baldness. Regardless of the exact formulae or combination of the preparations used or the method of treatment in respondent's offices or the method of application in home treatments, respondent's preparations will not prevent or overcome receding hair line; will not cause hair to grow thicker in spots where it is thin; will not cause fuzz to be replaced with normal hair; will not rejuvenate the hair-growing functions of the scalp; will not penetrate below the surface of the scalp and kill bacteria there; will not stimulate and energize the scalp to grow hair; will not permanently eliminate dandruff, itching, dryness or oiliness of the scalp; will not cure all scalp disorders; will not keep the hair healthy or enable an individual to maintain a thick growth of hair. The ingredients in respondent's preparations have been used without success for many years in an effort to correct falling hair, to grow hair and to prevent baldness. Such preparations are not medical discoveries made during the last war or in recent years, or the result of any research conducted by chemists employed by respondent. In fact, as stated above, respondent purchases the preparations as used from another concern that manufactures them, and does not himself employ any chemists.

Neither the respondent nor his employees have undergone competent training in dermatology or any other branch of medicine pertaining to diagnosis or treatment of scalp disorders affecting the hair.

PAR. 8. The use by the respondent of the foregoing false, deceptive and misleading statements and representations, disseminated as afore-said, has had, and now has, the capacity and tendency to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements and representations are true and induce a substantial portion of the purchasing

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public to visit respondent's various offices for the purpose of obtaining treatments and to purchase respondent's preparations hereinabove referred to, and to order said preparations by mail because of such erroneous and mistaken belief, engendered as above set forth.

## CONCLUSION

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

## ORDER TO CEASE AND DESIST

*It is ordered*, That the respondent Sidney J. Mueller, an individual trading as Mueller Hair Experts or under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of treatments of the hair and scalp in which the various cosmetic and other preparations, as set out in the findings herein, are used; or in connection with the sale, offering for sale or distribution of the various cosmetic and other preparations as set out in the findings herein, for use in the treatment of conditions of the hair and scalp, or of any other preparations of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from:

I. 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 the use of said preparations by purchasers in their homes, or that treatments of the hair or scalp by respondent or his operators in which the various cosmetic and other preparations set forth in the findings are used, or in which any other preparations of substantially similar composition or possessing substantially similar properties are used, will:

- (1) Have any effect in preventing or overcoming baldness.
- (2) Cause hair to grow thicker in spots where it is thin,
- (3) Cause "fuzz" to be replaced by normal hair,
- (4) Cause the hair growing functions of the scalp to be rejuvenated,
- (5) Kill bacteria beneath the scalp,
- (6) Cause the scalp to be energized to grow new hair,
- (7) Cause the permanent elimination of dandruff, itching, dryness or oiliness of the scalp,

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(8) Cure all scalp disorders, keep the hair healthy or enable an individual to maintain a thick head of hair;

(b) That respondent's preparations are dissimilar to preparations used by competitors;

(c) That respondent's preparations are the result of discoveries made during the last war, or discoveries of recent years.

II. Disseminating or causing to be disseminated by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in subparagraphs (a) through (c) of Paragraph I hereof or which represents, directly or by implication, that respondent or any of his employees who have not had competent training in dermatology or other branches of medicine having to do with the diagnosis and treatment of scalp disorders affecting the hair are trichologists, or hair scientists, or that respondent has, or has had, experts in chemistry in his employ.

*It is further ordered,* That respondent 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.

SIDNEY J. MUELLER,  
By (S) Seymour Lieberman,  
SEYMOUR LIEBERMAN,  
*Counsel for Respondent.*

Date: -----

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and entered of record on this the 2d day of December 1952.

## Syllabus

IN THE MATTER OF  
NATIONAL HEALTH AIDS, INC. ET AL.

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

*Docket 5997. Complaint, May 29, 1952—Decision, Dec. 2, 1952*

Where a corporation and its president, engaged in the interstate sale and distribution of a "food" preparation designated "NHA Complex" which contained certain vitamins and minerals; and their advertising agency; in their advertising, sometimes directly but principally by implication, through radio and television broadcasts and otherwise—

- (a) Falsely represented that said "NHA Complex" used as directed would make one well and keep one well, when in fact many diseases and their symptoms unrelated to vitamin and mineral deficiencies cannot be prevented or corrected by the administration thereof in any dosage; and said preparation supplied only the minimum adult daily requirements of certain vitamins and minerals and would not constitute an effective treatment for disorders caused by deficiency of such substances, except in milder forms where its continued use over a long period might be beneficial;
- (b) Falsely represented that said product was a competent and effective treatment for and would cure numerous ailments and conditions including arthritis, neuralgia, sciatica, lumbago, gout, bursitis, coronary thrombosis, rheumatism, high blood pressure, diabetes, bad bones, bad teeth, malfunctioning glands, infected tonsils, infected appendix, gallstones, eye trouble, overweight and goiter;
- (c) Represented that it was a competent and effective treatment for and would cure neuritis, underweight, improper digestion and assimilation of food, constipation, indigestion, nervousness, lack of energy, lack of vitality, lack of ambition, grouchiness, and inability to sleep;

The facts being that said disorders may result from causes which have no connection with deficiencies of vitamins and minerals; and said product would be of no value in the treatment thereof except when they were due solely to mild deficiencies of said substances and the product was taken continuously over a long period of time;

- (d) Falsely represented that all persons in the United States consumed a diet deficient in vitamins and minerals; that persons who consumed a well-balanced diet could not obtain therefrom the minimum daily requirements of vitamins and minerals; and that all persons, in order to assure their bodies of a supply of such minimum daily requirements, must use a dietary supplement; and
- (e) Falsely represented that said "NHA Complex" used as directed supplied sufficient quantities of Vitamin B<sub>12</sub> to be of value in the treatment of diseases and disorders;