

a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

IN THE MATTER OF
PARKER PUBLISHING COMPANY, INC., ET AL.

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

Docket 7575. Complaint, Sept. 1, 1959—Decision, Feb. 12, 1960

Consent order requiring two publishing corporations, one the wholly owned subsidiary of the other, to cease representing falsely, in advertising the book "How To Live 365 Days A Year" by John A. Schindler, M.D., that the method set out therein provided a reliable treatment and cure for a great variety of ailments, an effective means of achieving healing without medicine or surgery, and a positive method of health control generally.

Mr. Charles S. Cox for the Commission.

Mr. Alfred G. Mueller, of New York, N.Y., for respondents.

INITIAL DECISION BY EDGAR A. BUTTLE, HEARING EXAMINER

On September 1, 1959, the Federal Trade Commission issued its complaint against the above-named respondents charging them with

violating the provisions of the Federal Trade Commission Act in connection with the printing, publication, advertising, sale and distribution of books, and in particular a book entitled "How To Live 365 Days A Year" by John A. Schindler, M.D. On November 23, 1959, the respondents and counsel supporting the complaint entered into an agreement containing a consent order to cease and desist in accordance with section 3.25(a) of the Rules of Practice and Procedure of the Commission.

Under the foregoing agreement, the respondents admit the jurisdictional facts alleged in the complaint and agree, among other things, that the cease and desist order there set forth may be entered without further notice and shall have the same force and effect as if entered after a full hearing. The agreement includes a waiver by the respondents of all rights to challenge or contest the validity of the order issuing in accordance therewith; and recites that the said agreement shall not become a part of the official record unless and until it becomes a part of the decision of the Commission, and that it is for settlement purposes only and does not constitute an admission by the respondents that they have violated the law as alleged in the complaint. The hearing examiner finds that the content of the said agreement meets all the requirements of section 3.25(b) of the Rules of Practice.

This proceeding having now come on for final consideration by the hearing examiner on the complaint and the aforesaid agreement for consent, and it appearing that said agreement provides for an appropriate disposition of this proceeding, the aforesaid agreement is hereby accepted and is ordered filed upon becoming part of the Commission's decision in accordance with section 3.21 of the Rules of Practice; and in consonance with the terms of said agreement, the hearing examiner makes the following jurisdictional findings and order:

1. Respondent Parker Publishing Company, Inc. is a corporation existing and doing business under and by virtue of the laws of the State of New York. Respondent Prentice-Hall, Inc. is a corporation existing and doing business under and by virtue of the laws of the State of Delaware. Both respondents have offices and principal place of business located at 5th Avenue and 13th Street, (i.e. 70 Fifth Avenue) New York, New York.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents hereinabove named. The complaint states a cause of action against said respondents under the Federal Trade Commission Act, and this proceeding is in the interest of the public.

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Order

ORDER

It is ordered, That respondents Parker Publishing Company, Inc., a corporation, and Prentice-Hall, Inc., a corporation, their respective officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in connection with the promotion, advertising, sale and distribution of the book entitled "How To Live 365 Days A Year" by John A. Schindler, M.D., or any other book or books of the same or approximately the same, content, material and methods, whether sold under the same name or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or indirectly that the method set out in said book:

1. Provides and constitutes an adequate, effective or reliable treatment for chronic colds, allergies, asthma, headache, migraine, sinus, cardiospasm, nausea, indigestion, gas pains, stomach pains, abdominal pains, ulcers, ulcer-like pains, colic, colitis, dizzy spells, gall bladder trouble, constipation, backache, arthritis, stiffness of joints, rheumatic pains, neuritis, nervous condition, insomnia, irritability, fatigue, general weakness, tiredness, aches and pains, glandular disturbances, sexual weakness, frigidity, fevers, bladder trouble, rashes and painful skin diseases, cramps, convulsions, degenerative diseases, diabetes, high blood pressure, angina pectoris, cancer, heart trouble, tumors, and enables one to eliminate or kick all of these health wreckers, out of one's life and will enable one to get rid of most ailments of any kind.
2. Provides and constitutes an adequate, effective or reliable means of fighting infection, preventing disease or defending against it when it attacks.
3. Will make one well if one is sick, will give one strength and energy if one is tired and run down, will enable one to pass tensions out of one's life if one is high strung, nervous, jumpy, a poor sleeper or incapable of relaxing, and will enable one to regain his or her appetite, energy and vitality and sleep well.
4. Will stop one's suffering and restore good health, will make and keep one well and in good health all one's life, will add years to one's life or give life long health and vitality and will keep one from growing old before one's time.
5. Provides and constitutes an adequate effective or reliable means of achieving medical healing without medicine or surgery and constitutes a positive method of health control, a miraculous health discovery, or the secret of good health.

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 12th day of February, 1960, become the decision of the Commission; and, accordingly:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission