

Complaint

IN THE MATTER OF

DOLLAR VITAMIN PLAN, INC., ET AL.

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

Docket 8636. Complaint, Aug. 11, 1964—Decision, June 24, 1966

Order requiring a New York City marketer of "Vitasafe" vitamin capsules, to cease making false and exaggerated claims concerning the efficacy of their vitamin products.

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 Dollar Vitamin Plan, Inc., a corporation, and Vitasafe Corporation, a corporation, and Samuel Josefowitz, Gerald Glaeser, Adolf W. Goldschmidt, individually and as officers of said corporations, and Henry D. Cohen, Benjamin W. Lerner, Leon Potash and William H. Sylk, individually, and Maxwell Sackheim—Franklin Bruck, Inc., a corporation, and Robert Sackheim, individually and as an officer of said 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 Dollar Vitamin Plan, Inc., is a corporation organized and existing under the laws of the State of New York with its office and principal place of business at 23 West 61st Street, in the city of New York, State of New York.

Respondent Vitasafe Corporation is a corporation organized and existing under the laws of the State of New York with its office and principal place of business at 23 West 61st Street, in the city of New York, State of New York. It is a wholly owned subsidiary of Dollar Vitamin Plan, Inc.

Respondents Samuel Josefowitz, Gerald Glaeser, and Adolf W. Goldschmidt are officers of the corporate respondents Dollar Vitamin Plan, Inc., and Vitasafe Corporation and each participates in the formulation, direction and control of the acts and practices of said corporations including the acts and practices hereinafter

set forth. Their address is the same as that of said corporate respondents.

Respondents Henry D. Cohen, Leon Potash, Benjamin W. Lerner and William H. Sylk were formerly officers of Vitasafe Corporation during which time they actively participated in the formulation, direction and control of the policies of said corporation in connection with the acts and practices hereinafter set forth. The address of respondents Leon Potash and Henry D. Cohen is 19 West 61st Street in the city of New York, State of New York. The address of respondent Benjamin W. Lerner is 362 Brookway Road, in the city of Merion, State of Pennsylvania. The address of respondent Sylk is 400 Bryn Mawr Avenue, in the city of Bryn Mawr, State of Pennsylvania.

Respondent Maxwell Sackheim—Franklin Bruck, Inc., is a corporation organized and existing under the laws of the State of New York with its office and principal place of business at 545 Madison Avenue in the city of New York, State of New York.

Respondent Robert Sackheim is an officer of the corporate respondent, Maxwell Sackheim—Franklin Bruck, Inc., and formulates, directs and controls the acts and practices of said corporation, including the acts and practices hereinafter set forth. His address is the same as that of said corporate respondent.

PAR. 2. Respondents Dollar Vitamin Plan, Inc., Vitasafe Corporation, Samuel Josefowitz, Gerald Glaeser and Adolf W. Goldschmidt are now, and for some time last past have been, engaged in the advertising, promotion, 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 said respondents for said preparations, the formulae thereof and directions for use are as follows:

1. *Designation:* Vitasafe Capsules for Men.

Formula:

Vitamin A	12,500 USP Units
Vitamin B ₁	5 mg.
Vitamin B ₂	2.5 mg.
Vitamin B ₆	0.5 mg.
Vitamin B ₁₂	2 mcg.
Vitamin C	75 mg.
Vitamin D	1,000 USP Units
Vitamin E	2 I.U.
Choline Bitartrate	31.4 mg.
Inositol	15 mg.

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Rutin	10 mg.
Sodium Caseinate (18 Amino Acids)	100 mg.
Lemon Bioflavonoid Complex	5 mg.
Niacinamide	40 mg.
Calcium Pantothenate	4 mg.
Folic Acid	0.4 mg.
Calcium	75 mg.
Phosphorus	58 mg.
Iron	30 mg.
Copper	0.45 mg.
Manganese	0.5 mg.
Potassium	2 mg.
Zinc	0.5 mg.
Magnesium	3 mg.
Sulfur	22 mg.

Directions: One Capsule Daily.2. *Designation:* Vitasafe Capsules for Women.*Formula:*

Vitamin A	12,500 USP Units
Vitamin B ₁	5 mg.
Vitamin B ₂	2 mg.
Vitamin B ₆	0.5 mg.
Vitamin B ₁₂	3 mcg.
Vitamin C	100 mg.
Vitamin D	1,000 USP Units
Vitamin E	3 I.U.
Vitamin K	0.05 mg.
Choline Bitartrate	30 mg.
Inositol	10 mg.
d 1-Methionine	10 mg.
Glutamic Acid	50 mg.
Lemon Bioflavonoid Complex	5 mg.
Liver	5 mg.
Niacinamide	25 mg.
Calcium Pantothenate	4 mg.
Folic Acid	0.3 mg.
Calcium	50 mg.
Phosphorus	39 mg.
Iron	30 mg.
Cobalt	0.04 mg.
Copper	0.45 mg.
Manganese	0.5 mg.
Molybdenum	0.1 mg.
Iodine	0.1 mg.
Potassium	2 mg.
Zinc	0.5 mg.
Magnesium	3 mg.

Directions: One Capsule Daily.

PAR. 3. Respondents Dollar Vitamin Plan, Inc., Vitasafe Corporation, Samuel Josefowitz, Gerald Glaeser and Adolf W. Goldschmidt cause the said preparations, when sold, to be transported from their place of business in the State of New York to purchasers thereof located in various other States of the United States and in the District of Columbia. Said respondents maintain, and at all times mentioned herein have maintained, a course of trade in said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act. The volume of business in such commerce has been and is substantial. Respondents Henry D. Cohen, Benjamin W. Lerner, Leon Potash and William H. Sylk have engaged in the business described in Paragraphs Two and Three above and have participated in the acts and practices herein described.

Respondent Maxwell Sackheim.—Franklin Bruck, Inc., is now, and for some time last past has been the advertising agency of Vitasafe Corporation. Respondents Maxwell Sackheim—Franklin Bruck, Inc., and Robert Sackheim now prepare and place, and for some time last past have prepared and placed, for publication, advertising material, including the advertising hereinafter referred to, to promote the sale of said preparation. In the conduct of their business, at all times mentioned herein, said respondents have 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 businesses, respondents have disseminated, and caused the dissemination of, certain advertisements concerning said preparations, 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, magazines and other advertising media, and by means of circulars and brochures, 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 of the statements and representations contained in said advertisements disseminated as hereinaabove set forth are the following:

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Important Nutritional Discoveries . . . AT LAST! Here's the electrifying news you've hoped for! Here at last you are offered a new improved formula that is truly comprehensive . . .

* * * * *

Many of these folks even tried brand after brand of less comprehensive preparations without getting the benefits they hoped for! Then they discovered the new *improved* Vitasafe formula—one that really worked for them! For in every single high-potency capsule are 27 precious ingredients (29 under Women's plan).

* * * * *

THE MAGIC POWER OF VITAMINS, MINERALS AND LIPOTROPIC FACTORS TO RECHARGE YOUR BODY WITH YOUTHFUL ENERGY * * * THINK OF IT! If you are weak, tired and run down, just one high-potency Vitasafe Capsule a day can make a world of difference in the way you feel. How is it possible? Because every Vitasafe Capsule contains ALL the vitamins and minerals you may need to help you retain youthful pep and vigor plus new important factors: . . . Lemon Bioflavonoid Complex that helps build your resistance to colds and infection.

* * * * *

Are you giving your wife the companionship she craves? . . . Are you giving her what she most expected on the day that you married her? . . . Or are you always "too tired" at the end of a day's work? . . . If so, your condition may simply be due to an easily corrected vitamin and mineral deficiency in your diet.

* * * * *

OUR FIGHTS HAVE TURNED TO KISSES! * * * It's hard to believe that my wife and I used to fight. . . . To correct this condition, each of us started taking Vitasafe High-Potency Capsules—just one a day. It wasn't too long until we began to notice the difference. We had more pep, more energy—and our dispositions improved. Instead of fighting, we were back in each other's arms—just as we were on our honeymoon.

* * * * *

HE MADE ME FEEL LIKE A BRIDE AGAIN * * * Its hard for me to believe that a few weeks ago I actually thought about leaving my husband! He had become so nervous and irritable—so cross with the children and me that there was just no living with him. He was always "too tired" to do anything . . . Just when things looked blackest, we learned about the famous Vitasafe Plan through an ad in our newspaper . . . naturally, we sent for a trial month's supply. What a difference it has made! Vitasafe High-Potency Capsules have helped snap back Jim's youthful vigor and vim. I'm so happy, I feel *like a bride* again!

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ADVICE TO TIRED MEN * * * If you suffer from a lack of pep, energy and vitality due to a nutritional deficiency, you may be helped by the special High-Potency Vitasafe Formula for men. Simply check the Men's Formula box in the coupon for your trial supply.

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Psst . . . didn't you know—SHE'S HIS WIFE, NOT HIS MOTHER!
 * * * Imagine how embarrassed I was when I realized that they were talking about Jane. There she sat, looking all worn out . . . not having any fun. Those tired sagging lines in her face made her look years older, and she seemed nervous and irritable . . . to look at her now, you'd never guess she was one of the younger women in the room . . . Jane had nothing to lose, and at my suggestion, she sent in the coupon. Well, I wish you could have seen her at the party last night! Jane was a changed woman . . . dynamic and energetic and looking years younger.

* * * * *

For men and women approaching, or in the middle years, an adequate supply of vitamins in their diets is vital. Not only for energy and vibrant good health, but also to ward off the aches, pains and ailments common through the middle years, many of them "triggered" by prolonged and often *hidden* malnutrition. For the middle aged are particularly prone to malnutrition for many reasons. . . . If you are over 35, do not fail to take your daily supply of vitamins and minerals.

* * * * *

LADIES, AT LAST! A COMPREHENSIVE FORMULA PREPARED TO MEET THE SPECIAL NEEDS AND PROBLEMS OF WOMEN!
 * * * Thousands of women who once felt tired, run-down and irritable—victims of nerve-wracking headaches, frequent colds, moods of melancholia and depression—women who suffered the torment of periodic upsets and women who approached the transitional period of the menopause with neurotic fears and anxieties . . . who dreaded the advance of premature old age . . . *all these women are now bursting with new radiant health and vitality*—enjoying new-found serenity and happiness because of the exclusive new formula now contained in Vitasafe Capsules for Women.

* * * * *

Two new improved Vitasafe formulas—Formula for Men—Formula for Women—Now Include *BRAIN FOOD* and *ANTI-COLD* Factors! IN JUST 30 DAYS YOU TOO MAY EXPERIENCE NEW *MENTAL AND PHYSICAL VIGOR AND VITALITY*—thanks to a remarkable new nutritional formula! . . . Like you, perhaps, these men and women always felt tired, run-down and listless . . . plagued with headaches, insomnia and depression. They often found it difficult to cope with their jobs and daily problems without suffering from nervous tension and anxiety. They became forgetful—unable to concentrate without feeling mental strain . . . If you, too, suffer any of the distressing symptoms due to faulty nutrition, you can now look forward to a radiant new outlook on life . . .

* * * * *

Now included in the effective Vitasafe formula is an uncommon 100% pure *natural* nutrient concentrate—*L-Glutamic Acid*—the only one actually known to science which may nourish the human brain cells! Men and women who took this vital substance under careful medical supervision, actually demonstrated keener intelligence and increased mental alertness . . . In addition,

each Vitasafe Capsule now contains wonder 'working *Lemon Bioflavonoid Complex*, recommended by doctors to build resistance against colds and infection.

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

1. Vitasafe Capsules are a new medical and scientific discovery and achievement;
2. Vitasafe Capsules for Men are uniquely and distinctively suited to the needs of men;
3. Vitasafe Capsules for Women are uniquely and distinctively suited to the needs of women;
4. Vitasafe Capsules will be of value in the prevention of colds and other infections;
5. Vitasafe Capsules for Women will be of value to women in the treatment, relief and prevention of melancholia, discomfort due to menstruation and fears and anxieties arising from the onset and contemplation of menopause and old age;
6. Persons over 35 years of age have a particular need for Vitasafe Capsules;
7. Vitasafe Capsules increase and stimulate sexual vitality and activity;
8. The use of Vitasafe Capsules and each ingredient therein will be of benefit in the treatment and relief of tiredness, weakness, nervousness, irritability, depression, headaches, insomnia, anxiety, lack of strength, energy, vitality and initiative, loss of happiness, loss of a sense of well being, and appearing and feeling older than one should;
9. The use of Vitasafe Capsules will increase a person's intelligence, mental alertness, ability to concentrate, and power to remember.

PAR. 7. In truth and in fact:

1. Vitasafe Capsules are not a new medical or scientific discovery or achievement;
2. Vitasafe Capsules for Men are not uniquely or distinctively suited to the needs of men;
3. Vitasafe Capsules for Women are not uniquely or distinctively suited to the needs of women;
4. Vitasafe Capsules will not be of value in the prevention of colds or other infections;

