

Complaint

59 F.T.C.

IN THE MATTER OF

RALPH L. AUTRY TRADING AS NATURAL MINERALS
PLUSCONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT*Docket C-11. Complaint, Oct. 31, 1961—Decision, Oct. 31, 1961*

Consent order requiring a Burbank, Calif., distributor of a drug preparation designated "Natural Minerals Plus" to cease misrepresenting the therapeutic properties of the product in advertisements in newspapers and magazines and other advertising media.

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 Ralph L. Autry, an individual trading as Natural Minerals Plus, hereinafter referred to as respondent, has 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 Ralph L. Autry is an individual trading as Natural Minerals Plus, with his principal office and place of business located at 1100 North Fairview Street in the City of Burbank, State of California.

PAR. 2. Respondent is now, and has been for more than one year last past, engaged in the sale and distribution of a preparation containing ingredients which come within the classification of drugs as the term "drug" is defined in the Federal Trade Commission Act.

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

Designation: Natural Minerals Plus.

Description: A natural sedimentary mineral deposit to which Calcium, Phosphorus, Iron and Iodine have been added.

Formula: Ingredients and sources: Calcium and Phosphorus from Dicalcium Phosphate; Iodine from dehydrated Kelp; Iron from Sodium Ferric Pyrophosphate. The many trace minerals in this formula, for which no nutritional claims are made, come from a natural mineral deposit.

5 tablets (the suggested daily ration) supply the following amounts:

Calcium, 750 mg.

Phosphorus, 565 mg.

Iron, 37.5 mg.

Iodine, 0.65 mg.

Directions: Suggested Use: 5 tablets daily, with meals.

PAR. 3. Respondent causes the said preparation, when sold, to be transported from his place of business in the State of California to purchasers thereof located in various other states of the United States and in the District of Columbia. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act. The volume of business in such commerce has been and is substantial.

PAR. 4. In the course and conduct of his said business, respondent has disseminated, and caused the dissemination of, certain advertisements concerning the 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, magazines and other advertising media, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of said preparation; and has disseminated, and caused the dissemination of, advertisements concerning said preparation by various means, including but not limited to the aforesaid media, 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 of the statements and representations contained in said advertisements disseminated as hereinabove set forth are the following:

THEY SAID I WAS INCURABLE

Read this amazing true story about how a man, in a world of pain, sickness and despair, was cured because of a chance meeting with a total stranger.

MY DARKEST HOURS

A stranger came to me and cured me when heartbreak was closing in from all side. I am living proof of the wisdom of his advice. Then, in later years he came to me again to reveal another secret, the discovery of *Natural Minerals Plus*.

Two and a half years before, I had been medically discharged with an "incurable" disease from one of our biggest hospitals. I was blind, * * *.

* * *

*The author, Ralph Autry, now the picture of glowing health * * * blind at 18, Ralph found a new life along with others whose minds were tortured by psychosomatic fears of rheumatism, arthritis, weakness, nerves, insomnia, aches, pains and all kinds of other ailments.*

* * *

I AM CURED

* * * I have seen others follow that same advice and they were helped. Folks whose minds were tortured by psychosomatic fears of the agonizing miser-

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ies of arthritis, rheumatism, constipation, indigestion, weakness, sleeplessness, depression; gnawing fear of all kinds of horrible ailments, aches and pains. Yes, they were helped by the same miracle that I had found.

* * *

* * * take Natural Minerals Plus for just 10 days, and then decide on its benefits. You must feel better by your own admission * * *.

* * * please rush by *Natural Minerals Plus* tablets to me immediately on your faith guarantee. That means that I must begin to see results in just 10 days. * * *

Grit, March 20, 1960

Police Gazette, November 1960

PAR. 6. Through the use of said advertisements, and others similar thereto not specifically set out herein, respondent has represented and is now representing, directly and by implication, that the preparation will be of benefit in the treatment of, and will cure, blindness, rheumatism, arthritis, constipation, indigestion, weakness, nervousness, insomnia, depression, aches, pains, and all kinds of diseases.

PAR. 7. The said advertisements were and are misleading in material respects and constituted, and now constitute, "false advertisements" as that term is defined in the Federal Trade Commission Act. In truth and in fact, the preparation will not be of benefit in the treatment of, or cure, blindness, rheumatism, arthritis, constipation, indigestion, weakness, nervousness, insomnia, depression, aches, pains, or any disease not caused by a deficiency of calcium or iodine.

PAR. 8. The dissemination by the respondent of the false advertisements, as aforesaid, constituted, and now constitutes, unfair and deceptive acts and practices, in commerce, within the intent and meaning of the Federal Trade Commission Act.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondent named in the caption hereof with violation of the Federal Trade Commission Act, and the respondent having been served with notice of said determination and with a copy of the complaint the Commission intended to issue, together with a proposed form of order; and

The respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent of all the jurisdictional facts set forth in the complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as set forth in the complaint, and waivers and provisions as required by the Commission's rules; and

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Order

The Commission, having considered the agreement, hereby accepts same, issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent Ralph L. Autry is an individual trading as Natural Minerals Plus, with his office and principal place of business located at 1100 North Fairview Street, in the City of Burbank, State of California.

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, Ralph L. Autry, an individual trading as Natural Minerals Plus, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation designated "Natural Minerals Plus", 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, directly or indirectly:

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 indirectly, that said preparation will be of benefit in the treatment of, or cure, blindness, rheumatism, arthritis, constipation, indigestion, weakness, nervousness, insomnia, depression, aches, pains or any disease not caused by a deficiency of calcium or iodine.

2. Disseminating or causing the dissemination of any advertisement 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, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

It is further 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 this order.

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IN THE MATTER OF

MAGICURE, INC., ET AL.

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

Docket C-12. Complaint, Oct. 31, 1961—Decision, Oct. 31, 1961

Consent order requiring Columbus, Ohio, distributors of their "Magicure" device to cease representing falsely in advertising in letters, circulars, pamphlets, etc., that use of the device would stop bed wetting and correct the bed wetting habit.

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 Magicure, Inc., a corporation, and Arthur C. Kinkead, Sr., and William Kinkead, individually and as officers of the 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 Magicure, Inc., is a corporation organized and existing under and by virtue of the laws of the State of Ohio. Its office and principal place of business is located at 600 East Town Street, Columbus 15, Ohio.

Respondents Arthur C. Kinkead, Sr., and William Kinkead are officers of the respondent corporation. They formulate, direct and control the acts and practices of the respondent corporation, including those hereinafter set forth. The address of the individual respondents is the same as that of the corporate respondent.

PAR. 2. Respondents are now and for some time last past have been engaged in the offering for sale, sale and distribution of a device, which comes within the classification of devices as the term "devices" is defined in the Federal Trade Commission Act, designated as "Magicure", for use in cases of enuresis, or bed-wetting.

PAR. 3. Respondents, in the course and conduct of their business, have caused said device, when sold, to be transported from their place of business in the State of Ohio to purchasers located in various states of the United States. Respondents maintain, and at all times mentioned herein have maintained, a substantial course of trade in said device, in commerce, as "commerce" is defined in the Federal Trade Commission Act.