

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.

IN THE MATTER OF
RAYMOND M. HORWITZ TRADING AS GYRO FAMILY
MASSAGE EQUIPMENT

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

Docket 7787. Complaint, Feb. 24, 1960—Decision, May 17, 1960

Consent order requiring a distributor of massage equipment in Upper Darby, Pa., to cease advertising falsely that his "Gyro Massage and Heat Pillow" would relieve the pain of arthritis, bursitis, etc., and would "Contour You"; that his "Gyro Belt" plan would reduce particular areas of the body, tone the muscles, and reduce flabbiness; and that his "Gyro Lounge Chairs" would slenderize the body.

Mr. Morton Nesmith for the Commission.

Mr. Michael Francis Doyle, of Philadelphia, Pa., for respondent.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondent with violation of the Federal Trade Commission Act through the use of certain advertisements in connection with massage equipment sold by him. An agreement has now been entered into by respondent and counsel supporting the complaint which provides, among other

Order

56 F.T.C.

things, that respondent admits all of the jurisdictional allegations in the complaint; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and agreement; that the inclusion of findings of fact and conclusions of law in the decision disposing of this matter is waived, together with any further procedural steps before the hearing examiner and the Commission; that the order hereinafter set forth may be entered in disposition of the proceeding, such order to have the same force and effect as if entered after a full hearing, respondent specifically waiving any and all rights to challenge or contest the validity of such order; that the order may be altered, modified, or set aside in the manner provided for other orders of the Commission; that the complaint may be used in construing the terms of the order; and that the agreement is for settlement purposes only and does not constitute an admission by respondent that he has violated the law as alleged in the complaint.

The hearing examiner having considered the agreement and proposed order and being of the opinion that they provide an adequate basis for appropriate disposition of the proceeding, the agreement is hereby accepted, the following jurisdictional findings made, and the following order issued:

1. Respondent Raymond M. Horwitz is an individual trading as Gyro Family Massage Equipment, with his principal office and place of business located at 41-43 South Sixty-Ninth Street, Upper Darby, Pennsylvania.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

It is ordered, That respondent Raymond M. Horwitz, trading as Gyro Family Massage Equipment, or under any other name, and his representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his devices designated as Gyro Massage and Heat Pillow, Gyro Belt, and Gyro Lounge Chairs, or any other devices of substantially similar design or operation, whether sold under the same 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 the use of the Gyro Massage and Heat Pillow will relieve the pain of arthritis, bursitis, aching joints, sore muscles or any other pains, unless expressly and clearly limited to the temporary relief of minor aches and pains, or that its use will have any effect upon the contour of the body.

(b) That the use of respondent's Gyro Belt will cause any reduction in weight in any area of the body or in the over-all body weight, or that the use of said device in conjunction with a plan which provides for a low calorie diet will cause any reduction in weight in any area of the body or in the over-all body weight, unless it is clearly stated that any reduction in weight will be solely by reason of the diet.

(c) That the use of respondent's Gyro Lounge Chairs will slenderize the body.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said devices, which advertisement contains any of the representations prohibited in paragraph 1, above.

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 17th day of May, 1960, become the decision of the Commission; and, accordingly:

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

IN THE MATTER OF

CHUDIK FURS, INC., ET AL.