

promulgated pursuant to Section 8(b) of said Act in type of equal size and conspicuousness and in close proximity with each other.

It is further ordered, That 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 to cease and desist.

Commissioner Anderson concurring in the result and Commissioner Elman not concurring.

IN THE MATTER OF

GOLDEN VALLEY NATIONAL SALES AND
DISTRIBUTION CO., INC., ET AL.

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

Docket 8461. Complaint, Jan. 17, 1962—Decision, Apr. 25, 1962

Order requiring distributors in Palo Alto, Calif., to cease representing falsely in newspaper advertising, circulars, letters, and radio commercials that their "Vademecum" tooth paste would whiten teeth and remove stain or film, and contained no abrasive.

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 Golden Valley National Sales and Distribution Co., Inc., a corporation, and Douglas B. Guy and Karl Bledsoe, individually and as officers of 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 Golden Valley National Sales and Distribution Co., Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of California with its principal office and place of business located at 378 Cambridge Avenue, Palo Alto, Calif.

Respondents Douglas B. Guy and Karl Bledsoe are officers of the corporate respondent. They formulate, direct and control the acts and practices of the corporate respondent, including the acts and practices hereinafter set forth. Their address 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 sale and distribution of tooth paste under the brand name of "Vademecum" which is a cosmetic as "cosmetic" is defined in the Federal Trade Commission Act.

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

PAR. 4. In the course and conduct of their said business, respondents have disseminated, and caused the dissemination of, certain advertisements concerning the said "Vademecum" tooth paste 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, and by means of radio continuities broadcast through stations located in various States of the United States, having sufficient power to carry such broadcasts across state lines, and by circulars and letters, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of said "Vademecum" tooth paste, and has disseminated, and caused the dissemination of, advertisements concerning the said "Vademecum" tooth paste 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 cosmetic in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 5. Among and typical, but not all inclusive, of the statements and representations contained in said advertisements disseminated as hereinabove set forth are the following:

Makes white teeth whiter

* * * Even stubborn tobacco stains vanish.

Vademecum is actually guaranteed to remove stains and whiten your teeth.

* * * Makes decay-causing stains and film disappear like magic.

* * * Brings hard-to-clean porcelain fillings back to original whiteness.

* * * If you are bothered by stains on your teeth—such as those caused by smoking—you'll see them vanish like magic.

Vademecum contains no abrasives * * * so it can't harm teeth enamel.

Initial Decision

60 F.T.C.

PAR. 6. Through the use of said advertisements, and others similar thereto not specifically set out herein, respondents have represented, and are now representing, directly and by implication:

1. That Vademecum tooth paste will whiten the teeth, and cause white teeth to become whiter.
2. That Vademecum tooth paste will remove stains from the teeth.
3. That Vademecum tooth paste will remove film from the teeth.
4. That Vademecum tooth paste contains no abrasive.

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:

1. All human teeth are not white. The color of human teeth varies from white to a shade of brown or yellow with each individual and Vademecum cannot whiten such teeth, nor cause white teeth to become whiter.
2. Brushing with tooth paste will not remove stains from the teeth.
3. Brushing with tooth paste will not remove film from the teeth.
4. Vademecum contains chalk which is an abrasive.

PAR. 8. The dissemination by the respondents 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.

Mr. Frederick J. McManus and *Mr. Charles J. Connolly* for the Commission.

Mr. Karl V. Bledsoe, of Palo Alto, Calif., for respondents.

INITIAL DECISION BY WALTER K. BENNETT, HEARING EXAMINER

The complaint herein, charging respondents with violation of the Federal Trade Commission Act by disseminating false advertisements concerning their tooth paste designated "Vademecum", was issued January 17, 1962, and was duly served upon respondents by registered mail on January 25, 1962. The respondents have not filed their answers to this complaint within the time required and are now in default. Pursuant to the provisions of Rule 4.5(2c) of the Commission's Rules of Practice for Adjudicative Proceedings, the hearing examiner hereby declares the respondents in default and now finds the facts to be as alleged in the complaint, and issues his initial decision containing such findings, appropriate conclusions drawn therefrom and order to cease and desist, as follows:

FINDINGS OF FACT

1. Respondent Golden Valley National Sales and Distribution Co., Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of California with its principal office and place of business located at 378 Cambridge Avenue, Palo Alto, Calif.

Respondents Douglas B. Guy and Karl Bledsoe are officers of the corporate respondent. They formulate, direct and control the acts and practices of the corporate respondent, including the acts and practices hereinafter set forth. Their address is the same as that of the corporate respondent.

2. Respondents are now, and for some time last past have been, engaged in the sale and distribution of tooth paste under the brand name of "Vademecum" which is a cosmetic as "cosmetic" is defined in the Federal Trade Commission Act.

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

4. In the course and conduct of their said business, respondents have disseminated, and caused the dissemination of, certain advertisements concerning the said "Vademecum" tooth paste 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, and by means of radio continuities broadcast through stations located in various States of the United States, having sufficient power to carry such broadcasts across state lines, and by circulars and letters, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of said "Vademecum" tooth paste, and has disseminated and caused the dissemination of, advertisements concerning the said "Vademecum" tooth paste 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 cosmetic in commerce, as "commerce" is defined in the Federal Trade Commission Act.

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

Makes white teeth whiter

* * * Even stubborn tobacco stains vanish.

Vademecum is actually guaranteed to remove stains and whiten your teeth. * * * Makes decay-causing stains and film disappear like magic.

* * * Brings hard-to-clean porcelain fillings back to original whiteness.

* * * If you are bothered by stains on your teeth—such as those caused by smoking—you'll see them vanish like magic.

Vademecum contains no abrasives * * * so it can't harm teeth enamel.

6. Through the use of said advertisements, and others similar thereto not specifically set out herein, respondents have represented, and are now representing, directly and by implication:

(1) That Vademecum tooth paste will whiten the teeth, and cause white teeth to become whiter.

(2) That Vademecum tooth paste will remove stains from the teeth.

(3) That Vademecum tooth paste will remove film from the teeth.

(4) That Vademecum tooth paste contains no abrasive.

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:

(1) All human teeth are not white. The color of human teeth varies from white to a shade of brown or yellow with each individual and Vademecum cannot whiten such teeth, nor cause white teeth to become whiter.

(2) Brushing with tooth paste will not remove stains from the teeth.

(3) Brushing with tooth paste will not remove film from the teeth.

(4) Vademecum contains chalk which is an abrasive.

CONCLUSIONS

The dissemination by the respondents of the false advertisements, as herein found, constituted and now constitutes unfair and deceptive acts and practices, in commerce, within the intent and meaning of the Federal Trade Commission Act.

ORDER

It is ordered, That the respondents Golden Valley National Sales and Distributing Co., Inc., a corporation, and its officers and Douglas B. Guy and Karl Bledsoe, 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 offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act of "Vademecum" tooth paste, whether sold under that name or any other name or names and possessing the same or similar properties, 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, that:

- (a) Respondents' tooth paste will whiten teeth.
- (b) Respondents' tooth paste will remove stain from the teeth.
- (c) Respondents' tooth paste will remove film from the teeth.
- (d) Respondents' tooth paste contains no abrasive.

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

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 did, on the 25th day of April 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.

Complaint

60 F.T.C.

IN THE MATTER OF

HARRY J. ASLAN DOING BUSINESS AS HARRY ASLAN
CO. ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT*Docket C-124. Complaint, Apr. 25, 1962—Decision, Apr. 25, 1962*

Consent order requiring 13 California shippers of white muscat juice grapes, used primarily for wine-making, in the Fresno area—their shipments and sales of which during the 1961 season represented more than half of all interstate carlot shipments made from California—to cease conspiring to fix and adhere to minimum prices for juice grapes, as they did at a series of meetings held beginning about mid-September of 1961, slightly prior to the shipping season, and continuing to early October.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act (U.S.C. Title 15, Sec. 45), and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that the parties named in the caption hereof, and more particularly described and referred to hereinafter as respondents, have violated the provisions of Section 5 of said Act, and it appearing to the Commission that a proceeding by it in respect thereto would be in the public interest, hereby issues its complaint, stating its charges in respect thereto as follows:

PARAGRAPH 1. Harry J. Aslan, individually and doing business as Harry Aslan Co., has places of business at Kingsbury and Del Rey, Calif., with his principal place of business at 1060 Simpson Street, Kingsburg, Calif.

L. W. Crosby, individually and doing business as Del Rey Fruit Distributors, has his office and principal place of business at 12480 E. American Avenue, Del Rey, Calif.

Giannini Fruit Sales, Inc. is a corporation organized and existing under and by virtue of the laws of the State of California with its office and principal place of business at 496 South N. Street (P.O. Box 155), Dinuba, Calif. In 1961 its officers, who were also its directors, were Leroy G. Giannini, president; Wayne H. Towne, vice president; and Ruth E. Giannini, secretary-treasurer.

Chris Sorensen Packing Co. is a corporation organized and existing under and by virtue of the laws of the State of California with its