

Complaint

IN THE MATTER OF

LEBLANC MEDICINE COMPANY, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT

Docket 6390. Complaint, June 30, 1955—Decision, Jan. 5, 1956

Consent order requiring sellers in Lafayette, La., to cease falsely advertising through radio and television broadcasts, including quotations from testimonial letters, that their medicinal vitamin and mineral product "Kary-On" was an effective treatment and cure for a great variety of ailments and diseases, and that persons having false teeth or gray hair were deficient in vitamins and minerals and needed "Kary-On."

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

Mr. Daniel J. Murphy for the Commission.

Mr. J. Minos Simon, Sr., of Lafayette, La., 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 LeBlanc Medicine Company, Inc., a corporation, and Dudley J. LeBlanc, Dudley J. LeBlanc, Jr., and Onesta Marie Martin (sometimes known as Lulu Martin), individually and as officers of said 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 LeBlanc Medicine Company, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Louisiana, with its office and principal place of business located at 901 Stewart Street, Lafayette, Louisiana. Respondents Dudley J. LeBlanc, Dudley J. LeBlanc, Jr. and Onesta Marie Martin (sometimes known as Lulu Martin) are the President, Vice President and Secretary-Treasurer, respectively, of the corporate respondent. These individual respondents control the policies, activities and practices of the corporate respondent, including the acts and practices hereinafter alleged. The address of these individual respondents is the same as that of the corporate respondent.

PAR. 2. Respondents are now, and have been since October 1954, engaged in the sale and distribution of a preparation containing ingredients which come within the classification of drugs and food, as

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the terms "drugs" and "food" are defined in the Federal Trade Commission Act.

The designation used by respondents for said preparation, the formula and directions for use thereof, as contained on the label are as follows:

Designation: "Kary-On"

A Tonic Source of Iron With Vitamins of The B-Complex Group Listed Below:

4 Tablespoonfuls Contain:

Iron (as Ferrous Lactate) -----	101 mg.
B-1 (Thiamine Hydrochloride) -----	12 mg.
B-2 (Riboflavin) -----	4 mg.
B-6 (Pyridoxine) -----	2 mg.
B-12 (Crystalline U.S.P.) -----	3.4 mcg.
Pantothenic Acid -----	12 mg.
Niacinamide -----	66 mg.
Para-Aminobenzoic Acid -----	33 mg.
Inositol -----	66 mg.
Choline Dihydrogen Citrate -----	100 mg.
Biotin -----	34 mcg.
Calcium (as glycerophosphates) -----	190 mg.
Phosphorus (as glycerophosphates) -----	188 mg.
Manganese (as glycerophosphates) -----	70 mg.
Zinc (as Zinc Acetate) -----	17 mg.

Alcohol 12% as a preservative. Diluted Acid Hydrochloric, 1 Minim per fluid ounce. Honey, 20 minims per fluid ounce. Potassium (as Potassium Chloride) 42 milligrams per fluid ounce.

For an adult or a child over 12, the dose of 1 tablespoon 4 times a day (60 cc.) supplies 10 times the minimum daily dietary requirement for Iron; 12 times that for Vitamin B-1; 2 times that for Vitamin B-2; 3.4 micrograms Vitamin B-12; 2 milligrams Vitamin B-6; 12 milligrams Pantothenic Acid; 66 milligrams Niacinamide; 33 milligrams Para-Aminobenzoic Acid; 66 milligrams Inositol; 100 milligrams Choline Dihydrogen Citrate; 34 micrograms Biotin; $\frac{1}{4}$ that for Calcium and Phosphorus; 70 milligrams Manganese; 17 milligrams Zinc. * * *

PAR. 3. Respondents cause the said preparation, when sold, to be transported from their place of business in the State of Louisiana to purchasers thereof located in various States of the United States. 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. The business of respondents in said preparation in commerce 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, 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 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 said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 5. Among and typical, but not all inclusive, of the statements and representations disseminated and caused to be disseminated, as hereinabove set out, are the following:

Heartburns, Upset Stomach? * * * And while these symptoms may be the result of other causes, and you should consult your physician, they are surely and certainly the signs of lack of Vitamin B1-B2-Niacin and Iron, which Kary-On contains.

* * * Insomnia, lack of energy, chronic fatigue, aches and pains, digestive disturbances, heartburn, acid indigestion, for instance, may be due to other causes, but if your system lacks vitamins B1, B2, niacin and iron, you will not sleep well, you will feel tired, and worn out, you will probably suffer from nagging aches and pains—your food will not agree with you—you may not feel refreshed in the morning—and as you well know it is no fun to start the day all tired out—feeling haggard and worn * * * Kary-On is a modern and scientific formula that will build rich, powerful red blood, the kind that brings back strength and energy, gives you sound and restful sleep—brings color back to your cheeks again and will lead you to a more enjoyable and comfortable life * * * Remember Kary-On relieves the REAL CAUSE of these ailments when due to such deficiencies, so why continue to be miserable? Don't continue to suffer! Be fair to yourself—And—remember, delay may invite danger. So start taking Kary-On this very day!

Senator LeBlanc's new tonic KARY-ON relieves the REAL CAUSE of nagging aches and pains when due to deficiencies of vitamin B1, B2, niacin and iron and no one who has ever taken Kary-On for such ailments has failed to notice an improvement.

These people suffered from lack of Vitamin B1, B2, niacin and iron and read what they say after taking Kary-On * * * didn't rest well * * * had no energy * * * feeling fine * * * pains in legs and arms * * * was very nervous * * * nothing helped like Kary-On.

* * * Kary-On will start building rich, powerful, red blood * * * the kind that brings back strength and energy * * * fills you with old-time pep * * * brings healthy color back to your cheeks again and will lead you to a more enjoyable and more comfortable life.

Senator LeBlanc's new product Kary-On has brought relief in case after case of stomach distress, acid indigestion, heartburns, and general rundown condition when due to deficiencies of vitamin B1, B2, niacin and iron.

Of course insomnia may be due to other causes, but if your system lacks vitamin B1, B2, niacin and iron, you will not sleep well—and you should take Kary-On * * * if you suffer such deficiencies wouldn't you rather have Kary-On than sleeping pills?

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Did you know that Kary-On is a modern scientific formula that brings real relief to sufferers of stomach distress, heartburns, acid indigestion, etc., when due to deficiencies of Vitamin B1, B2, niacin and iron * * *

Kary-On relieves the *real* and *underlying* cause of stomach distress when due to such deficiencies * * *.

* * * Well, you know digestion in the old seems to be impaired because the organism of older people utilizes food less well than adults, and therefore, the B vitamins and minerals are not absorbed so efficiently. So, to guard against such deficiencies, supplemental quantities of vitamins and minerals may be necessary—preferably in liquid form to facilitate absorption and that is how Kary-On is prepared * * *.

* * * “for years I suffered with pains in my legs and side. I couldn’t work. After taking seven bottles of Kary-On, the pains left me. * * *”

* * * remember Kary-On does not give temporary relief, rather it treats the real cause of the illness when so often it is due to such deficiencies. * * *

* * * The past thirty years have seen greater advances in medical sciences than in all the preceding centuries put together. In the entire history of man! The light of these new sciences has also revealed important things about our troubles—common constipation due to the lack of Vitamin B. Constipation is a progressive disease that increases from occasional to common, to chronic. It gets worse as you get older. A most serious and great danger in constipation frequently comes from the use of drugs and laxatives which abuse the digestive system in many ways. Such laxatives inflict upon your digestive system a natural punishment which leaves a trail of digestive disorders. To avoid these dangers and to provide relief from common constipation, Kary-On provides a safe natural way because it contains Vitamin B.

* * * So give this remarkable Kary-On a chance to help you if you are suffering from stomach distress, nervousness, insomnia, constipation, aches and pains of neuritis or a general rundown condition and are sickly and ailing because of these vitamin or mineral deficiencies. * * *

* * * After you have taken Kary-On just a few days you will notice that it will make you want to sleep that restful relaxing sleep and that is what comes natural with Kary-On.

* * * The lack of only a small amount of B vitamins and certain minerals will cause digestive disturbances and your food will not agree with you. You will have an upset stomach. You will suffer from heartburn and gas pains and you will not be able to eat the things you like for fear of being in misery afterwards. Many people also suffer from constipation and while these symptoms may be the result of other causes, and you should consult your physician, they are surely and certainly the signs of a lack of B vitamins and minerals which Kary-On contains.

* * * Many people who had suffered, waited and hoped for as long as from 10 to 12 years, cases which seemed almost hopeless are now able to live happy, comfortable lives. Once again because Kary-On supplied the needed B vitamins and minerals, the lack of which caused the physical disorders.

* * * You will get a little older a little faster than you should. Your face will wrinkle; your skin will come to look such that you will look older, if you lack vitamins. Then you will notice that you will have stomach trouble, you will probably have heartburn, your food will not digest properly. You will notice that you will have pains in your legs and arms, and that you will notice that when you do a little work, you will get tired * * * become fatigued faster. So, naturally, if you want * * * and, then the longer that you continue to lack

these vitamins and minerals in your system, the more severe the illnesses which cause these things will become. The more you procrastinate, the more dangerous your illness will become.

* * * Kary-On is a medicine which I placed there myself; which I formulated after having studied books which were written by famous doctors and I put a formula along with ingredients that these doctors said would have cured many, many illnesses. * * * If your system does not have the vitamins and minerals necessary * * * then you will become run down * * * you will weaken and soon it will result into a serious illness. * * * If your illness has been caused by the lack of vitamins and minerals which I have in this medicine, ah, well, then my medicine can help you and you can't say, and the doctor's can't say, except if it is typhoid fever and things like that. But the indications of the illnesses caused by the lack of vitamins and minerals in your system are the same indications as those of more serious illnesses!

So, first of all, if you are ill you should go see your doctor! If he puts you on a diet, let's say * * * you have heart trouble * * * let's say you have diabetes * * * let's say you have ulcers * * * so you can't eat so much food as you would desire and you can't eat the kinds of food you would like, so the chances are that your system will not obtain because you will not be receiving them, the vitamins and minerals which are necessary to continue to give you good health. You will perhaps not obtain enough iron; you will lose your red blood corpuscles; you will perhaps not obtain enough B1, which will give you appetite, let's say. You will not obtain calcium, let's say, which will prevent your teeth from decaying. So all of those things put together are found in my new medicine. * * *

And you know that if your blood is weak, well then Kary-On will have a great deal more strength to your blood, when it will build up red blood corpuscles.

* * * There were years when that poor little boy was sick. He had no appetite. He was seated on a chair. He couldn't play, he couldn't eat. * * * She gave him five bottles of Kary-On and today the child has lots of pep—has gained at least ten to eleven lbs. * * * That shows that the child needed the vitamins and minerals in Kary-On.

* * * Three bottles of Kary-On. She had been in bed for seven weeks and * * * her children and husband had lots of hope for her. She began to drink Kary-On * * * she walks—she went visiting twice. * * *

Seven or eight, ten months ago he fell and his legs became infected and he could no longer walk. * * * He hasn't even slept one night in two years * * * now he moves his legs, he turns over in bed himself, he is beginning to stand and he sleeps like a Congo, just like a log. * * *

* * * those of you who have pains, those of you who have pains in the legs and things like that, well you see what Kary-On does. * * *

* * * Then I began to take this medicine, had been sick for five months with an erysipelas on my leg and then it had turned into cellulitis. There were doctors who wanted to amputate my leg. So when I began to take this new medicine * * * I soon saw that it was relieving me. * * *

* * * If you don't have any teeth, or if you have false teeth, or if you have gray hair, that means that in your system you have not had enough calcium, or enough vitamins to nourish your teeth. Soon your teeth decayed. * * * Well, if you have not had enough of one kind, you miss all of the others. * * * So if you have false teeth, you know that you need Kary-On. * * *

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* * * if your blood doesn't have enough corpuscles, or if you don't feel well because of the lack of vitamins or minerals, well this new medicine will improve your blood and will give you more red corpuscles. After your blood is improved, it will take nourishment to all parts of your body * * * it doesn't matter if it's your heart, your lungs, your eyes, or your brain. Everywhere in your system, your blood, if you nourish it with this new medicine will help the different parts of your body.

* * * Due to the fact that many of our foods today, because of the methods of processing, as well as cooking, certain portions of the vitamins and minerals may be lost, so then all of us need vitamins and minerals, particularly iron, as well as Vitamin B1 and if you will take a few bottles of Kary-On for your deficiency in these ailments, you will notice how quickly you will feel better. * * *

* * * Kary-On * * * is a formula of vitamins and minerals any doctor will tell you is a commendable one * * * then get some of this rich red blood that Kary-On will bring to you. * * *

* * * Kary-On is now recognized by doctors or by people who are supposed to be in the know, people who have made studies of nutrition, as one of the outstanding vitamin and mineral tonics on the American market. * * *

* * * Kary-On contains 10 of the most important B vitamins and six of the most important minerals needed by the system. * * *

* * * Vitamins and minerals, either natural or in concentrated form, such as is contained in Kary-On, are not fattening. They contain no calories and an adequate intake of vitamins and minerals is essential, for that matter, in any reducing diet. * * * Kary-On might add(?) increase your appetite and you might eat a little bit more, but, after all, it is not the ingredients in Kary-On that make you fat, it is the food that you consume or what you eat * * * when the system doesn't receive enough iron or when the body reserves are depleted, a specific anemia results. The product which gives the blood its red color contains iron. It has the ability to form a loose chemical combination with oxygen from the spired air in the lungs and, thus, it is carried to all the tissues by the circulation. * * * After taking Kary-On for two or three days, let's say, your blood may have as much as several million more red blood corpuscles and this new nourished blood is able to carry the nutritional elements to every organ and to every tissue of the system * * * that * * * is what the new vitamin and mineral tonic called Kary-On will do for you. * * *

* * * The lack of only a small amount of B vitamins and minerals will cause certain discomforts, such as indigestive disturbances, your food will not agree with you, you will have an upset stomach, you will suffer from heartburn, gas pains, your food will sour on your stomach and you will not be able to eat the things you like for fear of being in misery afterwards. Many people also suffer from other minor ailments and while these symptoms might be the result of other causes and you should consult your physician, they are surely and certainly the signs of the lack of the B vitamins and minerals, which Kary-On contains. * * * Many persons who have suffered a period of 10 to 12 years, or even longer, are able now to live happy, comfortable lives because Kary-On supplied the vitamins and minerals which their system needed. * * *

So, it makes no difference if you have faith in any medicine under the sun, if you suffer from such deficiencies, you should take this new and wonderful KARY-ON today. Bear in mind that KARY-ON relieves the real cause of lack of energy, aches and pains, chronic fatigue, weakness and dizziness when due to such deficiencies.

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For the past 6 or 7 months I suffered with pains and rheumatism in my legs and I was so weak that I couldn't clean my house without stopping to rest. My food would not digest well. In fact I couldn't eat heavy food.

I started to take your KARY-ON and within a few days I began to notice an improvement and now I feel a lots better. I'll never be able to praise KARY-ON enough.

Announcer: If you have difficulty getting your child to eat, if his stomach gets easily upset and he is in a nervous run down condition when due to lack of vitamins B1, B2, iron and niacin, start giving Kary-On at once. Listen to what Mrs. Sylvester Billiot of Montegut, Louisiana has to say—"I would like to thank you for your bottle of Kary-On which I received for my little boy. He had a headache almost every day and didn't have any appetite and now he eats, I think a little too much. He was unable to go to school and now he goes to school and plays with all the other children."

Lopez: Well, I suffered with cramps in the stomach and legs. My knees swelled, and I tried Uncle Dud's Kary-On. Before that, my wife had taken it * * * she had stopped taking it and she began again lately. It is certain that it does her a lot of good.

Dudley: And, Mr. Lopez, what is it that you had? you say you had cramps, and * * * you could not sleep at night?

Lopez: I could not rest at night because of cramps and pain and pain in the legs. I started taking Kary-On and these pains are gone. And look at the little boy who had convulsions, and he said to me—his father said to me, "Look at that! My son had convulsions every now and then. I gave him four bottles of your Kary-On and today he is better."

Well, he had trouble breathing for one year and I stayed up with him every night, all night, and then he took five bottles of Kary-On and it helped him very much. He wouldn't eat, and now he is beginning to eat well and he plays with the children everywhere at school and he goes until (sic) the park, he returns, and he is not tired.

Every Sunday at this time, over a network, I will give you the news of the week in French and in English and will discuss the merits of my new preparation Kary-On. And, as I just stated in French, now that you know how meritorious the formula and the preparation really is, don't you think it is about time to give it a try. You'll probably say "Where can I buy it?." Well, it is not for sale in the stores as yet, but I want to send you a bottle without cost or obligation on your part. We will wrap it up, send it to you postpaid, if only you will write a letter or a post-card to the radio station to which you are listening and merely say that you would like to have a free bottle of Senator LeBlanc's product, Kary-On. The only thing that I ask you to do is that you mention on the card or on the letter the disease or the ailment from which you are suffering. If you suffer from diabetes, then say it * * * "I have diabetes." If you suffer from ulcers of the stomach, heart trouble, epilepsy, lack of appetite or asthma, or any ailment that you might have, state the ailment.

Now, don't misunderstand me. I am not saying that Kary-On will cure you of these various diseases. That is not the point, but I ask you to mention the disease for two reasons. First, I don't want to be sending the sample bottle to children or to people who don't need the medicine. And another thing is this—if you suffer from any of the ailments, you may not be able to eat the

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type and kind of food that furnishes you with the vitamins and minerals that Kary-On contains. And certainly you know that you need these vitamins and minerals for good health.

PAR. 6. Through the use of the statements and representations contained in the advertisements hereinbefore set forth, and others of similar import and meaning, but not specifically set out herein, respondents have represented, directly and by implication:

That Kary-On, taken as directed, is a competent and effective treatment for and will cure indigestion, acid indigestion, heartburn, upset stomach, stomach trouble, digestive disturbances, gas pain, constipation, loss of appetite, lack of energy, weakness, general run down condition, chronic fatigue, loss of strength to walk, insomnia, aches and pains in various parts of the body, rheumatism, neuritis, nervousness, headache, dizziness, swollen knees, breathing difficulties, accelerated aging process, anemia, convulsions, erysipelas, cellulitis, typhoid fever, heart trouble, diabetes, ulcers, epilepsy, asthma and other ailments.

That everyone having false teeth or gray hair is deficient in vitamins and minerals and needs Kary-On.

PAR. 7. The aforesaid 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, Kary-On, however taken, is of no value in the treatment of convulsions, rheumatism, erysipelas, cellulitis, typhoid fever, heart trouble, diabetes, ulcers, epilepsy and asthma.

Kary-On is of no value in the treatment of indigestion, (acid indigestion), heartburn, upset stomach, stomach trouble, digestive disturbances, gas pain, constipation, loss of appetite, lack of energy, weakness, general run down condition, chronic fatigue, loss of strength to walk, insomnia, aches and pains in various parts of the body, neuritis, nervousness, headache, dizziness, swollen knees, breathing difficulties, accelerated aging process, iron deficiency anemia, except in cases where such symptoms or conditions are caused by Vitamin B1, B2, niacin or iron deficiencies. Each of these conditions and symptoms may result from any one of a number of causes that have no connection with deficiencies of Vitamin B1, B2, niacin or iron.

Not everyone having false teeth or gray hair is deficient in vitamins and minerals and in the absence of such deficiencies Kary-On would be of no value.

PAR. 8. The said advertisements are false and misleading in that they fail to disclose facts material in the light of the representations therein contained; that is, that the causes of the symptoms and con-

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ditions, enumerated in Paragraph Six, are so numerous that their mere existence is such an uncertain indication of a deficiency of Vitamin B1, B2, niacin or iron that there is no reasonable likelihood that in any individual case said symptoms and conditions will be benefited by the use of respondents' said preparation.

PAR. 9. Deficiencies in Vitamin B1, B2, niacin and iron can only be detected by diagnostic tests conducted by skilled medical experts. When symptoms are due to a deficiency of these vitamins and minerals, Kary-On taken as directed, has some therapeutic value and may in time relieve such symptoms by correcting the deficiencies that cause them. Said preparation, however taken, is of no value as a treatment for any symptoms or conditions not caused by deficiencies of such vitamins and minerals.

Some of respondents' advertising, disseminated as aforesaid, contained a qualifying statement such as:

These people suffered from lack of Vitamin B1, B2, niacin and iron.

The above, or a similar statement in various advertisements, has been followed by quotations taken from testimonial letters. These quotations describe certain symptoms and conditions of the writers and claimed directly and by implication that they had been relieved or cured by Kary-On. Such quotations, even when so prefaced, were deceptive for the reason that the quotations themselves did not relate the symptoms and conditions described to a deficiency of Vitamin B1, B2, niacin or iron. Furthermore, neither the writers of these testimonial letters nor the respondents were competent to judge whether such symptoms and conditions as were described, were the result of Vitamin B1, Vitamin B2, niacin or iron deficiencies, or if so, whether Kary-On relieved or cured such symptoms and conditions.

PAR. 10. The use by the respondents of the foregoing false advertisements and the false, misleading and deceptive statements and representations contained therein has had the capacity and tendency to mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that the statements and representations contained in said advertisements are true and into the purchase of substantial quantities of said preparation because of such erroneous and mistaken belief.

PAR. 11. 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.

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INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

On June 30, 1955, the Federal Trade Commission issued its complaint in this proceeding, charging the respondents with the use of false, deceptive, and misleading statements, representations, and practices in commerce in advertising their preparation "Kary-On," in violation of the provisions of the Federal Trade Commission Act. "Kary-On" contains ingredients coming within the classification of drugs and food, as those terms are defined in said Act.

Thereafter, on November 10, 1955, respondents entered into an agreement with counsel supporting the complaint, and, pursuant thereto, submitted to the hearing examiner an Agreement Containing Consent Order To Cease And Desist, disposing of all the issues involved in this proceeding with the exception of those raised by the allegations contained in Paragraphs Eight and Nine of the complaint, which, counsel supporting the complaint states, are "* * * deemed appropriate to waive * * * for the purpose of this consent agreement."

Respondent LeBlanc Medicine Company, Inc. is identified in the agreement as a Louisiana corporation, with its office and principal place of business located at 901 Stewart Street, Lafayette, Louisiana, and Respondents Dudley J. LeBlanc, Dudley J. LeBlanc, Jr., and Onesta Marie Martin (sometimes known as Lulu Martin) are identified therein as individuals and as President, Vice President, and Secretary-Treasurer, respectively, of the corporate respondent. The individual respondents control the policies, activities and practices of the corporate respondent, and their address is the same as that of the corporate respondent.

Respondents admit all the jurisdictional facts alleged in the complaint, and agree that the record herein may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations.

Respondents waive any further procedure before the hearing examiner and the Commission; the making of findings of fact or conclusions of law; and all of the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement. All parties agree that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and the agreement, and that the agreement is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint.

The agreement sets forth that the order to cease and desist contained therein shall have the same force and effect as if entered

after a full hearing, and may be altered, modified or set aside in the manner provided for other orders; and that the complaint herein may be used in construing the terms of the order.

The order contained in this agreement covers all the allegations of the complaint except those waived by counsel supporting the complaint, and it appears that such order provides a reasonably satisfactory disposition of this proceeding. Accordingly, in consonance with the terms of the aforesaid agreement, the hearing examiner accepts the Agreement Containing Consent Order To Cease And Desist and finds that the Commission has jurisdiction over the respondents and over their acts and practices as alleged in the complaint, and that this proceeding is in the public interest. Therefore,

It is ordered, That the Respondents, LeBlanc Medicine Company, Inc., a corporation, and its officers and Dudley J. LeBlanc, Dudley J. LeBlanc, Jr., and Onesta Marie Martin (sometimes known as Lulu Martin), individually and as officers of said corporation, and the respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the preparation designated as Kary-On, or any preparation of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisements which, by the use of testimonial letters or otherwise, represent directly or by implication:

(a) That such preparation is of any value in the treatment of convulsions, rheumatism, erysipelas, cellulitis, typhoid fever, heart trouble, diabetes, ulcers, epilepsy and asthma;

(b) That such preparation is of any value as a treatment for any symptom or condition not caused by a deficiency of Vitamin B₁, B₂, niacin or iron;

(c) That such preparation is of any value in the treatment of indigestion, (acid indigestion), heartburn, upset stomach, stomach trouble, digestive disturbances, gas pain, constipation, loss of appetite, lack of energy, weakness, general run down condition, chronic fatigue, loss of strength to walk, insomnia, aches and pains in various parts of the body, neuritis, nervousness, headache, dizziness, swollen knees, breathing difficulties, accelerated aging process, iron deficiency anemia, except when such symptoms or conditions are caused by Vitamin B₁, B₂, niacin or iron deficiencies;

(d) That gray hair or loss of teeth is any indication of a deficiency in Vitamin B₁, B₂, niacin or iron.

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2. Disseminating or causing the dissemination of any advertisements 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 advertisements contain any of the representations prohibited in Paragraph 1 hereof.

DECISION OF THE COMMISSION AND ORDER TO FILE
REPORT OF COMPLIANCE

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 5th day of January, 1956, become the decision of the Commission; and, accordingly:

It is ordered, That respondents LeBlanc Medicine Company, Inc., a corporation, and Dudley J. LeBlanc, Dudley J. LeBlanc, Jr., and Onesta Marie Martin (sometimes known as Lulu Martin), individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

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IN THE MATTER OF
JOSEPH CARMEL, INC., ET AL.

ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL
TRADE COMMISSION AND THE WOOL PRODUCTS LABELING ACTS

Docket 6406. Complaint, Aug. 24, 1955—Decision, Jan. 5, 1956

Order requiring a manufacturer in New York City to cease violating the Wool Products Labeling Act by labeling ladies' coats falsely as "70% Guanaco, 30% Wool," and failing to label certain coats as required.

Mr. R. D. Young, Jr. for the Commission.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondents with misbranding ladies' coats in violation of the Wool Products Labeling Act of 1939 and the Federal Trade Commission Act. The complaint was issued on August 24, 1955, and in due course served on respondents, service on the individual respondent being effected on August 30, 1955, and on the corporate respondent on August 31, 1955. No answer to the complaint was filed by either respondent. The complaint set the initial hearing for October 26, 1955, at the Office of the Commission in the United States Court House, Foley Square, New York, New York. However, by consent of respondents and of counsel supporting the complaint, the place of hearing was changed from New York City to Washington, D. C., and the hearing was held at 10:00 A.M., on October 26, 1955, in Room 692, in the Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue, N. W., Washington, D. C., all in conformity with an order issued by the hearing examiner on October 10, 1955, and duly served on respondents. There was no appearance by either of respondents at the hearing. Counsel supporting the complaint was present at the hearing and submitted a proposed order for consideration by the hearing examiner. Respondents being in default both as to answering the complaint and as to appearance at the hearing, the hearing examiner, proceeding under Rule 3.7 of the Commission's Rules of Practice, now issues his initial decision, finding the facts to be as alleged in the complaint and issuing an order considered by him to be warranted by such facts, the order being essentially the same as that submitted at the hearing by counsel supporting the complaint.

1. Respondent Joseph Carmel, Inc., is a corporation organized and existing under and by virtue of the laws of the State of New York,