

Final Order

IN THE MATTER OF

HUMPHREYS MEDICINE COMPANY, INCORPORATED

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

Docket 8640. Complaint, Aug. 28, 1964—Decision, Dec. 15, 1970

Order modifying cease and desist order of December 16, 1966, 70 F.T.C. 1502, in accordance with the final order entered *In the Matter of American Home Products Corporation*, Docket No. 8641, 70 F.T.C. 1524, modified, 76 F.T.C. 81, and further modified, p. 726 herein, by prohibiting claims that the product "Humphreys Ointment" afforded any relief from pain or itching in excess of temporary relief, and restricting the order to nonprescription drug preparations.

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The Commission having issued its original order to cease and desist in this matter on December 16, 1966 [70 F.T.C. 1502], and the respondent having appealed from the Commission's decision; and

The United States Court of Appeals for the Second Circuit having approved a stipulation providing that the cease-and-desist order herein should be modified in accordance with the final order entered in *American Home Products Corporation*, Docket No. 8641 [70 F.T.C. 1524]; and

The Commission having on July 15, 1969, issued its modified order in Docket 8641 [76 F.T.C. 81], and that order having been further modified [p. 726 herein], by order of the United States Court of Appeals for the Sixth Circuit and the order having become final by operation of law;

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

It is ordered, That respondent Humphreys Medicine Company, Incorporated, 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 Humphreys Ointment, 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 words "astringent" or "anesthetic," or 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.

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 Humphreys Ointment, 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.

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

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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.