

Complaint

IN THE MATTER OF

THE J. B. WILLIAMS COMPANY, INC., ET AL.

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

Docket 8547. Complaint, Dec. 7, 1962—Decision, Sept. 28, 1965

Order requiring a New York City manufacturer of drug preparations and its advertising agency, to cease misrepresenting the effectiveness of its "Geritol" liquid and tablets by falsely representing in television commercials and newspaper advertising that all cases of tiredness, loss of strength, run-down feeling, nervousness and irritability indicate a deficiency of iron and that the common effective remedy for these symptoms is "Geritol"; and also to affirmatively state that in the great majority of cases of tiredness the symptoms are not caused by such iron or vitamin deficiency.

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 The J. B. Williams Company, Inc., a corporation, and Parkson Advertising Agency, Inc., a 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 The J. B. Williams Company, Inc., is a corporation, organized and existing under the laws of the State of New York, with its office and principal place of business located at 400 Park Avenue, in the city of New York, State of New York.

Respondent Parkson Advertising Agency, Inc., is a corporation, organized and existing under the laws of the State of New York, with its office and principal place of business located at 400 Park Avenue, in the city of New York, State of New York.

PAR. 2. Respondent The J. B. Williams Company, Inc., is now, and has been for some time last past, engaged in the sale and distribution of preparations containing ingredients which come within the classification of drugs as the term "drug" is defined in the Federal Trade Commission Act.

The designations used by respondent The J. B. Williams Company, Inc., for the said preparations, the formulae thereof and directions for use are as follows:

Complaint

68 F.T.C.

1. *Designation:* "Geritol Liquid"*Formula (Per Oz.):*

Thiamine (B ₁)	5 mg.
Riboflavin (B ₂)	5 mg.
Niacinamide	100 mg.
Panthenol	4 mg.
Pyridoxine (B ₆)	1 mg.
Vitamin B ₁₂	3 mcg.
Methionine	100 mg.
Choline Bitartrate	100 mg.
Iron (as in iron ammonium citrate)	100 mg.

Directions: As a high potency tonic (Iron, Thiamine, Riboflavin, Niacin deficiencies): 1 tablespoonful at each meal or as directed by physician. As a dietary supplement: 1 tablespoon daily at breakfast or any mealtime.

2. *Designation:* "Geritol Tablets"*Formula (One Tablet):*

Thiamine (B ₁)	5 mg.
Riboflavin (B ₂)	5 mg.
Vitamin C	75 mg.
Niacinamide	30 mg.
Calcium Pantothenate	2 mg.
Pyridoxine (B ₆)	0.5 mg.
Vitamin B ₁₂	3 mcg.
Inositol	20 mg.
Methionine	25 mg.
Choline Bitartrate	25 mg.
Iron	50 mg.
Debittered Brewer's Yeast	50 mg.

Directions: As a high potency tonic (Thiamine, Riboflavin, Niacin, Vitamin C or Iron deficiencies):
 Three (3) tablets daily — one at each mealtime or as directed by a physician.
 As a dietary supplement:
 One (1) tablet daily at breakfast or any meal of your choice.

PAR. 3. Respondent The J. B. Williams Company, Inc., causes the said preparations, when sold, to be transported from a place of business in the State of New Jersey to purchasers thereof located in various other States of the United States and in the District of Columbia. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act.

Respondent Parkson Advertising Agency, Inc., is now, and for some time last past has been, the advertising agency of The J. B. Williams Company, Inc., and now prepares and places, and for some time last past has prepared and placed, for publication adver-

tising material, including the advertising hereinafter referred to, to promote the sale of the said preparations. In the conduct of its business, at all times mentioned herein, respondent Parkson Advertising Agency, Inc., has been in substantial competition, in commerce, with other corporations, firms and individuals in the advertising business.

PAR. 4. In the course and conduct of their business, respondents have disseminated, and caused the dissemination of, certain advertisements concerning the preparations referred to in Paragraph Two, above, 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, advertisements inserted in newspapers and other advertising media, and by means of television broadcasts transmitted by television stations located in various States of the United States and in the District of Columbia, having sufficient power to carry such broadcasts across state lines, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of said preparations; and have disseminated, and caused the dissemination of, advertisements concerning said preparations 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 said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 5. Among and typical, but not all-inclusive thereof, of the statements and representations contained in said advertisements, including audio-visual representations in television broadcasts, disseminated as hereinabove set forth, are the following:

* * * if you *often* have that tired and run-down feeling * * * and if you take vitamins yet still feel wornout, remember * * * your trouble may be due to iron-poor blood. And vitamins *alone* can't build up iron-poor blood. But GERITOL can! (Television)

* * * Here's how to feel stronger fast * * * Especially after a fever, flu, or virus. Have you been feeling tired and rundown more often than usual? Your trouble may be due to iron-poor blood. And this is often especially true after a fever, the flu or virus. During such an illness you may be on a liquid diet or eat light foods. As a result you may continue to feel a lack of strength and energy after your illness, because the essential iron in your blood is reduced and your resistance is low. (Newspaper)

* * * GERITOL begins to strengthen iron-poor blood in twenty-four hours. Check with your doctor. And if you feel rundown because of iron-poor blood * * * especially after a fever, flu or virus * * * take GERITOL every day. You'll

Complaint

68 F.T.C.

feel stronger fast * * * in just seven days * * * or your money back from the GERITOL folks. (Television)

* * * * *

In only one day GERITOL-iron is in your bloodstream carrying strength and energy to every part of your body. (Television)

* * * * *

GERITOL * * * the high-potency, vitamin iron-rich tonic to help you FEEL STRONGER! (Television)

* * * * *

* * * have you been suffering from the flu, a cold or sore throat? (Television)

* * * * *

PROVED BY MEDICAL TESTS!

Patients diagnosed with iron-deficiency anemia frequently were pale, nervous, irritable and easily tired. After patients took GERITOL daily, doctors reported definite clinical improvement—further confirmed by laboratory tests. Remember, ordinary maintenance vitamins can't do it! But the high-potency combination of vitamins plus iron in GERITOL can help you regain your strength and energy. (Newspaper)

* * * * *

Vitamins alone can't build up iron-poor blood. But GERITOL can! Because GERITOL contains 7 important vitamins and, in addition, supplies the therapeutic amount of iron needed to build iron-rich red blood. Just 2 GERITOL tablets, or 2 tablespoons of GERITOL liquid, contain twice the iron in a pound of calves' liver! It is this rich source of iron, combined with high-potency vitamins, including essential B vitamins in 3 to 5 times the minimum daily requirements, that make GERITOL such an effective strength-building tonic. (Newspaper)

* * * * *

I know you'll feel stronger fast * * * in just 7 days * * * or your money back! (Television)

* * * * *

PAR. 6. Through the use of the statements in the aforesaid advertisements, and others similar thereto not specifically set out herein, respondents have represented, and are now representing, directly and by implication:

1. That the use of Geritol Liquid and Geritol Tablets will be of benefit, safe and effective in the treatment and relief of an established or existing deficiency of iron and iron deficiency anemia, and tiredness, loss of strength, run-down feeling, nervousness and irritability.

2. That Geritol Liquid and Geritol Tablets, and each of them, will increase the strength and energy of every part of the body within 24 hours.

3. That Geritol Liquid and Geritol Tablets, and each of them, will promote convalescence from a cold, flu, fever, virus infection, sore throat and other winter illnesses.

4. That the vitamins contained in both Geritol Liquid and Geritol Tablets contribute to the effectiveness of these preparations in the treatment or relief of an established or existing deficiency of iron or iron deficiency anemia.

5. That the purchase price of Geritol Liquid and Geritol Tablets will be refunded unconditionally if the purchaser is not satisfied with the product.

PAR. 7. In truth and in fact:

1. Neither Geritol Liquid nor Geritol Tablets will be of benefit in the treatment of tiredness, loss of strength, run-down feeling, nervousness or irritability except in a small minority of persons whose tiredness, loss of strength, run-down feeling, nervousness or irritability is due to an established or existing deficiency of one or more of the vitamins provided by these preparations or to an established or existing deficiency of iron or to iron deficiency anemia.

Furthermore, the statements and representations in said advertisements have the capacity and tendency to suggest, and do suggest, to persons viewing or hearing such advertisements that in cases of persons of both sexes and all ages who experience tiredness, loss of strength, run-down feeling, nervousness or irritability there is a reasonable probability that these symptoms in such cases will respond to treatment by the use of these preparations; and have the capacity and tendency to suggest, and do suggest, that in cases of persons of both sexes and all ages who have an established or existing deficiency of iron or who have iron deficiency anemia the preparations can be used safely and effectively in the treatment and relief of an established or existing deficiency of iron or of iron deficiency anemia and their symptoms. In the light of such statements and representations, said 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 or class thereof, who experience tiredness, loss of strength, run-down feeling, nervousness or irritability, these symptoms are not caused by an established or existing deficiency of one or more of the vitamins provided by Geritol Liquid or Geritol Tablets or by an established or existing deficiency of iron or iron deficiency anemia, and that in such persons the said preparations will be of no benefit; and they are additionally misleading in a material respect because they fail to reveal the material fact, when representing that the preparations will be effec-

Complaint

68 F.T.C.

tive in the treatment and relief of an established or existing deficiency of iron or of iron deficiency anemia, in adults, and when ascribing symptoms of tiredness, loss of strength, run-down feeling, nervousness or irritability, in adults, to an established or existing deficiency of iron or to iron deficiency anemia, that, in women of any age beyond the usual child-bearing age and in men of all ages, an established or existing deficiency of iron or iron deficiency anemia is almost invariably due to bleeding from some serious disease or disorder and in the absence of adequate treatment of the underlying cause of the bleeding the use of the preparations may mask the signs and symptoms and thereby permit the progression of such disease or disorder.

2. Neither Geritol Liquid nor Geritol Tablets will increase the strength or energy of any part of the body within 24 hours.

3. Neither Geritol Liquid nor Geritol Tablets will be of benefit in promoting convalescence from a cold, flu, fever, virus infection, sore throat or other winter illnesses.

4. The vitamins supplied in neither Geritol Liquid nor Geritol Tablets are of any benefit in the treatment or relief of an established or existing deficiency of iron or iron deficiency anemia.

5. The purchase price of Geritol Liquid or Geritol Tablets is not refunded unconditionally, but there are terms and conditions which must be complied with by a purchaser in order for him to secure a refund, which terms and conditions are not disclosed in the advertising.

The aforesaid advertisements set forth and referred to in Paragraph Five above were, and are, misleading in material respects and constitute "false advertisements," as that term is defined in the Federal Trade Commission Act.

PAR. 8. The dissemination by the 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.

Mr. Bruce J. Brennan and Mr. Daniel J. Manelli for the Commission.

Mr. H. Thomas Austern, Mrs. James H. McGlothlin, Mr. George Blow, and Mr. Gerry Levenberg, attorneys for respondents, *Covington & Burling*, Union Trust Building, Wash. 5, D.C.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

MAY 8, 1964

INDEX

	page
I. The Complaint	488
II. The Answer	489
III. Prehearing Conferences and Hearings	489
IV. Proposed Findings	489
V. The Respondents and The Products	490
VI. Issues as to the Content and Meaning of Respondents' Advertisements	491
VII. Statements in Respondents' Advertisements Alleged to be False	498
VIII. Terms Used in Complaint Defined	499
IX. Scientific Witnesses	499
X. Iron and The Human Body	500
A. Sources of iron	500
B. The amount and location of iron in the body	501
C. How iron is absorbed	502
D. Utilization and preservation of iron	503
E. How iron is lost	503
XI. Iron Deficiency Anemia and Iron Deficiency; Diagnosis; Symptoms	504
XII. The Charge that In Only a Small Minority of Persons Is Tiredness, Etc. Due to a Deficiency of One or More of the Vitamins in Geritol or a Deficiency of Iron	507
A. Symptoms due to causes other than vitamin and iron deficiency	508
B. In only a small minority of persons with symptoms of tiredness, etc. are those symptoms due to vitamin or iron deficiency	508
C. Conclusions	512
XIII. The Charge that the Advertisements Are Misleading Because They Fail To Reveal That the Great Majority of Persons of Any Age or Sex Who Suffer Tiredness, Etc. Are Not Suffering From a Deficiency of the Vitamins Provided in Geritol or From a Deficiency of Iron	513
XIV. The Charge that the Advertisements Are Additionally Mis- leading Because They Fail to Reveal that in Women of Any Age Beyond the Usual Child-Bearing Age, or in Men of All Ages, Iron Deficiency Is "Almost Invariably" Due to Bleeding from Some Serious Disease, and In the Absence of Adequate Treatment of the Underlying Causes of the Bleeding, the Use of Geritol May Mask the Signs and Symptoms of Such Disease and Thereby Permit Its Progress	514
A. In women of any age beyond the usual child-bearing age and men of all ages an iron deficiency is almost invariably due to bleeding	514

	Initial Decision	68 F.T.C.
B. In women of any age beyond the usual child-bearing age and in men of all ages the bleeding giving rise to iron deficiency anemia is almost invariably due to a serious disease or disorder		516
C. In the absence of adequate treatment of the underlying cause of bleeding, the use of the Geritol preparations may mask the signs and symptoms thereof and thereby permit the progression of such underlying cause		519
XV. The Charge that Neither Geritol Liquid nor Geritol Tablets Will Increase the Strength or Energy of Any Part of the Body Within 24 Hours		522
XVI. The Charge that Neither Geritol Liquid nor Geritol Tablets Will be of Benefit in Promoting Convalescence From a Cold, Flu, Fever, Virus Infection, Sore Throat or Other Winter Illnesses		523
XVII. The Charge that the vitamins Supplied in Neither Geritol Liquid nor Geritol Tablets Are of Any Benefit in the Treatment or Relief of an Established or Existing Deficiency of Iron or Iron Deficiency Anemia		525
XVIII. The Charge that the Unconditional Guarantee Is Not Observed ..		526
XIX. Conclusions		527
XX. Order		528
Appendix		
I. Scientific Witnesses		529
II. Glossary of Scientific Terms		534

SUPPORTING REFERENCES

"Tr." refers to the official transcript.

CX refers to Commission Exhibits.

RX refers to Respondents' Exhibits.

The references are placed at the end of each paragraph in the order in which the particular statements which they support are made in the paragraph.

I. The Complaint

1. On December 18, 1962, the Federal Trade Commission issued the complaint upon which this proceeding is based charging The J. B. Williams Company, Inc., a corporation, hereinafter referred to as Williams, and Parkson Advertising Agency, Inc., hereinafter referred to as Parkson, with the dissemination of false and misleading advertising of two drug preparations called Geritol Liquid and Geritol Tablets.

2. Respondent Williams is, and has been for a number of years, engaged in the interstate sale and distribution of the two drug preparations named above; and respondent Parkson is, and has been for some time, the advertising agency for Williams and is engaged in the preparation and dissemination of advertisements to promote the sale of Geritol Liquid and Geritol Tablets. Respond-

ents' advertisements are disseminated by the United States mails and through various means in commerce including newspaper advertising and television broadcasts.

3. The complaint sets forth brief portions of various advertisements of Geritol Liquid and Geritol Tablets which are alleged to be typical of the advertisements of those products. The alleged misrepresentations which are charged as having appeared in respondents' advertisements are alleged to have been disseminated in violation of Sections 5 and 12 of the Federal Trade Commission Act (complaint, answer).

II. The Answer

4. A joint answer to the complaint was submitted by the respondents on January 16, 1963. Respondents' answer makes certain admissions concerning the business of the respondents, but denies the dissemination of any false advertisements and denies any violation of the Federal Trade Commission Act.

III. Prehearing Conferences and Hearings

5. Prehearing conferences were held on February 20 and March 1, 1963, at which various agreements and statements were made interpreting or modifying the language used in the complaint which were thereafter incorporated in the hearing examiner's prehearing order.

6. Hearings in support of the case-in-chief were held in New York, New Orleans, Boston, Washington, and St. Louis during the period from March 12 through May 6, 1963. Counsel supporting the complaint called nine witnesses, seven of whom were medical doctors.

7. Hearings on behalf of the respondents were held in Washington, New York, New Orleans, Boston, Philadelphia, Baltimore, Atlanta, Portland, San Francisco, and Los Angeles during the period June 3 through October 29, 1963. Respondents called 43 witnesses, of whom 35 were presented as experts in the field of medicine or nutrition.

8. Hearings in rebuttal of respondents' defense were held in Washington, Cincinnati, and Boston during the period of December 3 through December 16, 1963. Counsel supporting the complaint presented four rebuttal witnesses, all of whom were medical doctors.

IV. Proposed Findings

9. Opposiing counsel submitted proposed findings as to the facts, proposed conclusions and a proposed order. In addition, they

submitted replies to the opposition's proposals. All proposals have been considered by the hearing examiner, and those not incorporated in this initial decision, either verbatim or in substance, are hereby rejected.

V. The Respondents and The Products

10. Williams is a New York corporation with its principal place of business at 711 Fifth Avenue, New York, New York.

11. Parkson is also a New York corporation with its principal place of business located at 400 Park Avenue, New York, New York.

12. Williams is now and has been for some time engaged in the sale and distribution of two preparations known as Geritol Liquid and Geritol Tablets. The formula of those preparations and the directions for their use, which appear on the labels affixed to the containers, are as follows:

1. *Designation:* "Geritol Liquid"

Formula (Per Oz.):

Thiamine (B ₁)	5 mg.
Riboflavin (B ₂)	5 mg.
Niacinamide	100 mg.
Panthenol	4 mg.
Pyridoxine (B ₆)	1 mg.
Vitamin B ₁₂	3 mcg.
Methionine	100 mg.
Choline Bitartrate	100 mg.
Iron (as in iron ammonium citrate)	100 mg.
Plus other Vitamin B Complex factors as found in yeast extract.	

Directions: As a high potency tonic (Iron, Thiamine, Riboflavin, Niacin deficiencies): 1 tablespoonful at each meal or as directed by physician. As a dietary supplement: 1 tablespoonful daily at breakfast or any mealtime.

2. *Designation:* "Geritol Tablets"

Formula (One Tablet):

Thiamine (B ₁)	5 mg.
Riboflavin (B ₂)	5 mg.
Vitamin C	75 mg.
Niacinamide	30 mg.
Calcium Pantothenate	2 mg.
Pyridoxine (B ₆)	0.5 mg.
Vitamin B ₁₂	3 mcg.
Inositol	20 mg.
Methionine	25 mg.
Choline Bitartrate	25 mg.
Iron as in Ferrous Sulfate	50 mg.
Debittered Brewer's Yeast	50 mg.

Directions: As a high potency tonic (Thiamine, Riboflavin, Niacin, Vitamin C or iron deficiencies): Three (3) tablets daily—one at each mealtime or as directed by a physician. As a dietary supplement: One (1) tablet daily at breakfast.

(CX 13, 14, 15; Respondents Answer, par. 2, Exhibits A and B)

13. Parkson is the advertising agency for Williams. The evidence shows that the advertising done on behalf of Williams is a substantial volume and the advertising for Geritol alone amounted in 1962 to approximately \$3,500,000. About 95% of Parkson's total business is for Williams; and in addition, it does some advertising for Liggett's Drug Company. All of the stock of Parkson is owned by the stockholders of Williams, but neither Parkson nor Williams is a subsidiary of the other. The record contains no further evidence concerning Parkson's competitive activities and we are therefore constrained to conclude that there is no substantial evidence that Parkson is in substantial competition in commerce with other corporations, firms, or individuals similarly engaged in the advertising business.

VI. Issues as to the Content and Meaning of Respondents' Advertisements

14. Since the complaint is predicated upon the allegations that certain of respondents' advertisements are misleading in a material respect, and since respondents have challenged the interpretation placed upon certain of those advertisements, the content and meaning of those advertisements are critical issues which we must resolve. In this connection respondents have also asserted and Mr. Edward Kletter, president of Parkson, has testified that certain of Williams advertisements of Geritol were not typical advertisements because they had been abandoned and that certain other television advertisements were not typical because they were 30-second length television advertisements and 30-second length commercial advertisements were no longer in use. The abandonment of advertisements is, of course, no defense to a charge that it is false. (*Henry Spencer Gift, Inc. v. F.T.C.*, 302 F. 2d 267 (1962)). Furthermore, since the abandoned advertisements are similar to and of the same general type as other of respondents' advertisements, we think that they may be properly called "Typical." We think further, however, that fairness to the respondents requires that the entire advertisement, as near as possible, as it was read, seen, or heard, be considered in order to determine what representations were actually made. Accordingly, we quote in full a number of respondents' advertisements as follow:

Initial Decision

68 F.T.C.

VIDEO

MS OF BERT PARKS. GERITOL
DESK UNIT NOT IN VIEW.

FILM CLIP #SF-3 :14
(WINTER SCENE)
(USE ONLY :10)

CUT BACK TO BERT PARKS.

DOLLY BACK TO REVEAL
UNIT.

PICKS UP BOTTLE OF GERITOL
TABLETS.

DOLLY IN TO LOSE UNIT

HOLDS UP BOTTLE OF GERI-
TOL LIQUID

DISSOLVE BOTT SUPER: CARD
#G-548R3 "7 VITAMINS +"
(PULL +)

UNDERCUT BOTT SUPER:
CARD #G-164R3
"TWICE THE IRON IN A
POUND OF CALVES' LIVER"

LOSE SUPER.

CUT TO CARD #G-574R
DISPLAY OF PRODUCT WITH
MESSAGE "FEEL STRONGER
FAST"

AUDIO

BERT PARKS: Well now, has the
weather been like this in your part
of the country? Snowy * * * blus-
tery * * * cold?

SOUND: WIND HOWLING:

As a result, have you been in bed
with a cold, flu, fever? After such an
illness, if you suffer from iron-poor
blood you may find that
recovery is slow. To get back your
normal strength fast, when this is
your problem, you should build up
iron-poor blood. Now, if you've been
taking vitamins and still feel tired—
remember, vitamins *alone* can't build
up iron-poor blood.

But GERITOL *can!* Because

just 2 GERITOL tablets * * *

or 2 tablespoons of GERITOL liquid
* * *

contain 7 vitamins * * * PLUS * * *

twice the iron in a pound of calves'
liver.

GERITOL begins to strengthen iron-
poor blood in twenty-four hours.
Check with your doctor. And if you
feel rundown because of iron-poor
blood * * * especially after a fever,
flu or virus * * * take GERITOL
every day.

You'll *feel stronger fast* * * * in
just seven days * * * or your money
back from the GERITOL folks.

481

Initial Decision

VIDEO

MS OF ART LINKLETTER IN
COMMERCIAL AREA.

HOLDS UP BOTTLE OF GERI-
TOL TABLETS AND

PICKS UP BOTTLE OF GERITOL
LIQUID. POINTS TO IT.

DISSOLVE BOTTOM SUPER:
CARD #G-548R3 "7 VITAMINS
+" (PULL +)

UNDERCUT BOTTOM SUPER:
CARD #G-164R3 "TWICE THE
IRON IN A POUND OF CALVES'
LIVER"

LOSE SUPER

TCU OF LINKLETTER. GES-
TURES WITH BOTTLES. CLOSE
AS POSSIBLE

BOTTOM SUPER: CARD #G-283
"FEEL STRONGER FAST"

UNDERCUT BOTTOM SUPER
#SP-201 "SAVE \$1.00 BUY ECON-
OMY SIZE"

VIDEO

ECU OF TED MACK BEHIND
DESK. NO UNIT IN VIEW

FILM CLIP OF WINTER SCENE

AUDIO

ART LINKLETTER: The other day
I heard a lady say, "I feel so tired
every night, a team of horses couldn't
drag me out!" If you feel too tired
ever to go out and have a little fun
* * * that worn-out feeling may be
due to iron-poor blood. And if you've
been taking vitamins, yet *still* feel
tired, remember *vitamins alone* can't
build up iron-poor blood. But GERI-
TOL can! Because * * *

just 2 GERITOL tablets * * *

or 2 tablespoons of GERITOL liquid
* * *

contain 7 vitamins * * * *plus*

twice the iron in a pound of calves'
liver.

In only one day GERITOL-iron is
in your bloodstream carrying *strength*
and *energy* to every part of your body.
Check with your doctor * * * and if
you've been feeling worn-out because
of iron-poor blood * * * and especially
after a cold, the flu or sore throat

* * * take GERITOL *every day*.

Feel stronger fast * * * in just 7 days
or your money back from the GERI-
TOL folks. And to save one dollar
* * * buy the economy size.

AUDIO

TED MACK: Well now, has the
weather been like this in your part
of the country?
Snowy, blustery, cold?

SOUND: WIND HOWLING

Initial Decision

68 F.T.C.

VIDEO

AUDIO

CUT BACK TO MACK	As a result, have you been suffering from the flu, a cold or sore throat?
DOLLY BACK TO REVEAL UNIT	Remember, the combination of a winter illness and iron-poor blood can drag you down. And I'd like to point out, if you've been taking vitamins and <i>still</i>
DOLLY IN TO LOSE UNIT	feel tired, remember * * * <i>vitamins alone</i> can't build-up iron-poor blood * * *
HOLD UP BOTTLE OF GERITOL TABLETS	But GERITOL <i>can!</i> Because just 2 GERITOL tablets * * *
PICKS UP BOTTLE OF GERITOL LIQUID IN RIGHT HAND. POINTS TO IT	or 2 tablespoons of GERITOL liquid * * *
DISSOLVE BOTTOM SUPER: CARD #8-548R3 "7 VITAMINS +" (PULL +)	contain 7 vitamins * * * <i>plus</i> * * *
UNDERCUT BOTTOM SUPER: CARD #G-164R3 "TWICE THE IRON IN A POUND OF CALVES' LIVER"	<i>twice</i> the iron in a pound of calves' liver.
LOSE SUPER	In only <i>one</i> day GERITOL-iron is in your bloodstream carrying <i>strength</i> and <i>energy</i> to <i>every</i> part of your body. Check with your doctor. And if you've been feeling wornout because of iron-poor blood * * *
CUT TO PRODUCT DISPLAY	take GERITOL <i>every</i> day.
BOTTOM PULL REVEALS #G-131 "FEEL STRONGER FAST"	You'll <i>feel stronger fast</i> * * * in just 7 days * * * or your money back from the GERITOL folks.

15. The issues as to the alleged content and meaning of the above advertisements may be stated in six questions, as follows:

1. Do respondents' advertisements represent directly and by implication that Geritol Liquid and Geritol Tablets will be of benefit, safe and effective in the treatment and relief of a deficiency of iron or iron deficiency anemia and tiredness, loss of strength, run-down feeling, nervousness and irritability?

2. Do respondent's advertisements have the capacity and tendency to suggest, and do they suggest, to persons of both sexes and

all ages who experience tiredness, loss of strength, run-down feeling, nervousness or irritability that there is a reasonable probability that those symptoms will respond to the taking of Geritol?

3. Do respondents' advertisements represent that Geritol will increase the strength and energy of every part of the body within 24 hours?

4. Do the respondents' advertisements represent that Geritol Liquid or Tablets will promote convalescence from a cold, flu, fever, virus infection, sore throat and other winter illnesses?

5. Do respondents' advertisements represent that the vitamins contained in Geritol contribute to the efficiency of those preparations in the treatment or relief of a deficiency of iron or iron deficiency anemia?

6. Do respondents' advertisements represent that the purchase price of Geritol will be refunded unconditionally if the purchaser is not satisfied with the product?

That the respondents' advertisements represent the Geritol products are safe and effective in the treatment of iron deficiency and iron deficiency anemia and the symptoms of tiredness, loss of strength, run-down feeling, nervousness or irritability which may accompany such deficiency is unquestioned. As to the other alleged meanings of respondents' advertisements, we do not find the same agreement.

16. A study of respondents' advertisements lead to the conclusion that they are addressed to all persons regardless of age or sex who may be suffering from tiredness, loss of strength, run-down feeling, nervousness, or irritability when such symptoms are due to a deficiency of the vitamins in Geritol or to a deficiency of iron. It is true as respondents point out that the various advertisements admonish the consumer who reads, listens, or views the advertisements to "check with your doctor" in order to determine whether the potential consumer is suffering from "iron poor blood," with the further admonition that if the consumer is suffering from such a deficiency to take Geritol.

17. Respondents' advertisements must be viewed not as a grammarian might parse a sentence, but with a view to the practical realities of life and the probable impression which such advertisements may be reasonably expected to convey to those seeing, reading, or hearing them. Respondents' counsel tells us that "Geritol's advertising is aimed primarily at women during the child-bearing years who have a deficiency of iron," but the advertisements do not so state.

