

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

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so abundant in THORKON, then lose no time in taking THORKON"; "* * * when these troubles are due to lack of THORKON'S life-vital vitamins B₁, B₂, B₆, B₁₂, Niacinamide and Iron"; and "* * * when these troubles are caused by lack of vitamins and minerals with which THORKON is supercharged":

Such advertising was misleading in a material respect, and false and deceptive in that respondent, in thus advertising its preparation as a cure or remedy for the designated symptoms and conditions when due to vitamin and mineral deficiencies, represented not only that the specific symptom and condition might be due to deficiencies for which the preparation might be beneficial, but also, misleadingly, that there was a reasonable probability that such symptoms and conditions were in fact due to such causes and that the preparation would cure or relieve them.

Instances in which symptoms or conditions are caused by vitamin and mineral deficiencies are rare and each of them result more frequently from a number of causes which have no relation to such deficiencies and include cancer, tuberculosis, arthritis, heart disease, arteriosclerosis, and other diseases for which respondent's preparation would have no therapeutic value whatever and in the case of which delay in diagnosis might result in unnecessarily prolonged suffering and even death.

While some drugs and medicinal preparations, such as analgesics, are used to relieve certain symptoms regardless of cause, said Thorkon is not a symptomatic treatment, although in those rare instances when certain symptoms are due to a deficiency of Vitamins B₁, B₂, Niacinamide, or iron, the preparation, taken as directed, might in time relieve such symptoms by correcting the deficiencies which caused them, though it would in no case relieve any symptoms or condition caused by deficiency of Vitamin B₆ or Vitamin B₁₂.

Before *Mr. John Lewis*, hearing examiner.
Mr. R. P. Bellinger for the Commission.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and by virtue of the authority vested in it by said Act, the Federal Trade Commission having reason to believe that The Thorkon Company, a corporation, hereinafter referred to as respondent, has violated the provisions of said Act and it appearing to the Commission that a preceeding 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, The Thorkon Company, is a corporation chartered, existing and doing business under and by virtue of the laws of the State of Georgia, with its office and principal place of business located at 699 Spring Street, N. W., in the city of Atlanta, Georgia.

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PAR. 2. Respondent is now, and for more than a year last past has been, engaged in the business of selling and distributing a drug preparation, as "drug" is defined in the Federal Trade Commission Act. The said preparation is compounded and sold in tablet form consisting of pink, red and gray tablets.

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

Designation: Thorkon

Formula:

Pink Tablet

Vitamin B₁₂----- 5 micrograms

Red Tablet

Vitamin B₁ (Thiamin-hydrochloride)----- 2.5 mgs.
 Vitamin B₆ (Pyridoxine Hydrochloride)----- .5 mgs.
 Calcium Pantothenate Dextro----- 1.25 mgs.
 Vitamin B₂ (Riboflavin)----- 2.5 mgs.
 Niacinamide ----- 25.0 mgs.

Gray Tablet

Iron (iron sulfate)----- 28.25 mgs.
 Calcium ----- 93.5 mgs.
 and Phosphorous (Dicalcium Phosphate)----- 69.74 mgs.
 Iodine (potassium iodide)----- 0.075 mgs.
 Copper (copper sulfate)----- 2.5 mgs.

Directions for Use

The directions for use are:

Men, women and children (over 6 years old) should take two red tablets just before or after breakfast and 2 gray tablets just before or after the evening meal. Take one pink tablet at bedtime.

PAR. 3. Respondent causes the said preparation when sold to be transported from its place of business in the State of Georgia to purchasers thereof located in various other States of the United States. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said preparation in commerce between and among the various States of the United States. Respondent's volume of business in commerce in said preparation is and has been substantial.

PAR. 4. In the course and conduct of its aforesaid business, the respondent, subsequent to its incorporation in 1950, has disseminated and is now disseminating and has caused and is now causing the dissemination of advertisements concerning its said preparation by the United States mails and by various means in commerce, as "commerce" is defined in the Federal Trade Commission Act, including, but not limited to, advertisements inserted in newspapers of

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general circulation, some of which advertisements contain quotations from alleged testimonials, for the purpose of inducing, and which are and were likely to induce, directly or indirectly, the purchase of said preparation; and respondent has also disseminated and is now causing the dissemination of advertisements concerning said preparation by means, including, but not limited to, the advertisements aforesaid for the purpose of inducing and which are and were likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 5. Among and typical of the statements and representations disseminated and caused to be disseminated as hereinabove set out are the following:

RELAXED-STEADY NERVES*
HAPPY DISPOSITION*
HEALTHY APPETITE*
SLEEP WELL*
FEEL STRONGER*
GOOD DIGESTION—NO HEARTBURN*
FRESH COLOR IN COMPLEXION*
LOOK YOUR BEST*
INCREASED VIGOR*
NEW ENERGY*
HAPPY LIFE*
FREE FROM MUSCULAR ACHES AND PAINS*
FEEL LIKE A MILLION*!

Refuse to be a slave to a tired run-down body!

If you can't rest—feel nervous—exhausted physically—suffer from shortness of breath—feeling of weakness or heaviness in the limbs—if you find it hard to relax—never neglect these warning signals—your body needs help from you. Your troubles may come from many causes and different treatments may be needed. BUT if your body is STARVED FOR LIFE-VITAL VITAMINS AND MINERALS so abundant in THORKON, then lose no time in taking THORKON. Don't just relieve your symptoms—GET RID OF THEM NOW and stop the cause of your misery, your worry and your pain.

THORKON actually brings new energy, vigor, and that feeling of buoyant health as it relieves these deficiencies.

THORKON works wonders for stomach distress, muscular aches, pains and backache, for listless folks who feel nervous, weak, run-down, when these troubles are due to a lack of THORKON'S life-vital vitamins B₁, B₂, B₆, B₁₂, Niacinamide and iron.

* * * getting blessed relief from tired nerves, after eating distress, backache and other muscular aches and pains like neuritis, for that listless, run-down, tired, weak and worn out feeling when caused by lack of Vitamins and Minerals with which THORKON is super-charged. Yes, if your blood, nerves, muscles and

*Get Thorkon today if your system is starved for life-vital vitamins B₁, B₂, B₆, B₁₂, Niacinamide and Iron so skillful combined in Thorkon.

glands are starved for these life-vital elements in the new THORKON, lose no time—let THORKON start feeding them today!

* * * THORKON contains nothing but the pure vitamins listed plus helpful quantities of calcium, phosphorous and iron together with 9 other life essential trace minerals. Blood, nerves, muscles, stomach, liver, intestines and glands starved for THORKON'S life-essential elements cannot help but be tired and sluggish.

THORKON brings new energy, new vigor, new feeling of happy health as it relieves these vitamin and mineral deficiencies. So now, today, don't be satisfied with mere pain killers or remedies that temporarily cover up your symptoms. Instead get at the cause with NEW THORKON * * * today!

I had no appetite and my skin was blotchy and hair graying fast. I thought approaching middle age was making me lose my edge. But my whole body responded to the magic of THORKON with its wonderful vitamins and minerals which my system needed. * * *

Super Charged
with amazing new
vitamin discovery

B₁₂

Each day seemed to get a little longer, I had little or no appetite, my hair was lifeless and graying fast. Naturally, I felt that staying at a desk all day plus the fact that I am approaching middle age caused me to lose my edge. That's not true any longer; I have found how wonderfully my body responded to the magic of THORKON. My appetite is sharp and I eat anything. My hair seems to have regained some of its old life and color. Actually my skin has cleared. Life seems wonderful again * * *.

Our home life was miserable. I quarreled with the children and nagged at my husband. We were on the verge of breaking up. Then I started taking THORKON. I am a good wife and mother again because I feel wonderful all the time, THORKON'S vitamins and minerals were just what my system needed * * *.

I was nervous and irritable. I jumped at the kids. I whined at my husband. He was coming home late and now I don't blame him for I was nagging night and morning. Now we are a happy family again since I've been taking THORKON. We went on a wonderful picnic Sunday afternoon. God bless the THORKON people for saving our home. I'm a good wife and mother again now because I feel so good and full of pep * * *.

I was weak, tired, run-down and worried, had dizzy spells and couldn't work. Whatever I ate caused gas, bloating and sour stomach. Since I started taking THORKON I feel like a million.

I was happy and healthy until three years ago when all my energy failed. I feared it was due to my age and I thought life held no more joy for me. I tried all kinds of medicine and none helped. A friend told me about THORKON and I tried it. Thanks to THORKON'S vitamins and minerals which my system needed, I am a new man today!

Until three years ago I enjoyed the best of health and had plenty of pep and energy. But then I began to feel all out of sorts, tired and discouraged most of the time. Thought I was just getting older and wouldn't be able to enjoy life so much any more. Began trying all kinds of pills, powders and liquids but none helped. One day my friend told me about THORKON and I tried it.

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I want to tell you that THORKON has made a new man out of me. I have lots of pep and vigor and new found happiness, and I feel that I owe it all to THORKON. If everyone who feels as I did would take THORKON they would soon find that life can be wonderful.

Tired, I thought I'd collapse! I'm a housewife with the thousand and one things to do every day. I was just plain run down. At night little things bothered me. Seemed to be a case of jitters, I couldn't sleep and felt seedy. One of the ladies told me at our Home Demonstration Club about THORKON. After only three boxes of THORKON I began to get up in the morning feeling like a million, my housework was no longer a chore. I began to lead the singing in the family circle after the dishes were done at night * * *.

About 8 months ago my stomach started burning like fire after every meal. Gas and bloating almost cut off my breath. During these attacks I suffered terrible pain on my shoulder, arms and back. I rarely got a good night's sleep. Finally my brother told me about THORKON—and after a while I decided to try it. I want to tell you that now I can eat anything and don't have any more of those pains. My whole outlook has been changed and I owe it all to wonderful THORKON—I wish everyone who has suffered like I did could know about THORKON.

PAR. 6. Through the use of statements and representations contained in the advertisements hereinabove set forth and others of similar import and meaning, but not specifically set out herein, respondent has represented directly and by implication, that one taking Thorkon as directed can expect to be relaxed, to have steady nerves, a happier disposition, a healthy appetite, good digestion, no heartburn, improved color in complexion, improved appearance, improved health, added vigor, energy, and happiness; that he will sleep well, feel stronger and better generally and be freed from muscular aches and pains; that said preparation, taken as directed, constitutes a competent and effective treatment for blotchy skin, a tired run-down body, restlessness, nervousness, physical exhaustion, shortness of breath, weakness or heaviness in the limbs, stomach distress, backache, listlessness, fatigue, neuritis, tired and sluggish blood, nerves, muscles, stomach, liver, intestines and glands; that Thorkon can be depended upon to prevent, relieve or correct the physical impairments or other conditions resulting from advancing age, to stop or overcome graying of hair and to convert a nagging, quarrelsome, irritable woman into a good wife and mother; that taking respondent's said preparation will avoid dizziness, bloating, or sour stomach and the formation of gas on the stomach; that Thorkon will rid one of burning in the stomach after eating and pains in the shoulders, arms and back accompanying stomach disorders; that Thorkon is supercharged with vitamins and minerals including Vitamin B12, and in the dosages recommended contains Vitamin B6 in therapeutic quantities.

PAR. 7. The aforesaid statements and representations are misleading in material respects and constitute "false advertisements" as that term

is defined in the Federal Trade Commission Act. In truth and in fact, Thorkon, taken according to directions or otherwise, will not prevent, relieve or correct the physical impairments or other conditions resulting from advancing age, and will have no effect upon the color of the hair.

Thorkon, taken according to directions or otherwise, will not enable one to relax, will have no effect upon the nerves, disposition, color or complexion, appetite, digestion, vigor, energy, happiness, general health or appearance, will not enable one to sleep well or cause him to feel stronger or better generally, except in those infrequent cases where impairment of these mental or physical conditions is caused by Vitamin B₁, B₂, niacinamide or iron deficiencies.

Thorkon, taken according to directions or otherwise, has no value in relieving the condition known as heartburn, nor in treating or preventing muscular aches and pains; it has no value in treating a blotchy skin or other skin irritations or a tired, run-down body, restlessness, nervousness, physical exhaustion, shortness of breath, weakness or heaviness in the limbs, stomach distress, backache, listlessness, fatigue, neuritis, tired and sluggish blood, nerves, muscles, stomach, liver, intestines, or glands, it will not reform or convert a nagging, quarrelsome, irritable women into a good wife and mother, and has no value in treating or avoiding dizziness, bloating, sour stomach, gas on the stomach, burning in the stomach after eating, or otherwise, or pains, wherever located, accompanied by or resulting from stomach disorders, unless such symptoms or conditions are caused by Vitamin B₁, B₂, niacinamide or iron deficiencies, which instances are quite rare.

Thorkon is not supercharged with vitamins and minerals, nor with Vitamin B₁₂. The doses of vitamins and minerals provided by the preparation, taken as directed, are relatively small, and in the case of Vitamins B₆ and B₁₂, are inadequate for therapeutic purposes.

PAR. 8. Much of respondent's advertising, after first designating numerous symptoms and conditions, contains such language as the following: "BUT if your body is STARVED FOR LIFE-VITAL VITAMINS AND MINERALS so abundant in THORKON, then lose no time in taking THORKON": "* * * when these troubles are due to lack of THORKON'S life-vital vitamins B₁, B₂, B₆, B₁₂, niacinamide and iron"; and "* * * when caused by lack of vitamins and minerals with which THORKON is supercharged."

Such advertising is misleading in a material respect, and therefore false and deceptive, by reason of the suggestions contained therein. In advertising its preparation as a cure or remedy for the designated symptoms and conditions when due to vitamin and mineral deficiencies, respondent represents not only that the symptoms and conditions

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specifically mentioned may be due to vitamin and mineral deficiencies for which the preparation may be beneficial, but also that there is a reasonable probability that such symptoms and conditions are in fact due to such causes and that the preparation will cure or relieve them. In truth and in fact, the instances in which any of such symptoms or conditions are caused by vitamin and iron deficiencies are rare. Each of said symptoms and conditions results much more frequently from a number of causes having no relation to vitamin or mineral deficiencies, including cancer, tuberculosis, syphilis, arthritis, rheumatism, heart disease, kidney disease, arteriosclerosis, diseases of the female organs, liver disease, gall bladder disease, peptic ulcer, prostate disease, and numerous other serious ailments, and when said symptoms or conditions are so caused, respondent's preparation will have no therapeutic value whatever in the treatment thereof. Moreover, any delay in the diagnosis and proper treatment of any of said diseases may result in unnecessarily prolonged suffering and even death. Thus, there is no reasonable probability that the symptoms and conditions mentioned in respondent's advertising are caused by vitamin and mineral deficiencies for which the respondent's preparation may be beneficial, and respondent's representations to the contrary, although made by suggestion instead of categorically, are false.

Some drugs and medicinal preparations such as analgesics are used for the purpose of relieving certain symptoms regardless of cause, but unlike such drugs and medicinal preparations, Thorkon is not a symptomatic treatment, although in those rare instances when certain symptoms are due to a deficiency of Vitamins B₁, B₂, niacinamide or iron, the said preparation, taken as directed, may in time relieve such symptoms by correcting the deficiencies which caused them. In no case will it relieve any symptom or condition caused by deficiencies of Vitamins B₆ or B₁₂.

PAR. 9. The use by respondent of the foregoing false and misleading statements and representations contained in said advertisements 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 said statements and representations are true and into the purchase of said preparation because of such erroneous and mistaken belief.

PAR. 10. The acts and practices of the respondent, as herein alleged, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

DECISION OF THE COMMISSION

Pursuant to "Decision of the Commission and Order to File Report of Compliance," dated December 2, 1952,¹ the initial decision in the instant matter of hearing examiner John Lewis, as set out as follows, became on that date the decision of the Commission.

INITIAL DECISION BY JOHN LEWIS, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on June 20, 1952, issued and subsequently served its complaint in this proceeding upon respondent, The Thorkon Company, a corporation, charging it with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said Act. The said respondent defaulted in filing its answer to the complaint herein but thereafter entered its appearance at a hearing held before the above-named hearing examiner, theretofore duly designated by the Commission. At said hearing the respondent stated that it did not desire to contest the proceeding or to show cause why an order to cease and desist should not be entered against it. Thereupon the attorney in support of the complaint moved that the hearing be closed and that an order to cease and desist, in the form set forth in the "Notice" portion of the complaint, be entered against respondent based on its waiver of a hearing on the merits, and its failure to answer and show cause why said order should not be entered against it. Said motion was granted and the hearing was thereupon closed. Thereafter, the proceeding regularly came on for final consideration by the said hearing examiner upon the complaint, the waiver of hearing and failure to answer and show cause by respondent, and the aforesaid motion of the attorney in support of the complaint; and said hearing examiner having duly considered the record herein, finds that this proceeding is in the interest of the public and, pursuant to Rules V and VIII of the Rules of Practice of the Commission, makes the following findings as to the facts, conclusion drawn therefrom, and order:

¹ Said Decision of the Commission, follows:

This matter coming on to be heard by the Commission upon its review of the hearing examiner's initial decision herein; and

The Commission having duly considered the entire record and being of the opinion that said initial decision is adequate and appropriate to dispose of the proceeding:

• *It is ordered*, That the initial decision of the hearing examiner, a copy of which is attached hereto, shall, on the 2nd day of December, 1952, become the decision of the Commission.

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

Commissioner Mason not participating.

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FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent, The Thorkon Company, is a corporation chartered, existing and doing business under and by virtue of the laws of the State of Georgia, with its office and principal place of business located at 699 Spring Street, N. W., in the city of Atlanta, Georgia.

PAR. 2. Respondent is now, and for more than a year last past has been, engaged in the business of selling and distributing a drug preparation, as "drug" is defined in the Federal Trade Commission Act. The said preparation is compounded and sold in tablet form consisting of pink, red and gray tablets.

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

Designation: Thorkon.

Formula:

Pink Tablet

Vitamin B₁₂ ----- 5 micrograms

Red Tablet

Vitamin B₁ (Thiamin-hydrochloride) ----- 2.5 mgs.
 Vitamin B₆ (Pyridoxine Hydrochloride) ----- .5 mgs.
 Calcium Pantothenate Dextro ----- 1.25 mgs.
 Vitamin B₂ (Riboflavin) ----- 2.5 mgs.
 Niacinamide ----- 25.0 mgs.

Gray Tablet

Iron (iron sulfate) ----- 28.25 mgs.
 Calcium ----- 93.5 mgs.
 and
 Phosphorous (Dicalcium Phosphate) ----- 69.74 mgs.
 Iodine (potassium iodide) ----- 0.075 mgs.
 Copper (copper sulfate) ----- 2.5 mgs.

Directions for Use

The directions for use are:

Men, women and children (over 6 years old) should take two red tablets just before or after breakfast and 2 gray tablets just before or after the evening meal. Take one pink tablet at bedtime.

PAR. 3. Respondent causes the said preparation when sold to be transported from its place of business in the State of Georgia to purchasers thereof located in various other States of the United States. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said preparation in commerce between and among the various States of the United States. Respondent's volume of business in commerce in said preparation is and has been substantial.

PAR. 4. In the course and conduct of its aforesaid business, the respondent, subsequent to its incorporation in 1950, has disseminated

and is now disseminating and has caused and is now causing the dissemination of advertisements concerning its said preparation by the United States mails and by various means in commerce, as "commerce" is defined in the Federal Trade Commission Act, including, but not limited to, advertisements inserted in newspapers of general circulation, some of which advertisements contain quotations from alleged testimonials, for the purpose of inducing, and which are and were likely to induce, directly or indirectly, the purchase of said preparation; and respondent has also disseminated and is now causing the dissemination of advertisements concerning said preparation by various means, including, but not limited to, the advertisements aforesaid for the purpose of inducing and which are and were likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 5. Among and typical of the statements and representations disseminated and caused to be disseminated as hereinabove set out are the following:

RELAXED-STEADY NERVES*
HAPPY DISPOSITION*
HEALTHY APPETITE*
SLEEP WELL*
FEEL STRONGER*
GOOD DIGESTION—NO HEARTBURN*
FRESH COLOR IN COMPLEXION*
LOOK YOUR BEST*
INCREASED VIGOR*
NEW ENERGY*
HAPPY LIFE*
FREE FROM MUSCULAR ACHES AND PAINS*
FEEL LIKE A MILLION*.

Refuse to be a slave to a tired run-down body!

If you can't rest—feel nervous—exhausted physically—suffer from shortness of breath—feeling of weakness or heaviness in the limbs—if you find it hard to relax—never neglect these warning signals—your body needs help from you. Your troubles may come from many causes and different treatments may be needed. BUT if your body is STARVED FOR LIFE-VITAL VITAMINS AND MINERALS so abundant in THORKON, then lose no time in taking THORKON. Don't just relieve your symptoms—GET RID OF THEM NOW and stop the cause of your misery, your worry and your pain.

THORKON actually brings new energy, vigor, and that feeling of buoyant health as it relieves these deficiencies.

THORKON works wonders for stomach distress, muscular aches, pains and backache, for listless folks who feel nervous, weak, run-down, when these troubles are due to a lack of THORKON'S life-vital vitamins B₁, B₂, B₆, B₁₂, Niacinamide and Iron.

*Get Thorkon today if your system is starved for life-vital vitamins B₁, B₂, B₆, B₁₂, Niacinamide and Iron so skillfully combined in Thorkon.

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* * * getting blessed relief from tired nerves, after eating distress, backache and other muscular aches and pains like neuritis, for that listless, run-down, tired, weak and worn out feeling when caused by lack of Vitamins and Minerals with which THORKON is supercharged. Yes, if your blood, nerves, muscles and glands are starved for these life-vital elements in the new THORKON, lose no time—let THORKON start feeding them today!

* * * THORKON contains nothing but the pure vitamins listed plus helpful quantities of calcium, phosphorus and iron together with 9 other life essential trace minerals. Blood, nerves, muscles, stomach, liver, intestines and glands starved for THORKON'S life-essential elements cannot help but be tired and sluggish.

THORKON brings new energy, new vigor, new feeling of happy health as it relieves these vitamin and mineral deficiencies. So now, today, don't be satisfied with mere pain killers or remedies that temporarily cover up your symptoms. Instead get at the cause with NEW THORKON * * * today!

I had no appetite and my skin was blotchy and hair graying fast. I thought approaching middle age was making me lose my edge. But my whole body responded to the magic of THORKON with its wonderful vitamins and minerals which my system needed * * *.

*
Super Charged
with amazing new
vitamin discovery

B₁₂

Each day seemed to get a little longer. I had little or no appetite, my hair was lifeless and graying fast. Naturally, I felt that staying at a desk all day plus the fact that I am approaching middle age caused me to lose my edge. That's not true any longer; I have found how wonderfully my body responded to the magic of THORKON. My appetite is sharp and I eat anything. My hair seems to have regained some of its old life and color. Actually my skin has cleared. Life seems wonderful again * * *.

Our home life was miserable. I quarreled with the children and nagged at my husband. We were on the verge of breaking up. Then I started taking THORKON. I am a good wife and mother again because I feel wonderful all the time, THORKON's vitamins and minerals were just what my system needed * * *.

I was nervous and irritable. I jumped at the kids. I whined at my husband. He was coming home late and now I don't blame him for I was nagging night and morning. Now we are a happy family again since I've been taking THORKON. We went on a wonderful picnic Sunday afternoon. God bless the THORKON people for saving our home. I'm a good wife and mother again now because I feel so good and full of pep * * *.

I was weak, tired, run-down and worried, had dizzy spells and couldn't work. Whatever I ate caused gas, bloating and sour stomach. Since I started taking THORKON I feel like a million.

I was happy and healthy until three years ago when all my energy failed. I feared it was due to my age and I thought life held no more joy for me. I tried all kinds of medicines and none helped. A friend told me about THORKON and I tried it. Thanks to THORKON's vitamins and minerals which my system needed, I am a new man today!

Until three years ago I enjoyed the best of health and had plenty of pep and energy. But then I began to feel all out of sorts, tired and discouraged most of the time. Thought I was just getting older and wouldn't be able to enjoy

life so much any more. Began trying all kinds of pills, powders and liquids but none helped. One day my friend told me about THORKON and I tried it.

I want to tell you that THORKON has made a new man out of me. I have lots of pep and vigor and new found happiness, and I feel that I owe it all to THORKON. If everyone who feels as I did would take THORKON they would soon find that life can be wonderful.

Tired, I thought I'd collapse! I'm a housewife with the thousand and one things to do every day. I was just plain run down. At night little things bothered me. Seemed to be a case of jitters, I couldn't sleep and felt seedy. One of the ladies told me at our Home Demonstration Club about THORKON. After only three boxes of THORKON I began to get up in the morning feeling like a million, my housework was no longer a chore. I began to lead the singing in the family circle after the dishes were done at night * * *.

About 8 months ago my stomach started burning like fire after every meal. Gas and bloating almost cut off my breath. During these attacks I suffered terrible pain in my shoulder, arms and back. I rarely got a good night's sleep. Finally my brother told me about THORKON—and after a while I decided to try it. I want to tell you that now I can eat anything and don't have any more of those pains. My whole outlook has been changed and I owe it all to wonderful THORKON—I wish everyone who has suffered like I did could know about THORKON.

PAR. 6. Through the use of the statements and representations contained in the advertisements hereinabove set forth and others of similar import and meaning, but not specifically set out herein, respondent has represented directly and by implication, that one taking Thorkon as directed can expect to be relaxed, to have steady nerves, a happy disposition, a healthy appetite, good digestion, no heartburn, improved color in complexion, improved appearance, improved health, added vigor, energy, and happiness; that he will sleep well, feel stronger and better generally and be freed from muscular aches and pains; that said preparation, taken as directed, constitutes a competent and effective treatment for blotchy skin, a tired run-down body, restlessness, nervousness, physical exhaustion, shortness of breath, weakness or heaviness in the limbs, stomach distress, backache, listlessness, fatigue, neuritis, tired and sluggish blood, nerves, muscles, stomach, liver, intestines and glands; that Thorkon can be depended upon to prevent, relieve or correct the physical impairments or other conditions resulting from advancing age, to stop or overcome graying of hair and to convert a nagging, quarrelsome, irritable woman into a good wife and mother; that taking respondent's said preparation will avoid dizziness, bloating, or sour stomach and the formation of gas on the stomach; that Thorkon will rid one of burning in the stomach after eating and pains in the shoulders, arms and back accompanying stomach disorders; that Thorkon is supercharged with vitamins and minerals including B₁₂, and in the dosages recommended contains Vitamin B₆ in therapeutic quantities.

PAR. 7. The aforesaid statements and representations are misleading in material respects and constitute "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact, Thorkon, taken according to directions or otherwise, will not prevent, relieve or correct the physical impairments or other conditions resulting from advancing age, and will have no effect upon the color of the hair.

Thorkon, taken according to directions or otherwise, will not enable one to relax, will have no effect upon the nerves, disposition, color of complexion, appetite, digestion, vigor, energy, happiness, general health or appearance, will not enable one to sleep well or cause him to feel stronger or better generally, except in those infrequent cases where impairment of these mental or physical conditions is caused by Vitamin B₁, B₂, niacinamide or iron deficiencies.

Thorkon, taken according to directions or otherwise, has no value in relieving the condition known as heartburn, nor in treating or preventing muscular aches and pains; it has no value in treating a blotchy skin or other skin irritations or a tired, run-down body, restlessness, nervousness, physical exhaustion, shortness of breath, weakness or heaviness in the limbs, stomach distress, backache, listlessness, fatigue, neuritis, tired and sluggish blood, nerves, muscles, stomach, liver, intestines, or glands, it will not reform or convert a nagging, quarrelsome, irritable woman into a good wife and mother, and has no value in treating or avoiding dizziness, bloating, sour stomach, gas on the stomach, burning in the stomach after eating, or otherwise, or pains, wherever located, accompanied by or resulting from stomach disorders, unless such symptoms or conditions are caused by Vitamin B₁, B₂, niacinamide, or iron deficiencies, which instances are quite rare.

Thorkon is not supercharged with vitamins and minerals, nor with Vitamin B₁₂. The doses of vitamins and minerals provided by the preparation, taken as directed, are relatively small, and in the case of Vitamins B₆ and B₁₂, are inadequate for therapeutic purposes.

PAR. 8. Much of respondent's advertising, after first designating numerous symptoms and conditions, contains such language as the following: "BUT if your body is STARVED FOR LIFE-VITAL VITAMINS AND MINERALS so abundant in THORKON, then lose no time in taking THORKON": "* * * when these troubles are due to lack of THORKON'S life-vital vitamins B₁, B₂, B₆, B₁₂, niacinamide and iron"; and "* * * when caused by lack of vitamins and minerals with which THORKON is supercharged."

Such advertising is misleading in a material respect, and therefore false and deceptive, by reason of the suggestions contained therein. In advertising its preparation as a cure or remedy for the designated

symptoms and conditions when due to vitamin and mineral deficiencies, respondent represents not only that the symptoms and conditions specifically mentioned may be due to vitamin and mineral deficiencies for which the preparation may be beneficial, but also that there is a reasonable probability that such symptoms and conditions are in fact due to such causes and that the preparation will cure or relieve them. In truth and in fact, the instances in which any of such symptoms or conditions are caused by vitamin and iron deficiencies are rare. Each of said symptoms and conditions results much more frequently from a number of causes having no relation to vitamin or mineral deficiencies, including cancer, tuberculosis, syphilis, arthritis, rheumatism, heart disease, kidney disease, arteriosclerosis, diseases of the female organs, liver disease, gall bladder disease, peptic ulcer, prostate disease, and numerous other serious ailments, and when said symptoms or conditions are so caused, respondent's preparation will have no therapeutic value whatever in the treatment thereof. Moreover, any delay in the diagnosis and proper treatment of any of said diseases may result in unnecessarily prolonged suffering and even death. Thus, there is no reasonable probability that the symptoms and conditions mentioned in respondent's advertising are caused by vitamin and mineral deficiencies for which the respondent's preparation may be beneficial, and respondent's representations to the contrary, although made by suggestion instead of categorically, are false.

Some drugs and medicinal preparations such as analgesics are used for the purpose of relieving certain symptoms regardless of cause, but unlike such drugs and medicinal preparations, Thorkon is not a symptomatic treatment, although in those rare instances when certain symptoms are due to a deficiency of Vitamins B₁, B₂, niacinamide or iron, the said preparation, taken as directed, may in time relieve such symptoms by correcting the deficiencies which caused them. In no case will it relieve any symptom or condition caused by deficiencies of Vitamins B₆ or B₁₂.

PAR. 9. The use by respondent of the foregoing false and misleading statements and representations contained in said advertisements 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 said statements and representations are true and into the purchase of said preparation because of such erroneous and mistaken belief.

CONCLUSION

The acts and practices of the respondent, as hereinabove found, are all to the prejudice and injury of the public and constitute unfair and

Order

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deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

ORDER

It is ordered, That the respondent, The Thorkon Company, a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation known as Thorkon, or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated 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 Thorkon has any therapeutic value for the impairments of physical stamina or other conditions resulting from age.

(b) That Thorkon, however taken, will enable one to relax or sleep well or cause him to feel stronger or better generally, or will have any effect upon the nerves, disposition, color or complexion, appetite, digestion, vigor, energy, happiness, general health or appearance, unless such representation be expressly limited to symptoms or conditions due to Vitamin B₁, B₂, niacinamide or iron deficiencies, and unless the advertisement clearly and conspicuously reveals that such symptoms or conditions are caused much less frequently by deficiencies of Vitamin B₁, B₂, niacinamide or iron than by other causes.

(c) That respondent's said preparation has any value in treating a blotchy skin or other skin irritations, or a tired, run-down body, restlessness, nervousness, physical exhaustion, shortness of breath, weakness or heaviness in the limbs, stomach distress, backache, listlessness, fatigue, neuritis, tired or sluggish blood, nerves, muscles, stomach, liver, intestines, or glands, or in converting a nagging, irritable, quarrelsome woman into a good wife and mother, unless such representation be expressly limited to symptoms or conditions due to Vitamin B₁, B₂, niacinamide or iron deficiencies, and unless the advertisement clearly and conspicuously reveals that such symptoms or conditions are caused much less frequently by deficiencies of Vitamin B₁, B₂, niacinamide or iron than by other causes.

(d) That said preparation has any value in treating or avoiding dizziness, bloating, heartburn, sour stomach, gas on the stomach, burning in the stomach, muscular aches and pains, or pains wherever located, associated with stomach disorders, unless such representation

be expressly limited to symptoms or conditions due to Vitamin B₁, B₂, niacinamide or iron deficiencies, and unless the advertisement clearly and conspicuously reveals that such symptoms or conditions are caused much less frequently by deficiencies of Vitamins B₁, B₂, niacinamide or iron than by other causes.

(e) That said preparation, however taken, will provide Vitamin B₆ or Vitamin B₁₂ in therapeutic quantities, or that it has any value in the treatment of any symptom or condition caused by deficiencies of Vitamins B₆ or B₁₂.

(f) That Thorkon is supercharged with vitamins and minerals in general or Vitamin B₁₂ in particular.

2. Disseminating or causing to be disseminated by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph 1 above, or which fails to comply with the affirmative requirements set forth in subparagraphs (b), (c) and (d) of Paragraph 1 hereof.

ORDER TO FILE REPORT OF COMPLIANCE

It is further ordered, That the respondent, The Thorkon Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist [as required by said decision and order of December 2, 1952].

IN THE MATTER OF
THE FROMMES METHOD, 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 6037. Complaint, Sept. 4, 1952—Decision, Dec. 2, 1952

Where a corporation and its three officers, engaged in the interstate sale and distribution of cosmetics and medicinal preparations for the hair and scalp, in that connection issuing franchise agreements granting the use of the "Frommes Method" to "Resident Managers," giving them the exclusive right to advertise, sell, render the services, and use the materials and preparations of the Frommes Method in their assigned territories, and undertaking to furnish advertising mats, stationery, and other forms of advertising material to said managers, who were to advertise in local newspapers, using copy furnished by the corporation at a specified rate, and to make certain reports and payments to it;

In carrying on their business under the aforesaid plan, in connection with which (1) the corporation furnished the managers with advertising mats, stationery, and other forms of advertising material representing that the manager could diagnose and cure scalp trouble, stop falling hair, regrow hair on bald heads, etc., to induce persons to come to his place of business; (2) the manager sold "Home Treatment Kits" to the public for home use; and (3) the corporation sent representatives to various cities and extensively advertised their visits and invited the public to call upon them for diagnosis and advice on a "free clinic", where the purchase of the aforesaid kits was recommended—

- (a) Falsely represented directly and by implication in their advertisements in newspapers and periodicals of general circulation and through other advertising literature disseminated directly and in cooperation with their said Resident Managers, that the use of their said preparations, methods, and treatments by the said managers and their operators, and by purchasers in their homes would prevent baldness, including small bald patches, and cause the growth of hair on bald heads, and develop "fuzz" on the head into normal hair;
- (b) Falsely represented as aforesaid that said preparations, etc., were effective in treating all kinds of scalp disorders; that their use would permanently eliminate dandruff, falling hair, dry itchy and irritated scalp, brittle hair, and oily hair and scalp; would normalize circulation in the scalp and revitalize the entire cycle of hair growing activity; would sterilize the scalp and normalize its acidity; and that certain of said preparations would destroy subscalp bacteria and prevent and cure psoriasis; and
- (c) Falsely represented through the use of the designation "Trichologists" in their advertisements that said Resident Managers and their employees had had competent training in dermatology and branches of medicine having to do with diagnosis and treatment of the scalp and hair;