

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

Docket 8641. Complaint, Aug. 28, 1964—Decision, June 9, 1970

Order modifying a cease and desist order upon remand, dated July 15, 1969, 76 F.T.C. 81, pursuant to a decision of the Court of Appeals, Sixth Circuit, dated Feb. 10, 1970, 421 F.2d 845 (8 S.&D. 1109), by providing that Paragraph I.A.(4) shall be modified to read: "Afford any relief from pain or itching associated with hemorrhoids in excess of affording temporary relief of pain and itching of hemorrhoidal tissue in many cases."

FINAL ORDER

The Commission having issued its original order to cease and desist in this matter on December 16, 1966 [70 F.T.C. 1524], and the respondent having appealed from the Commission's decision; and

The matter having been remanded to the Commission for further proceedings by the United States Court of Appeals for the Sixth Circuit by its opinion and order issued October 18, 1968 [8 S.&D. 832]; and

The Commission, upon remand, having issued a second order to

cease and desist on July 15, 1969 [76 F.T.C. 81], and the respondent having also appealed from that order; and

The United States Court of Appeals for the Sixth Circuit by its opinion issued on February 10, 1970 [8 S.&D. 1109], having directed a further modification of the Commission's order; and

The time for filing a petition for certiorari having expired without any such petition having been filed;

It is ordered, That the previously issued cease and desist order of the Commission be, and it hereby is, modified to read as follows:

ORDER

I. *It is ordered*, That respondent American Home Products Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing the dissemination of 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, in connection with the offering for sale, sale or distribution of Preparation H Ointment or Suppositories, or any other non-prescription drug product offered for sale for the treatment or relief of hemorrhoids or piles or any of its symptoms, which:

A. Represents directly or by implication that the use of such product will:

(1) Reduce, shrink, or afford any relief of hemorrhoidal veins themselves: *Provided, however*, That nothing contained herein shall be construed to prohibit the dissemination of any advertisement which represents that the use of such product will help reduce swelling of hemorrhoidal tissue caused by edema, infection, or inflammation, or that the use of such product will help reduce swelling of hemorrhoidal tissue by lubricating the affected area;

(2) Avoid the need for surgery as a treatment for hemorrhoids or hemorrhoidal symptoms;

(3) Heal, cure, or remove hemorrhoids, or eliminate the problem of hemorrhoids;

(4) Afford any relief from pain or itching associated with hemorrhoids in excess of affording temporary relief of pain and itching of hemorrhoidal tissue in many cases;

(5) Afford any other type of relief, or have any other effect on, hemorrhoids or hemorrhoidal symptoms.

B. Contains any reference to the word "Bio-Dyne;" or contains any reference to any other ingredient either singly or in

combination unless each such ingredient is effective in the treatment or relief of hemorrhoids or any of its symptoms and unless the specific effect thereof is expressly and truthfully set forth.

II. *It is further ordered*, That respondent and its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from 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 Preparation H Ointment or Suppositories, or any other non-prescription drug product offered for sale for the treatment or relief of hemorrhoids or any of its symptoms, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph I hereof.

III. In the event that respondent at any time in the future markets any non-prescription drug preparation for the treatment or relief of hemorrhoids or any of its symptoms for which it desires to make any of the representations now prohibited under Paragraph I of this order, it may petition the Commission for a modification of the order. Such petition shall be accompanied by a showing that the representation is not false or misleading within the meaning of the Federal Trade Commission Act, and, if such has been the case, that the specific representation has been accepted as part of the labeling for such product by the Secretary of the Department of Health, Education and Welfare under the provisions of the Federal Food, Drug and Cosmetic Act as it is presently constituted or as it may hereafter be amended.

It is further ordered, That respondent 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 to cease and desist.

IN THE MATTER OF

GROVE LABORATORIES, ET AL.

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

Docket 8643. Complaint, Aug. 28, 1964—Decision, June 9, 1970

Order modifying, pursuant to a decision of the United States Court of Appeals,
Fifth Circuit, October 14, 1969, 418 F.2d 489 (8 S.&D. 1041), and judg-