

Complaint

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It is ordered, That respondents herein 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.

IN THE MATTER OF

KOSTER-PEARL FURS, INC., ET AL.*

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

Docket 8450. Complaint, Nov. 9, 1961—Decision, Feb. 24, 1962

Order requiring manufacturing furriers in New York City to cease violating the Fur Products Labeling Act by failing to disclose on labels and invoices that certain furs were dyed, and invoicing fur products falsely to show that artificially colored fur was natural and that they had a continuing guaranty on file with the Commission.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Koster-Pearl Furs, Inc., a corporation, and Larry Koster, Bernard Pearl, David Koster, and Ralph Immeaglueck, herein-after referred to as respondents, have violated the provisions of said Acts and the Rules and Regulations promulgated under the Fur Products Labeling 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. Koster-Pearl Furs, Inc., is a corporation organized and doing business under and by virtue of the laws of the State of New York with its office and principal place of business located at 150 West 28th Street, New York, N.Y.

Larry Koster, Bernard Pearl, David Koster and Ralph Immeaglueck are officers of the said corporate respondent and control, direct and formulate the acts, practices and policies of the said corporate respondent. Their office and principal place of business is the same as that of the corporate respondent.

*Released January 3, 1963.

PAR. 2. Subsequent to the effective date of the Fur Products Labeling Act on August 9, 1952, respondents have been and are now engaged in the introduction into commerce, and in the manufacture for introduction into commerce, and in the sale, advertising, and offering for sale, in commerce, and in the transportation and distribution, in commerce, of fur products; and have manufactured for sale, sold, advertised, offered for sale, transported and distributed fur products which have been made in whole or in part of fur which had been shipped and received in commerce as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act.

PAR. 3. Certain of said fur products were misbranded in that they were not labeled as required under the provisions of Section 4(2) of the Fur Products Labeling Act and in the manner and form prescribed by the Rules and Regulations promulgated thereunder.

Among such misbranded fur products, but not limited thereto, were fur products with labels which failed to disclose that the fur contained in the fur products was dyed when such was the fact.

PAR. 4. Certain of said fur products were falsely and deceptively invoiced in that they were not invoiced as required under the provisions of Section 5(b)(1) of the Fur Products Labeling Act and in the manner and form prescribed by the Rules and Regulations promulgated thereunder.

Among such falsely and deceptively invoiced fur products, but not limited thereto, were invoices which failed to disclose that the fur contained in the fur products was dyed when such was the fact.

PAR. 5. Certain of said fur products were falsely and deceptively invoiced in that said fur products were invoiced to show that the fur contained therein was natural when in fact such fur was bleached, dyed or otherwise artificially colored in violation of Section 5(b)(2) of the Fur Products Labeling Act.

PAR. 6. Certain of said fur products were falsely and deceptively invoiced in that such invoices contained statements to the effect that the respondents have a continuing guaranty on file with the Federal Trade Commission when such is not the fact in violation of Section 5(b)(2) of the Fur Products Labeling Act.

PAR. 7. The aforesaid acts and practices of respondents, as herein alleged, are in violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder and constitute unfair and deceptive acts and practices and unfair methods of competition in commerce under the Federal Trade Commission Act.

Mr. Robert W. Lowthian for the Commission.

No appearance for respondents.

INITIAL DECISION BY EARL J. KOLB, HEARING EXAMINER

The complaint in this proceeding charged the respondents Koster-Pearl Furs, Inc., a New York corporation located at 150 West 28th Street, New York, N.Y., and Larry Koster, Bernard Pearl, David Koster and Ralph Immeaglueck, individually and as officers of said corporation, with the use of unfair and deceptive acts and practices in interstate commerce, in violation of the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder.

After the issuance of said complaint, the respondents filed their answer thereto wherein they admitted all the material allegations set forth in said complaint and waived any hearings in this matter.

This proceeding is now before the undersigned hearing examiner for final consideration upon said complaint and answer thereto, and the hearing examiner having duly considered the record herein, makes the following findings as to the facts, conclusion drawn therefrom and order:

PARAGRAPH 1. Respondent Koster-Pearl Furs, Inc., is a corporation organized and doing business under and by virtue of the laws of the State of New York with its office and principal place of business located at 150 West 28th Street, New York, N.Y.

Respondents Larry Koster, Bernard Pearl, David Koster and Ralph Immeaglueck are officers of the said corporate respondent and control, direct and formulate the acts, practices and policies of the said corporate respondent. Their office and principal place of business is the same as that of the corporate respondent.

PAR. 2. Subsequent to the effective date of the Fur Products Labeling Act on August 9, 1952, respondents have been and are now engaged in the introduction into commerce, and in the manufacture for introduction into commerce, and in the sale, advertising, and offering for sale, in commerce, and in the transportation and distribution, in commerce, of fur products; and have manufactured for sale, sold, advertised, offered for sale, transported and distributed fur products which have been made in whole or in part of fur which had been shipped and received in commerce as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act.

PAR. 3. Certain of said fur products were misbranded in that they were not labeled as required under the provisions of Section 4(2) of the Fur Products Labeling Act and in the manner and form prescribed by the Rules and Regulations promulgated thereunder.

Among such misbranded fur products, but not limited thereto, were fur products with labels which failed to disclose that the fur contained in the fur products was dyed when such was the fact.

PAR. 4. Certain of said fur products were falsely and deceptively invoiced in that they were not invoiced as required under the provisions of Section 5(b)(1) of the Fur Products Labeling Act and in the manner and form prescribed by the Rules and Regulations promulgated thereunder.

Among such falsely and deceptively invoiced fur products, but not limited thereto, were invoices which failed to disclose that the fur contained in the fur products was dyed when such was the fact.

PAR. 5. Certain of said fur products were falsely and deceptively invoiced in that said fur products were invoiced to show that the fur contained therein was natural when in fact such fur was bleached, dyed or otherwise artificially colored in violation of Section 5 (b) (2) of the Fur Products Labeling Act.

PAR. 6. Certain of said fur products were falsely and deceptively invoiced in that such invoices contained statements to the effect that the respondents have a continuing guaranty on file with the Federal Trade Commission when such is not the fact in violation of Section 5(b)(2) of the Fur Products Labeling Act.

CONCLUSION

The aforesaid acts and practices of respondents, as herein found, are in violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder and constitute unfair and deceptive acts and practices and unfair methods of competition in commerce under the Federal Trade Commission Act.

ORDER

It is ordered, That Koster-Pearl Furs, Inc., a corporation, and its officers, and Larry Koster, Bernard Pearl, David Koster and Ralph Imme glueck, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "com-

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merce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of Section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of Section 5(b)(1) of the Fur Products Labeling Act.

B. Representing directly or by implication that the fur contained in fur products is natural, when such is not the fact.

C. Representing directly or by implication that respondents have a continuing guaranty on file with the Federal Trade Commission, when such is not the fact.

DECISION OF THE COMMISSION AND ORDER TO FILE REPORT OF COMPLIANCE

Pursuant to Section 4.19 of the Commission's Rules of Practice, effective July 21, 1961, the initial decision of the hearing examiner shall on the 24th day of February 1962, become the decision of the Commission; and, accordingly:

It is ordered, That respondents herein 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.

IN THE MATTER OF

THE PROCTER & GAMBLE COMPANY

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

Docket C-84. Complaint, Feb. 26, 1962—Decision, Feb. 26, 1962

Consent order requiring the manufacturer of "Crest" toothpaste to cease representing falsely in advertising in newspapers and magazines and by television that in tests referred to, "Crest" was compared with competing brands of commercially available toothpaste when, in fact, it was compared with a formulation substantially the same as "Crest" but minus the ingredient stannous fluoride.

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 The Procter & Gamble Company, a corporation, 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 The Procter & Gamble Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Ohio, with its principal office and place of business located at 301 East 6th Street, Cincinnati, Ohio.

PAR. 2. Respondent is now, and has been for more than one year last past, engaged in the manufacture, advertising, offering for sale, sale and distribution of various products, including a dentifrice designated "Crest" which comes within the classification of drugs and cosmetics as the terms "drug" and "cosmetic" are defined in the Federal Trade Commission Act.

PAR. 3. Respondent causes the said dentifrice, when sold, to be transported from its place of business in the State of Ohio 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 dentifrice 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 its said business, respondent has disseminated, and caused the dissemination of, certain advertisements concerning the said dentifrice 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, and by means of television broadcasts transmitted by television stations located in various states of the United States, and in the District of Columbia, having sufficient power to carry such broadcasts across state lines, for the purpose of inducing, and which were likely to induce, directly or indirectly, the purchase of said dentifrice; and has disseminated, and caused the dissemination of, advertisements concerning said dentifrice by various means, including but not limited to the afore-said media, for the purpose of inducing and which were likely to induce directly or indirectly, the purchase of said dentifrice in com-

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merce, 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:

Patti: "We joined a toothpaste test."

Reimers: "With mother's permission, of course."

Mrs. Timms: "Well, I *did* feel that all toothpastes were alike. But if one *could* reduce cavities . . . the test would be worthwhile."

Reimers: "And *was* it? Here's a film report, by Patti. The test divided you into two groups?"

Patti: "Right . . . My group used Crest toothpaste and the other group used regular toothpaste. They told us to brush as usual."

Reimers: "How'd your group do?"

Patti: "Really great! After one year, my group had forty-nine percent fewer cavities with Crest!"

Reimers: "Still think all toothpastes are alike, Mrs. Timms?"

Mrs. Timms: "Not with results like those from the Crest group."

Reimers: "Crest with Fluoristan . . . so different, it's patented . . . * * *"

* * * * *

Laraine: "Did everyone use Crest, Jim?"

Jim: "No. No, we used Crest . . . the others used regular toothpaste."

Laraine: "Any special rules, Mrs. Clayton?"

Mrs. Clayton: "No . . . they all brushed as usual for two years."

Laraine: "And what were the results, Jim?"

Jim: "We got twenty-five percent fewer cavities with Crest."

Laraine: "Wonderful! You were in another test, weren't you?"

Cynthia: "Yes."

Laraine: "Well, Cynthia, did your Crest group do as well as Jim's?"

Cynthia: "Even better."

Laraine: "*Better?* Was it run the same?"

Cynthia: "Uh-huh and we had forty-nine percent fewer cavities with Crest after a year."

Laraine: (To Camera) "Are you still using regular toothpaste . . . when you could be reducing cavities with Crest."

* * * * *

Blair: "The tests were of Crest against regular toothpaste. * * *"

* * *

"And half the group used Crest, and the other half regular toothpaste?"

Gary: "Yes, sir. The Dentist told everybody to brush the same way as always, at home, and my side got 25 percent fewer cavities."

* * *

Blair: "Now, your half of the test group used Crest, Cheryl?"

Cheryl: "Yes, that's right, and the other group used regular toothpaste."

* * *

Blair: "And the Crest users got . . ."

Cheryl: "Forty-nine percent fewer cavities after one year."

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Blair: "Are you still using regular toothpaste when you could be reducing cavities with Crest?"

* * * * *

Tests in which Crest had to prove its superiority over regular toothpaste. And did in test after test.

* * * * *

Are you still using regular toothpaste when you could be reducing cavities with Crest?

* * *

In a clinical test with 382 children, half used regular toothpaste for two years, half used Crest.

* * * Crest gives you protection no other toothpaste can provide. * * * Crest can mean fewer cavities for your family. Isn't it time you switched?

* * *

Again, conditions were identical for both Crest users and regular toothpaste users. * * * So don't expect miracles from Crest. Just fewer cavities.

* * *

As always . . . conditions were identical. Half used Crest. Half used regular toothpaste. * * * In every test Crest made the difference. Because in every test conditions were identical for both the Crest users and those who used regular toothpaste.

PAR. 6. The expression, "regular toothpaste", used in the above advertisements may be understood to refer to brands of commercially available toothpaste competing with Crest. Through the use of said advertisements and others similar thereto, not specifically set out herein, respondent has represented, directly or by implication, that in the tests referred to in said advertisements Crest was tested in comparison with competing brands of commercially available toothpaste.

PAR. 7. The aforesaid 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, in the tests referred to in the aforesaid advertisements Crest was not tested in comparison with competing brands of commercially available toothpaste. In such tests Crest was tested in comparison with a formulation which was the same or substantially the same as Crest but minus the ingredient stannous fluoride, which formulation was not the same as that used in some makes or brands of commercially available toothpaste which are used by a substantial portion of the consuming public. Furthermore, the toothpaste with which Crest was compared in the aforesaid tests was not a commercially available brand of toothpaste.

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.

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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 respondent of all the jurisdictional facts set forth in the complaint to issue herein, 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 such complaint, and waivers and provisions as required by the Commission's rules; and

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, The Procter & Gamble Company, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Ohio, with its office and principal place of business located at 301 East Sixth Street, Cincinnati, Ohio.

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 The Procter & Gamble Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any dentifrice or any other drug or cosmetic product, 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:

(a) Represents, directly or indirectly, that any drug or cosmetic product has been tested in comparison with competing products, when such is not the fact;

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(b) Misrepresents the manner in which any such drug or cosmetic product has been tested.

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 product 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 it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

IN THE MATTER OF

O. JACK MILLER

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

Docket C-85. Complaint, Feb. 28, 1962—Decision, Feb. 28, 1962

Consent order requiring a Milwaukee seller of contact lenses designated "Occulettes" to cease representing falsely in newspaper and other advertising that his said contact lenses did not rest upon the eye and were thus more comfortable than other lenses; that they could be worn all day, without discomfort, by anyone in need of visual correction; and that wearers of his lenses could discard eyeglasses.

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 O. Jack Miller, 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 O. Jack Miller is an individual with his principal office and place of business located at 736 West Wisconsin Avenue, Milwaukee, Wis.

PAR. 2. Respondent is now, and has been for more than one year last past, engaged in the sale and distribution of contact lenses which are designated and sold under the trade name "Occulettes". Contact lenses are designed to correct errors and deficiencies in the vision of

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the wearer and are devices as "device" is defined in the Federal Trade Commission Act.

PAR. 3. In the course and conduct of his business, respondent has disseminated, and caused the dissemination of, certain advertisements concerning the said contact lenses 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 and other advertising media for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of said contact lenses; and has disseminated, and caused the dissemination of, advertisements concerning said contact lenses 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 devices in commerce as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. Among and typical, but not all inclusive, of the statements and representations contained in said advertisements disseminated as hereinabove set forth are the following:

See without Glasses.

Wouldn't you rather see without glasses? Of course you would and you probably can.

You see Occulettes are here, those amazing new invisible lenses that don't touch the eyes.

You've heard of contact lenses. Now The Big News is contact-less lenses—Occulettes.

They don't touch the eye.

The most wonderfully comfortable invisible lenses are tiny Occulettes.

The contact has been taken out of contact lenses, and now contact-less lenses are here: Just imagine what this can mean to you if you've wanted to throw away your glasses, but doubted your ability to wear contact lenses. Imagine the new fun and freedom, the new comfort and convenience that can now be yours with Occulettes, contact-less lenses.

Yes, you can try Occulettes without delay . . . You've everything to gain . . . in fact day long, even life long comfort.

PAR. 5. Through the use of said advertisements and others of similar import not specifically set out herein, respondent has represented and is now representing directly and by implication

1. That respondent's contact lenses are designed so they do not rest upon the eye while other contact lenses do and that they are therefore more comfortable and better fitting than other contact lenses.
2. That respondent's contact lenses can be worn all day.
3. There is no discomfort in wearing respondent's contact lenses.
4. All persons in need of visual correction can successfully wear respondent's contact lenses.

5. Respondent's lenses can replace eyeglasses to the extent that eyeglasses can be discarded.

PAR. 6. 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

1. Respondent's lenses are not more comfortable or better fitting than any other contact lenses for the reason that they do not rest upon the eye, since all contact lenses rest upon the eye.

2. Many persons cannot wear respondent's lenses all day and no person can wear said lenses all day until such person has become fully adjusted thereto and many persons can never become so adjusted to contact lenses.

3. Practically all persons will experience some discomfort when first wearing respondent's lenses. In a significant number of cases discomfort will be prolonged.

4. A significant number of persons in need of visual correction cannot successfully wear respondent's contact lenses.

5. Said lenses cannot replace eyeglasses for all purposes for all persons. Some persons cannot discard their eyeglasses upon the purchase of respondent's lenses but must continue to use them for substantial periods of time.

PAR. 7. 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 or order; and

The respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by 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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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, O. Jack Miller, is an individual with his office and principal place of business located at 736 West Wisconsin Avenue in the city of Milwaukee, State of Wisconsin.

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 O. Jack Miller 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 contact lenses sold under the name "Occulettes" or under any other name or names, or any other contact lenses of substantially the same construction or properties, do forthwith cease and desist from 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 by implication that:

A. Respondent's lenses do not rest upon the eye or that said lenses are more comfortable than other contact lenses.

B. Respondent's contact lenses can be worn by everyone all day or that anyone can wear them all day unless it is clearly revealed that this is possible only after the wearer has become fully adjusted thereto.

C. There is no discomfort in wearing respondent's contact lenses unless it is clearly revealed that practically all persons will experience some discomfort when first wearing respondent's lenses, and that in a significant number of cases discomfort will be prolonged.

D. All persons in need of visual correction can successfully wear respondent's contact lenses.

E. Respondent's lenses can replace eyeglasses to the extent that eyeglasses can be discarded by all persons.

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 of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representations prohibited in paragraph 1 hereof.

