

It is further ordered, That the initial decision, as amended, did, on the 18th day of August 1960, become the decision of the Commission.

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

IN THE MATTER OF
DONALD C. SUSSMAN TRADING AS WATERMAN
PHARMACY, ETC.

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

Docket 7788. Modified order, Aug. 23, 1960

Order modifying earlier consent order, dated May 25, 1960, 56 F.T.C. 1456, prohibiting false advertising of a drug designated "Cel-Ate Tablets," by substituting a phrase as below indicated.

ORDER REOPENING CASE AND MODIFYING ORDER TO CEASE AND DESIST

It appearing that respondent Donald C. Sussman, an individual, trading as Waterman Pharmacy and as Waterman Drug Company, and respondent's counsel entered into an agreement with counsel supporting the complaint for a consent order which was accepted by the hearing examiner in his initial decision which became the decision of the Commission on May 25, 1960; and

Counsel supporting the complaint and counsel for respondent, on June 30, 1960, having filed a joint motion approved and concurred in by respondent, seeking to reopen this proceeding and to have modified the order to cease and desist heretofore entered against said respondent by striking the phrase "or have any beneficial effect on ulcers in excess of affording temporary relief from the discomforts of some peptic ulcers" from Subparagraph 1 of said order and substituting therefor the phrase "or have any beneficial effect on ulcers beyond that of an antacid temporarily relieving excess gastric acidity, which may temporarily lessen or relieve the pain in certain cases of peptic ulcers"; and

The Commission having concluded that the modification sought is warranted:

It is ordered, That this proceeding be, and it hereby is, reopened.

Complaint

57 F.T.C.

It is further ordered, That the order to cease and desist heretofore entered herein be, and it hereby is, modified by striking the phrase "or have any beneficial effect on ulcers in excess of affording temporary relief from the discomforts of some peptic ulcers" from Subparagraph 1 of said order and by substituting therefor the phrase "or have any beneficial effect on ulcers beyond that of an antacid temporarily relieving excess gastric acidity, which may temporarily lessen or relieve the pain in certain cases of peptic ulcers," and that as so modified said Subparagraph shall now read as follows:

"1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as 'commerce' is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that Cel-Ate Tablets are an adequate, effective or reliable treatment for the cure of or will afford complete relief from ulcers, or have a therapeutic effect on the symptoms or manifestations thereof, or have any beneficial effect on ulcers beyond that of an antacid temporarily relieving excess gastric acidity, which may temporarily lessen or relieve the pain in certain cases of peptic ulcers."

It is further ordered, That the respondent, Donald C. Sussman, 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 aforesaid order as modified hereby.

IN THE MATTER OF

UNITED ELECTRONICS LABORATORIES, INC. ET AL.