

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 B₁₂ to be of value in the treatment of diseases and disorders;

Complaint

49 F. T. C.

With capacity and tendency to mislead a substantial portion of the purchasing public into the mistaken belief that said representations were true and thereby into the purchase of substantial quantities of said preparation:

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

Before *Mr. Frank Hier*, hearing examiner.

Mr. William L. Pencke and *Mr. Harold L. Kennedy* for the Commission.

Freer, Church & Green, of Washington, D. C., 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 National Health Aids, Inc., a Corporation, and Charles D. Kasher, individually and as President of said corporation, and Television Advertising Associates, Inc., a corporation, 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 complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent National Health Aids, Inc., is a corporation, organized, existing and doing business under and by virtue of the laws of the State of Maryland. Respondent Charles D. Kasher is president of said corporation and, as such, formulates, directs and controls the policies and activities of said corporate respondent. Television Advertising Associates, Inc., is a corporation, organized, existing and doing business under and by virtue of the laws of the State of Maryland. The principal office and place of business of all respondents is located at 913 Cathedral Street, Baltimore, Maryland.

PAR. 2. Respondents National Health Aids, Inc., and Charles D. Kasher, are now, and for sometime last past have been, engaged in the sale and distribution of a drug preparation as "drug" is defined in the Federal Trade Commission Act. Respondent Television Advertising Associates, Inc., has been the advertising agent or representative for respondents National Health Aids, Inc., and Charles D. Kasher, and has prepared and caused the dissemination of or participated in the preparation and dissemination of the advertising matter to which reference is made herein.

The designation used by respondents for the said preparation, the essential information in regard to the composition of the recom-

601

Complaint

mended daily dosage and directions for use which appear on the label are as follows:

Designation: "NHA Complex".

Composition: EACH $\frac{1}{4}$ oz. CONTAINS:

<i>Minimum assay</i>	<i>Minimum adult daily requirement</i>	<i>Percent- age of daily require- ment</i>
Vitamin A (Vitamin A Palmitate)		
4000 U. S. P. Units.....	4000 U. S. P. Units.....	100%
Vitamin B-1 (Thiamine Hydrochloride)		
1 Milligram.....	1 Milligram.....	100%
Vitamin B-2 (Riboflavin)		
2 Milligrams.....	2 Milligrams.....	100%
Vitamin C (Ascorbic Acid)		
30 Milligrams.....	30 Milligrams.....	100%
Vitamin D (Irradiated Ergosterol)		
400 U. S. P. Units.....	400 U. S. P. Units.....	100%
Niacinamide		
10 Milligrams.....	10 Milligrams.....	100%

Plus the following Vitamins for which the need in human nutrition has not been established: d-Panthenol 215 Mcgs., Vitamin E (Wheat Germ Oil fortified with Alpha Tocopherol Acetate) 0.5 Mgs., Vitamin B₁₂ (Oral Grade) 1 Mcg., Inositol 7.5 Mgs., Choline 15 Mgs., plus trace amounts of other Vitamins.

Essential Amino Acids

100 Milligrams

Iron (Ferrous Sulfate)

10 Milligrams..... 10 Milligrams..... 100%

Iodine (Potassium Iodide)

0.1 Milligram..... 0.1 Milligram..... 100%

In addition, 100 Mgs. of Calcium and 100 Mgs. of Phosphorous (from DiCalcium Phosphate).

Plus trace amounts of the following Minerals for which the need in human nutrition has not been established: Potassium (from Potassium Iodide) 0.033 Mgs., Copper (from Copper Sulfate) 0.35 Mgs., Sodium (from Sodium Chloride) 5.5 Mgs., Zinc (from Zinc Sulfate) 0.35 Mgs., Cobalt (from Cobalt Sulfate) 0.35 Mgs., Manganese (from Manganese Sulfate) 0.35 Mgs., Magnesium (from Magnesium Carbonate) 0.35 Mgs., Sulfur 1 Mg., Fluorine (from Sodium Fluoride) 0.5 Mgs., Boron (from Sodium Metaborate) 0.2 Mgs., Molybdenum (from Sodium Molybdate) 0.2 Mgs.

Directions:

Adults take $\frac{1}{4}$ oz. daily (which is approximately 2 level teaspoonsful or 4 half teaspoonsful daily) followed by water. Or take as directed by your physician.

PAR. 3. Respondents cause the said preparation when sold to be transported from their place of business in the State of Maryland to purchasers thereof located in various 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 preparation in commerce, between and among the various States of the United States and in the District of Columbia. Their volume of trade in said commerce has been and is substantial.

PAR. 4. In the course and conduct of their business respondents have disseminated and caused the dissemination of certain advertisements concerning said preparation by various means in commerce as "commerce" is defined in the Federal Trade Commission Act, including but not limited to radio and television broadcasts entitled "Who Ya Laffin' At", "Let's Live a Little", "Stop Fooling Yourself" and "Animal, Vegetable, Mineral", said broadcasts being of sufficient power to carry them across state lines, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of their said preparation; and respondents have also disseminated and caused the dissemination of advertisements concerning said preparation by various means including, but not limited to the aforesaid radio and television broadcasts, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of their said preparation in commerce as "commerce" is defined in the Federal Trade Commission Act.

PAR. 5. Through the use of said advertisements, respondents have made, directly and by implication, the following representations:

1. That NHA Complex, used as directed, will make one well and keep one well.

2. That NHA Complex, used as directed, is a competent and effective treatment for and will cure arthritis, neuritis, 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, underweight, goiter, improper digestion and assimilation of food, constipation, indigestion, nervousness, lack of energy, lack of vitality, lack of ambition, grouchiness, and inability to sleep.

3. That all persons in the United States consume a diet which is deficient in vitamins and minerals; that persons who consume a well balanced diet cannot obtain therefrom the minimum daily requirements of vitamins and minerals; and that all persons in order to assure their bodies of a supply of the minimum daily requirements of vitamins and minerals must use a dietary supplement.

4. That NHA Complex, used as directed, supplies sufficient quantities of vitamin B₁₂ to be of value in the treatment of diseases and disorders.

PAR. 6. The aforesaid representations are false and misleading in material respects and constitute "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact:

1. NHA Complex, used as directed, cannot be depended upon to make one well or keep one well. There are many diseases and symptoms of diseases which are in no way related to a deficiency of vitamins and minerals, and which cannot be prevented or corrected by the administration of vitamins and minerals in any dosage. Furthermore, NHA Complex, used as directed, supplies only the minimum adult daily requirements of Vitamins A, B₁, B₂, C and D, and Niacin, and of iron and iodine, and, therefore, the preparation will not constitute a competent or effective treatment for diseases, disorders or symptoms caused by deficiencies of these substances except in the milder forms of such deficiencies where the continued use of NHA Complex over a long period of time may be beneficial. In severe cases of Vitamin A, B₁, B₂, C and D and Niacin and of Iron and Iodine deficiencies, the amounts of these substances supplied by NHA Complex are insufficient to produce any significant beneficial effect.

2. NHA Complex however taken is of no value in the treatment of 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.

NHA Complex, taken as directed, is of no value in the treatment of diseases, disorders and symptoms such as 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 except when such diseases, disorders and symptoms are due solely to mild vitamin and mineral deficiencies and then only when said preparation is taken continuously over a long period of time. These diseases, disorders and symptoms may result from any one of a number of causes that have no connection with deficiencies of vitamins and minerals.

3. All persons in the United States do not consume a diet which is deficient in vitamins and minerals. Many persons consume a well balanced diet. Persons who consume a well balanced diet can obtain therefrom the minimum daily requirements of vitamins and minerals, and such persons do not need to use a dietary supplement in order to assure their bodies a supply of the minimum daily requirements of vitamins and minerals.

4. NHA Complex, used as directed, will not supply a sufficient quantity of Vitamin B₁₂ to be of value in the treatment of any disease, disorder or symptoms thereof.

PAR. 7. The use by respondents, National Health Aids, Inc., and Charles D. Kasher, of the said false advertisements with respect to their preparation has had, and now has, 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 in the advertisements are true; and into the purchase of substantial quantities of said preparation by reason of said erroneous and mistaken belief.

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.

CONSENT SETTLEMENT¹

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on May 29, 1952, issued and subsequently served its complaint on 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.

The respondents, 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 purpose of this proceeding, any review thereof, and the enforcement of the order consented to and conditioned upon the Commission's acceptance of the consent settlement, hereinafter set forth, and in lieu of the answer to said complaint heretofore filed and which, upon acceptance by the Commission of this settlement, is to be withdrawn from the record, hereby:

1. Admit: that the name of respondent National Health Aids, Inc., has been changed by amendment to its corporate charter to National Health Aids of Baltimore, Inc., and that the address of said respondent is 112 South Street, Baltimore, Maryland; respondent Charles D. Kasher maintains an office at 1710 Broadway, New York, New York; respondent Television Advertising Associates, Inc., prior to the issu-

¹ 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.

ance of the complaint herein dissolved its charter granted under the laws of the State of Maryland and the business, formerly conducted by said respondent, is presently conducted by T. A. A., Inc., a corporation organized, existing and doing business under the laws of the State of New York with its principal place of business at 1710 Broadway, New York, New York and another place of business at 4 W. Eager Street, Baltimore, Maryland; and all other jurisdictional allegations set forth in the complaint.

2. Agree that the order consented to applies in the same manner and to the same extent to T. A. A., Inc., as if T. A. A., Inc., had been named in the complaint.

3. Consent 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 respondents in consenting to the Commission's entry of said findings as to the facts, conclusion and order to cease and desist specifically refrain from admitting or denying that they have engaged in any of the acts or practices stated therein to be in violation of law.

4. Agree 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 order to cease and desist, all of which the respondents consent may be entered herein in final disposition of this proceeding, are as follows:

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent National Health Aids of Baltimore, Inc. (formerly and named in the complaint as National Health Aids, Inc.) is a corporation, organized, existing, and doing business under and by virtue of the laws of the State of Maryland with its principal office and place of business located at 112 South Street, Baltimore, Maryland. Respondent Charles D. Kasher is president of said corporation and, as such, formulates, directs, and controls the policies and activities of said corporate respondent. Respondent Kasher maintains an office at 1710 Broadway, New York, New York. Respondent T. A. A., Inc., successor in interest to Television Advertising Associates, Inc., is a corporation, organized, existing, and doing business under the laws of the State of New York. Respondent T. A. A., Inc., is licensed to do business in the State of Maryland and maintains a place of business at 4 West Eager Street, Baltimore, Maryland.

Findings

49 F. T. C.

PAR. 2. Respondents National Health Aids of Baltimore, Inc., and Charles D. Kasher, are now, and for sometime last past have been, engaged in the sale and distribution of a "drug" or "food" preparation as such terms are defined in the Federal Trade Commission Act. Respondent T. A. A., Inc., has been the advertising agent or representative for respondents National Health Aids of Baltimore, Inc., and Charles D. Kasher, and has prepared and caused the dissemination of or participated in the preparation and dissemination of the advertising matter to which reference is made herein.

The designation used by respondents for the said preparation is "NHA Complex." The essential information in regard to the composition of the recommended daily dosage and directions for use appearing on the label, which have been changed in certain respects since issuance of complaint, are as follows:

Composition: Each 3 Tablets Contain

	<i>Minimum assay</i>	<i>Percentage of daily requirement</i>
Vitamin A (Vitamin A Acetate)-----	4000 U. S. P. Units-----	100%
Vitamin B ₁ (Thiamin Hydrochloride)-----	1 Milligram-----	100%
Vitamin B ₂ (Riboflavin)-----	2 Milligrams-----	100%
Vitamin C (Ascorbic Acid)-----	30 Milligrams-----	100%
Vitamin D (Irradiated Ergosterol)-----	400 U. S. P. Units-----	100%
Niacinamide-----	10 Milligrams*-----	-----
Plus Essential Amino Acids-----	100 Milligrams-----	-----
Iron (Ferrous Sulfate)-----	10 Milligrams-----	100%
Iodine (Potassium Iodide)-----	0.1 Milligram-----	100%

*Daily requirements have not been established.

And the following vitamins for which the need in human nutrition has not been established: d-Panthenol 215 Mcgs., Vitamin E (Wheat Germ Oil fortified with Alpha Tocopherol Acetate) 0.5 Mgs., Vitamin B₁₂ (Oral Grade) 1 Mcg. plus trace amounts of other Vitamins.

In addition, 130 Mgs. of Calcium and 100 Mgs. of Phosphorus (from DiCalcium Phosphate).

Plus trace amounts of the following Minerals for which the need in human nutrition has not been established: Potassium (from Potassium Iodide) 0.033 Mgs., Copper (from Copper Sulfate) 0.35 Mgs., Sodium (from Sodium Chloride) 5.5 Mgs., Zinc (from Zinc Sulfate) 0.35 Mgs., Cobalt (from Cobalt Sulfate) 0.35 Mgs., Manganese (from Manganese Sulfate) 0.35 Mgs., Magnesium (from Magnesium Carbonate) 0.35 Mgs., Sulfur 1 Mg., Molybdenum (from Sodium Molybdate) 0.2 Mgs., Dried Yeast, Oat Hull Flour and standard excipients.

Directions:

Adults take 3 tablets daily, preferably after meals. Children take 1 tablet daily. Or take as directed by your physician.

PAR. 3. Respondents cause the said preparation when sold to be transported from their place of business in the State of Maryland to

purchasers thereof located in various 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 preparation in commerce, between and among the various States of the United States and in the District of Columbia. Their volume of trade in said commerce has been and is substantial.

PAR. 4. In the course and conduct of their business respondents have disseminated and caused the dissemination of certain advertisements concerning said preparation by various means in commerce as "commerce" is defined in the Federal Trade Commission Act, including but not limited to radio and television broadcasts entitled "Who Ya Laffin' At," "Let's Live a Little," "Stop Fooling Yourself" and "Animal, Vegetable, Mineral," said broadcasts being of sufficient power to carry them across State lines, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of their said preparation; and respondents have also disseminated and caused the dissemination of advertisements concerning said preparation by various means including, but not limited to the aforesaid radio and television broadcasts, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of their said preparation in commerce as "commerce" is defined in the Federal Trade Commission Act.

PAR. 5. Through the use of said advertisements respondents have made, sometimes directly and principally by implication, the following representations:

1. That NHA Complex, used as directed, will make one well and keep one well.

2. That NHA Complex, used as directed, is a competent and effective treatment for and will cure arthritis, neuritis, 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, underweight, goiter, improper digestion and assimilation of food, constipation, indigestion, nervousness, lack of energy, lack of vitality, lack of ambition, grouchiness, and inability to sleep.

3. That all persons in the United States consume a diet which is deficient in vitamins and minerals; that persons who consume a well balanced diet cannot obtain therefrom the minimum daily requirements of vitamins and minerals; and that all persons in order to assure their bodies of a supply of the minimum daily requirements of vitamins and minerals must use a dietary supplement.

4. That NHA Complex, used as directed, supplies sufficient quantities of vitamin B₁₂ to be of value in the treatment of diseases and disorders.

PAR. 6. The aforesaid representations are false and misleading in material respects and constitute "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact:

1. NHA Complex, used as directed, cannot be depended upon to make one well or keep one well. There are many diseases and symptoms of diseases which are in no way related to a deficiency of vitamins and minerals, and which cannot be prevented or corrected by the administration of vitamins and minerals in any dosage. Furthermore, NHA Complex, used as directed, supplies only the minimum adult daily requirements of Vitamins A, B₁, B₂, C and D, and Niacin and of iron and iodine, and, therefore, the preparation will not constitute a competent or effective treatment for diseases, disorders or symptoms caused by deficiencies of these substances except in the milder forms of such deficiencies where the continued use of NHA Complex over a long period of time may be beneficial. In severe cases of Vitamin A, B₁, B₂, C and D and Niacin and of Iron and iodine deficiencies, the amounts of these substances supplied by NHA Complex are insufficient to produce any significant beneficial effect.

2. NHA Complex however taken is of no value in the treatment of 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.

NHA Complex, taken as directed, is of no value in the treatment of diseases, disorders and symptoms such as 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 except when such diseases, disorders and symptoms are due solely to mild vitamin and mineral deficiencies and then only when said preparation is taken continuously over a long period of time. These diseases, disorders and symptoms may result from any one of a number of causes that have no connection with deficiencies of vitamins and minerals.

3. All persons in the United States do not consume a diet which is deficient in vitamins and minerals. Many persons consume a well balanced diet. Persons who consume a well balanced diet can obtain therefrom the minimum daily requirements of vitamins and minerals, and such persons do not need to use a dietary supplement in order to

601

Order

assure their bodies a supply of the minimum daily requirements of vitamins and minerals.

4. NHA Complex, used as directed, will not supply a sufficient quantity of Vitamin B₁₂ to be of value in the treatment of any disease, disorder or symptoms thereof.

PAR. 7. The use by respondents, National Health Aids of Baltimore, Inc., and Charles D. Kasher, of the said false advertisements with respect to their preparation has had, and now has, 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 in the advertisements are true; and into the purchase of substantial quantities of said preparation by reason of said erroneous and mistaken belief.

CONCLUSION

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

ORDER TO CEASE AND DESIST

It is ordered, That the respondents, National Health Aids of Baltimore, Inc., a corporation, its officers, Charles D. Kasher, individually and as President of said National Health Aids of Baltimore, Inc., and T. A. A., Inc., a corporation, its officers and said respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of NHA Complex or any product of substantially similar composition or possessing substantially similar properties whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

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

(a) That the use of NHA Complex, as directed, will make one well or keep one well;

(b) That NHA Complex is of any value in the treatment of 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, or goiter;

Order

49 F. T. C.

(c) That NHA Complex, used as directed, is of any value in the treatment of neuritis, underweight, improper digestion and assimilation of food, constipation, indigestion, nervousness, lack of energy, lack of vitality, lack of ambition, grouchiness, or inability to sleep, except when such conditions are due solely to mild forms of vitamin and mineral deficiencies and then only when said preparation is taken continuously over a long period of time;

(d) That all persons in the United States consume a diet which is deficient in vitamins and minerals or that there are not many persons in the United States who consume a well balanced diet;

(e) That persons who consume a well balanced diet cannot obtain therefrom the minimum daily requirements of vitamins and minerals;

(f) That it is necessary for persons who consume a well balanced diet to use a dietary supplement in order to assure their bodies a supply of minimum daily requirements of vitamins and minerals;

(g) That NHA Complex contains Vitamin B₁₂ in sufficient quantity, so that when used as directed, it will be of any value in the treatment of any disease, disorder, or symptom thereof.

(2) Disseminating or causing the dissemination of any advertisement 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 said preparation which advertisement contains any of the representations prohibited in paragraph (1) hereof.

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

NATIONAL HEALTH AIDS OF
BALTIMORE, INC.

By (S) CHARLES D. KASHER,
President.

(S) Charles D. Kasher,
CHARLES D. KASHER.
T. A. A., INC.,

By (S) MELVIN RUBIN,
President.

Date: Nov. 8, 1952.

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

Syllabus

IN THE MATTER OF
THE THORKON COMPANYCOMPLAINT, FINDINGS, AND ORDERS IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 6004. Complaint, June 20, 1952—Decision, Dec. 2, 1952*

Where a corporation engaged in the interstate sale and distribution of a drug preparation in tablet form designated "Thorkon" containing vitamins and minerals; in advertising in newspapers of general circulation, some of which included "alleged testimonials"—

- (a) Falsely represented that said product could be depended upon to prevent, relieve, and correct physical impairments and other conditions resulting from advanced age, and would stop or overcome graying of hair;
- (b) Represented that it would enable one to relax, have steady nerves, a happy disposition, healthy appetite, good digestion, vigor, energy, and happiness, to sleep well and feel stronger and better generally; when in fact it would not accomplish such results except in those infrequent cases where mental or physical impairment was caused by deficiencies of Vitamin B₁, B₂, niacinamide, and iron;
- (c) Falsely represented that it would free one from muscular aches and pains, and constituted a competent and effective treatment for blotchy skin or other skin irritation, run-down body, restlessness, nervousness, physical exhaustion, shortness of breath, weakness or nervousness in the limbs, stomach distress, backache, listlessness, neuritis, tired and sluggish blood, nerves, muscles, stomach, liver, intestines and glands, and would convert a nagging, quarrelsome irritable woman into a good wife and mother;
- (d) Represented that it would avoid dizziness, bloating, sour stomach and gas on the stomach; would rid one of burning in the stomach after eating, and pains in the shoulders, arms and back accompanying stomach disorders; when in fact it was of value only in those quite rare instances where the symptoms were caused by deficiencies in Vitamins B₁, B₂, niacinamide, and iron; and
- (e) Falsely represented that it was supercharged with vitamins and minerals including Vitamin B₁₂, and in the dosages recommended contained Vitamin B₆ in therapeutic quantities;

With capacity and tendency to mislead a substantial portion of the purchasing public into the erroneous belief that such representations were true and thereby into the purchase of the aforesaid preparation:

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.

As respects much of respondent's advertising, which, after first designating numerous symptoms and conditions, contained such language as "BUT if your body is STARVED FOR LIFE-VITAL VITAMINS AND MINERALS