

IN THE MATTER OF
JAY NORRIS COMPANY TRADING AS NORRIS
NUTRITIONS ET AL.

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

Docket C-1005. Complaint, Oct. 21, 1965—Decision, Oct. 21, 1965

Consent order requiring Lynbrook, N. Y., distributors to cease representing
falsely in advertisements that their "V-tabs" vitamin-mineral preparation

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was a new medical discovery with sustained release effect, and to cease misrepresenting in any manner the effectiveness of such preparation.

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 Jay Norris Company, a corporation, trading as Norris Nutritions, and Joel N. Jacobs, Mortimer Williams, and Bernard Jacobs, 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 Jay Norris Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York with its principal office and place of business located at 273 Merrick Road, in the city of Lynbrook, State of New York. The said corporate respondent conducts its business under the name of Norris Nutritions.

Respondents Joel N. Jacobs, Mortimer Williams and Bernard Jacobs are officers of the corporate respondent. These individuals formulate, direct and control the policies, acts and practices of the corporate respondent, including the acts and practices hereinafter set forth. The address of respondent Joel N. Jacobs is 453 Links Drive E., Oceanside, New York; the address of respondent Mortimer Williams is 72 E. Henrietta Street, Oceanside, New York; and the address of respondent Bernard Jacobs is 1 East Broadway Street, Long Beach, New York.

PAR. 2. Respondents are now, and have 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 respondents for said preparation, the formula thereof and direction for use are as follows:

Designation: "V-tabs"

Formula:

Each Tablet Contains:

Rutin	50 mg.
Para Amino Benzoic Acid	10 mg.
Calcium Carbonate	50 mg.
Ferrous Sulfate	30 mg.
Vitamin B-1	25 mg.

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Vitamin B-2	12 mg.
Calcium Pantothenate	3 mg.
Biotin	0.1 mcg.
Potassium Iodide	50 mcg.
Magnesium Sulfate	500 mcg.
Manganese Sulfate	500 mcg.
Potassium Chloride	500 mcg.
Zinc Sulfate	500 mcg.
Copper Sulfate	500 mcg.
Inositol	5 mg.
1-Lysine	3 mg.
Soy Lecithin	2 mg.
Yeast Hydrolysate	10 mg.
Malt Diastase	5 mg.
Rose Hips Powder	5 mg.
Red Bone Marrow	2 mg.
Vitamin A	10.000 USP/u
Vitamin D	1.000 USP/u
Vitamin E	3.6 I.U.
Vitamin B-12 USP	5 mcg.
Alfalfa Powder	500 mcg.
Watercress Powder	500 mcg.
Parsley Powder	500 mcg.
Citrus Bioflavanoid Comp.	2 mg.
Vitamin C	150 mg.
Hesperidin Complex	5 mg.
Niacinamide	75 mg.
Soy Protein Yeast Conc.	80 mg.
(Providing the following	
Animo Acids;)	
Lysine	
Cysteic Acid	Histidine
Threonine	Arginine
Glutamic Acid	Aspartic Acid
Glycine	Serine
Cystine	Proline Acid
Methionine	Alanine
Leucine	Valine
Isoleucine	Nucleic Acid
Phenylalanine	Tyrosine
Tryptophan	Alloisulucine

Directions: Adults: 1 tablet daily or as directed by physician.

PAR. 3. Respondents cause the said preparation, when sold, to be transported from their place of business in the State of New York to purchasers thereof 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 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 their said business, respondents have disseminated, and caused the dissemination of, certain advertisements concerning 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, circular letters and pamphlets, for the purpose of inducing, and which were likely to induce, directly or indirectly, the purchase of the said preparation; and have disseminated, and caused the dissemination of, advertisements concerning the 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 the 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:

new found * * * pep and energy, for adults and it lasts ALL DAY LONG. V-tabs were developed by a leading U.S. Pharmaceutical Laboratory in answer to a crying need by millions of people like yourself. A single TABSULET power packed, with all the latest vitagenic factors proven necessary for energy, pep, vitality, and that general feeling of youth and well being. This tablet is more potent than any of the well known ordinary vitamin preparations and it has the added, and most important feature of all, timed action. V-tabs are Sustained Release bullets. This means that your tabsulet taken only once a day is made to slowly release its benefits over a longer period of time (all day). If you suffer from a vitamin deficiency that is draining your strength, making you feel older than you really are, V-tabs can help you. They can make you feel younger, more energetic, quickly, and for a longer period of time. You begin to get the benefits shortly after you swallow the tablet, and as these hundreds of tiny multifactor pellets slowly dissolve in the system you continue to feel the benefits of this timed energy. Not only for a few hours but all day, the evening through the night, V-tabs work for you all the time.

* * * * *

this is a laboratory fresh packed sample TRY IT NOW.

Feel it begin to work—TODAY, TONIGHT, TOMORROW. Then order your supply of V-tabs—and begin feeling better, stronger, more energetic, from now on. We have so much faith in this brand new, scientific laboratory discovery that we have gone to the expense of sending out hundreds of these laboratory fresh samples for people just like you to try. Just you try the sample tabsulet right now. See if V-tabs can help you, just like it is helping thousands of other people. We think that you will feel the difference

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the very first day. Then order your supply of V-tabs right away so you can begin to get the benefits of new scientific sustained release tablet.

* * * * *

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 V-tabs, because of its sustained release feature, provides greater nutritional benefits to the user than other preparations of similar content which do not have this feature.

2. That V-tabs immediately supplies new energy to the human body and continues to provide new energy for 24 hours.

3. That V-tabs is a new medical and scientific discovery and achievement.

4. That the use of V-tabs will be of benefit in the treatment and relief of lack of pep, energy and strength, loss of vitality, and loss of a sense of well-being.

5. That the use of V-tabs will enable a person to appear and feel younger.

PAR. 7. In truth and in fact:

1. V-tabs' sustained release feature does not cause V-tabs to provide greater nutritional benefits to the user than other preparations of similar content which do not provide sustained release action.

2. V-tabs does not immediately supply new energy to the human body, nor does it continue to provide new energy for 24 hours.

3. V-tabs is not a new medical or scientific discovery or achievement.

4. The use of V-tabs will not be of benefit in the treatment or relief of lack of pep, energy or strength, loss of vitality, or loss of a sense of well-being except in a small minority of persons in whom such symptoms are due to a deficiency of Vitamin B-1, Vitamin B-2, Vitamin-C, or Niacinamide. All the remaining ingredients in this preparation are of no benefit in the treatment or relief of said symptoms.

Furthermore, the statements and representations in said advertisements have the capacity and tendency to suggest, and do suggest, to persons of both sexes and all ages who experience lack of pep, energy or strength, loss of vitality, or loss of a sense of well-being, that there is a reasonable probability that they have symptoms which will respond to treatment by the use of V-tabs. In the light of such statements and representations, the advertisements are misleading in a material respect and therefore constitute "false

advertisements," as that term is defined in the Federal Trade Commission Act, because they fail to reveal the material facts that in the great majority of persons or of any age, sex or other group class thereof, who experience the symptoms of lack of pep, energy or strength, loss of vitality, or loss of a sense of well-being, such symptoms are not caused by deficiency of one or more of the nutrients provided by V-tabs, and that in such persons the said preparation will be of no benefit.

5. The use of V-tabs will not enable a person to appear or feel younger.

Therefore, the advertisements referred to in Paragraph Five 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.

PAR. 8. The dissemination by respondents of the false advertisements, as aforesaid, constituted, and now constitutes, unfair and deceptive acts and practices in commerce, in violation of Sections 5 and 12 of the Federal Trade Commission Act.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereof with violation of the Federal Trade Commission Act, and the respondents 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 respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by respondents 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 respondents 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 Jay Norris Company is a corporation organized, existing 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 273 Merrick Road, in the city of Lynbrook, State of New York.

Respondents Joel N. Jacobs, Mortimer Williams and Bernard Jacobs are officers of said corporation. The address of respondent Joel N. Jacobs is 453 Links Drive, E., Oceanside, New York. The address of respondent Mortimer Williams is 72 E. Henrietta Street, Oceanside, New York. The address of respondent Bernard Jacobs is 1 East Broadway Street, Long Beach, New York.

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

ORDER

It is ordered, That respondents Jay Norris Company, a corporation, trading as Norris Nutritions, or under any other name or names, and its officers, and Joel N. Jacobs, Mortimer Williams, and Bernard Jacobs, 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 of the preparation designated "V-tabs," or any other preparation of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing the dissemination of, 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:

(a) That such preparation immediately supplies new energy to the human body, or continues to provide new energy for 24 hours; or which misrepresents in any manner the time in which said preparation may produce such an effect or the duration of such an effect.

(b) That such preparation is a new medical or scientific discovery or achievement.

(c) That such preparation, or any ingredient supplied thereby, will be of benefit in the treatment or relief of lack of pep, energy or strength, loss of vitality, or loss of a sense of well-being, unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms are due to a deficiency of Vitamin B-1, Vitamin B-2, Vitamin C, or Niacinamide, if in fact these nutrients are provided by such preparation, and, further, unless the advertisement clearly and conspic-

uously reveals the facts that in the great majority of persons, or any age or sex or other class or group thereof, who experience lack of pep, energy or strength, loss of vitality, or loss of a sense of well-being, such symptoms are due to conditions other than those which may respond to treatment by use of the preparation and that in such persons the preparation will not be of benefit.

(d) That such preparation will enable a person to appear or feel younger.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of any such preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in, or which fails to comply with any of the affirmative requirements of, Paragraph 1 hereof.

It is further ordered, That respondents Jay Norris Company, a corporation, trading as Norris Nutritions, or under any other name or names, and its officers, and Joel N. Jacobs, Mortimer Williams and Bernard Jacobs, 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 of any vitamin or vitamin-mineral preparation, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing the dissemination of, 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:

(a) That vitamin or vitamin-mineral preparations which release their contents over a prolonged period of time when being digested in the human body are in any way superior, because of this feature, to other preparations of similar content which do not have this feature.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in, or which fails to comply with any of the affirmative requirements of, Paragraph 1 hereof.

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It is further ordered, That the 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 this order.
