

*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  
SAVOY DRUG & CHEMICAL COMPANY

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

*Docket C-2743. Complaint, Oct. 21, 1975-Decision, Oct. 21, 1975*

Consent order requiring a Chicago, Ill., seller and distributor of Let's Lift It, a skin preparation, among other things to cease making false or unsubstantiated performance and effectiveness claims for any product; and misrepresenting tests or test results.

*Appearances*

For the Commission: *Mark A. Heller and Jean F. Greene.*

For the respondent: *Halbert O. Crews, Greenberg, Keele, Lunn & Aronberg, Chicago, Ill. and William R. Pendergast, McMurray & Pendergast, Wash., D.C.*

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 Savoy Drug and Chemical Co., a corporation, hereinafter referred to as 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 this complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Savoy Drug and Chemical Co. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Illinois, with its principal office and place of business at 427 W. Randolph St., Chicago, Ill.

PAR. 2. Respondent is now, and for some time past has been, engaged in the advertising, offering for sale, sale and distribution of a skin preparation known as Let's Lift It.

PAR. 3. In the course and conduct of its aforesaid business, respondent now causes, and for some time last past has caused its said

skin preparation, when sold, to be shipped from its place of business in the State of Illinois to purchasers thereof located in various other States of the United States, and maintains and at all times mentioned herein, has maintained, a substantial course of trade in said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of its aforesaid business, the respondent has disseminated, and is now disseminating, and has caused and is now causing the dissemination of false advertisements concerning its said product by the United States mails and by various other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, and respondent has also disseminated and is now disseminating, and has caused and is now causing the dissemination of false advertising concerning its said product by various means for the purpose of inducing and which are likely to induce, directly or indirectly, the purchase of the said product in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 5. In the course and conduct of its aforesaid business, respondent has made numerous statements and representations in magazines and elsewhere with respect to the ability of its product to produce unblemished skin. Typical and illustrative of the statements and representations contained in said advertising and promotional material, but not all-inclusive thereof, are the following:

15 Minute Skin Cleaning Miracle Dries Acne Pimples and Lifts Out Blackheads On Nose, Face, Chin and Neck.

\* \* \* \* \*

Makes Skin Smoother, Clearer, Lighter and Younger Looking . . . Even Without Make-up \* \* \* Works Wonders on Your Skin or Your Money Back.

\* \* \* \* \*

A Cosmetic Chemist's Experiments With Extracts From Natural Herbs and Plants May be the Best News Yet for the Horrid Acne Pimples and the Ugly Blackheads that makes Faces Look Blemished.

\* \* \* \* \*

We call it a miracle and it works in only 15 minutes. Even without make-up your skin keeps that naturally healthy looking glow of youth for days and with regular use as necessary your lovelier complexion can be almost perpetual.

\* \* \* \* \*

Let's Lift It, as this amazing new herbal skin beautifying discovery is called, it's not a cover-up \* \* \* not a cream \* \* \* not a lotion \* \* \* and it works its wonders the natural herb way without make-up of any kind. You just smooth it on and let it set very quickly. Your skin actually feels a fast pick up as the unusual deep down action exercises the skin,

firms tissue, makes sagging muscles tingle. Then in 15 minutes you actually see it rinse away blackheads, dry acne pimples and clarify sallow, muddy, sluggish looking skin.

\* \* \* \* \*

Dark circles, shadows and muddy spots lighten visibly. Enlarged pores are refined and look smaller. Excess skin oiliness around the nose no longer shines. Even without make-up skin seems to acquire the clean, smooth texture \* \* \* the bright clearer tone \* \* \* the glow of youth appearance that's every woman's dream.

\* \* \* \* \*

You have nothing to lose but the pimples, blackheads and wrinkles you don't want anyway.

PAR. 6. By and through the use of said statements and representations, respondent has represented, directly or by implication, that:

1. Let's Lift It will clear all blackheads, acne pimples and wrinkles from the skin of each individual who uses it;
2. Let's Lift It substantially lightens dark circles, shadows, and muddy spots on the skin of each individual who uses it;
3. Let's Lift It permanently refines and reduces enlarged pores in the skin of every individual who uses it;
4. Let's Lift It permanently tightens sagging skin under the eyes, and at the mouth and jawline on every individual who uses it;
5. Tests or experiments which prove the representations numbered 1 through 4 above have been conducted.

PAR. 7. In truth and in fact:

1. Let's Lift It will not clear all blackheads, acne pimples, and wrinkles from the skin of each individual who uses it;
2. Let's Lift It will not substantially lighten dark circles, shadows, and muddy spots on the skin of each individual who uses it;
3. Let's Lift It will not permanently refine and reduce enlarged pores in the skin of every individual who uses it;
4. Let's Lift It will not permanently tighten sagging skin under the eyes, and at the mouth and jawline on every individual who uses it;
5. Tests or experiments which prove the representations numbered 1 through 4 above have not been conducted.

PAR. 8. In the course and conduct of its business, and at all times mentioned herein, respondent has been in substantial competition in commerce with corporations, firms, and individuals in the sale of skin preparations.

PAR. 9. The use by respondent of the aforesaid false, misleading and deceptive statements and representations has had, and now has, the tendency and capacity to mislead members of the purchasing public into the erroneous and mistaken belief that said statements and representations were and are true, and into the purchase of substantial

quantities of respondent's skin preparation by reason of said erroneous and mistaken belief.

PAR. 10. The aforesaid acts and practices of the respondent, as herein alleged, were and are all to the prejudice and injury of the public and of respondent's competitors and constituted, and now constitute, unfair methods of competition in commerce, and unfair and deceptive acts and practices in commerce, in violation of the Federal Trade Commission Act.

#### DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondent named in the caption hereof, and the respondent having been furnished thereafter with a copy of a draft of complaint which the bureau proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondent with violations of the Federal Trade Commission Act; and

The respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of such agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in such complaint, and waivers and other provisions as required by the Commission's rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondent has violated the said Act, and that complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, now in further conformity with the procedure prescribed in Section 2.34 of its rules, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enter the following order:

1. Respondent Savoy Drug & Chemical Company is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Illinois, with its principal office and place of business at 427 W. Randolph St., Chicago, Ill.
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 respondent Savoy Drug & Chemical Company, a corporation, and its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of skin preparations or any other product in, or affecting, commerce as "commerce" is defined in the Federal Trade Commission Act, to forthwith cease and desist from:

A. Representing directly or by implication that any such product:

1. Treats or alleviates the conditions that produce blemishes or wrinkles, or produces skin that is free of acne, pimples, or blackheads, or will cause skin blemishes or wrinkles to be lifted away, removed, or eliminated;

2. Removes or eliminates dark circles, shadows, or muddy spots;

3. Refines or reduces large pores, or tightens sagging skin;

4. Has any therapeutic quality, characteristic, or capacity, or will have any result, or will perform in any given manner, or is effective for any purpose, unless each such quality, characteristic, capacity, result, manner of performance, or effectiveness has been fully substantiated.

B. Disseminating or causing the dissemination of any advertising by United States mails or by any means in, or having an effect upon commerce, as "commerce" is defined in the Federal Trade Commission Act, which misrepresents, directly or by implication:

1. The performance, efficacy, capacity, or usefulness, or any characteristic, property, quality, or the result of use of any such product;

2. The extent to which any such product has been tested, or the results of its use demonstrated.

C. Disseminating or causing the dissemination of any advertising by any means, for the purpose of inducing or which is likely to induce, directly or by implication, the purchase of any such product in, or having an effect upon, commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any of the representations, acts, or practices prohibited in Paragraphs A or B above.

*It is further ordered,* That respondent shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered,* That respondent notify the Commission at least thirty (30) days prior to any proposed change such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

## Complaint

86 F.T.C.

*It is further ordered, That respondent shall within sixty (60) days*  
*from the effective date of the order served upon it, file with the*