

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.

IN THE MATTER OF

LEE ROGERS DOING BUSINESS AS S.I. RESEARCH COMPANY
CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT

Docket C-1229. Complaint, June 26, 1967—Decision, June 26, 1967

Consent order requiring a Los Angeles, Calif., distributor of health pamphlets to cease using deceptive advertising in the sale of his publications.

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 Lee Rogers, an individual, doing business under the name and style of S.I. Research Company, hereinafter referred to as the 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 Lee Rogers is an individual doing business under the name and style of S.I. Research Company, with his principal office and place of business located at 8833 Sunset Boulevard, Los Angeles, State of California.

Respondent is now and for some time last past has been engaged in the advertising, offering for sale, sale and distribution of a four page pamphlet, entitled "Surgical Techniques for Breast Enlargement," compiled by S.I. Research Company. This pamphlet very briefly described how the female breast may be enlarged by means of silicone breast implants and silicone injections both of which are surgical operations and neither of which can be legally performed by other than a duly qualified and licensed physician, or surgeon.

PAR. 2. Respondent causes the said pamphlet when sold to be shipped 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 and maintains, and at all times mentioned herein has maintained, a substantial course of trade in said pamphlet in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 3. In the course and conduct of his aforesaid business, respondent has disseminated and has caused to be disseminated certain advertisements concerning the said pamphlet by the United States mails and various means in commerce, as "commerce" is defined in the Federal Trade Commission Act including, but not limited to, magazines and tabloids of general circulation, for the purpose of inducing and which are likely to induce, directly or indirectly, the purchase of said pamphlet; and respondent has disseminated and caused the dissemination of advertisements concerning the said pamphlet by various means including, but not limited to, the aforesaid media for the purpose of inducing and which are likely to induce, directly or indirectly, the purchase of said pamphlet in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. A typical advertisement, containing the statements and representations set forth follows:

Learn How New Research Development

ADDS INCHES TO
THE BUSTLINE!

MONEY BACK GUARANTEE

AT LAST! women are taking advantage of a major medical breakthrough to beautify and enlarge their bust size!

YOU WILL BE AMAZED as you read how successful new technique has enlarged and beautified the bustline of movie actresses and showgirls.

DON'T WASTE hard-earned money on creams, exercises and so-called remedies that do not work.

ACT NOW! Mail this no-risk coupon today! --

S.I. RESEARCH Dept. 0000

6311 Yucca St., Hollywood, Calif. 90028

YES! I would like to learn about new research development (sent in plain wrapper) which has enlarged and beautified the bustlines of movie actresses and showgirls. I enclose \$2.98. I understand there is a 100% money back guarantee.

Name
Address
City
State Zip

PAR. 5. By and through the use of the statements contained in the aforesaid advertisements, and others similar thereto but not specifically set out herein, respondent has represented and is

now representing, directly and by implication, that he is selling a product, a program of exercises or some other usable technique by the use of which the purchaser will, through her own efforts, be able to add inches to her bust. Said advertisements further represent that this is a new and scientifically developed product, set of exercises, or other usable technique which the respondent developed or was responsible for developing, and that this was developed in a research laboratory owned and/or operated by the respondent.

PAR. 6. In truth and in fact the respondent does not sell a product, set of exercises or other usable technique capable of increasing the female bust; rather, he sends to the purchaser a four page leaflet indicating that there are two surgical approaches involving the use of silicone inserts and silicone injections which may or may not be effective, or safe to undergo, and that the purchaser should consult her physician; he does not sell a product or set of exercises or other usable technique for increasing the size of the female bust which is new or scientifically developed by him or at his direction nor does he own and/or operate a research laboratory.

Therefore, the advertisements referred to in Paragraph Five herein are misleading in material respects and constituted and now constitute false advertisements as the term "false advertisements" is defined in the Federal Trade Commission Act.

PAR. 7. Dissemination by the respondent of the false statements, 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 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

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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 Lee Rogers is an individual doing business under the name and style of S.I. Research Company, with his principal office and place of business located at 8833 Sunset Boulevard, Los Angeles, 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 the respondent Lee Rogers, an individual, doing business under the name and style of S.I. Research Company, or under any other name or names, 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 his pamphlet entitled "Surgical Techniques for Breast Enlargement" or any other pamphlet or publication whether sold under the same name or any other name, do forthwith cease and desist from, either directly or indirectly:

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:

(a) Which represents directly or by implication: that the techniques set forth or referred to in his pamphlet entitled "Surgical Techniques for Breast Enlargement" or in any other pamphlet or publication containing substantially similar techniques, will cause or contribute to an increase in the size of, or otherwise bring about any reshaping of the female bust unless it is clearly, conspicuously and prominently disclosed that such procedures and/or techniques (1) cannot be utilized by the layman, and (2) can only be administered by a physician or surgeon.

(b) Which represents directly or by implication: that the respondent is engaged in scientific or medical research or that he owns, maintains or operates a scientific or medical research facility.

(c) Which represents directly or by implication: that the respondent has developed a new or revolutionary procedure, technique, product or device which is capable of enlarging or reshaping the female breast; or which misrepresents in any manner the capability or efficacy of any procedure, technique, product or device to enlarge or reshape the female breast.

(d) Which uses the word "Research" or any other word or words of similar import, in his trade or business name or in any other manner.

(e) Which misrepresents in any manner the nature of respondent's business, or the efficacy or capability of any product or device or any of the procedures or techniques used in connection therewith.

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 respondent's pamphlet, publication or product in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations or misrepresentations 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.

Commissioner Elman not concurring in the issuance of complaint.
