

- (a) copied and appropriated the context, subject matter, statements, impressions, language, punctuation, typographical arrangement, and general appearance of the advertising matter of competitors; and
- (b) published advertising matter containing false and misleading statements calculated and designed to confuse and mislead the trade and the public and to cause the belief that the maps so offered were those of competitors:

Held, That such appropriation of advertising matter and such false and misleading statements, under the circumstances set forth, constituted unfair methods of competition in violation of section 5 of the act of September 26, 1914.

COMPLAINT

The Federal Trade Commission having reason to believe from a preliminary investigation made by it that the Geographical Publishing Co. of Chicago, hereinafter referred to as the respondent, has been and is using unfair methods of competition in interstate commerce in violation of the provisions of section 5 of the act of Congress, approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," and it appearing that a proceeding by it in respect thereof would be to the interest of the public, issues this complaint, stating its charges in that respect, on information and belief as follows:

PARAGRAPH 1. That the respondent, Geographical Publishing Co. of Chicago, is a corporation organized and doing business under and by virtue of the laws of the State of Illinois, having its principal office in the city of Chicago, of said State, and is now and for more than two years last past has been engaged in the publication of maps and in the sale and distribution of the same throughout the various States and Territories of the United States and the District of Columbia, in direct competition with other persons, firms, copartnerships, and corporations similarly engaged.

PAR. 2. That in the conduct of its business respondent for more than six months last past has been and now is selling, moving, and distributing its maps, so published by it, from the State of Illinois to and among the various States and Territories of the United States and the District of Columbia, and there is continuously and has been at all times hereinafter mentioned a constant current of trade and commerce in such maps between and among the various States and Territories of the United States and District of Columbia.

PAR. 3. That a certain competitor of respondent in the conduct of its business and as a means of furthering the same originated and composed, and for more than six months last past has been and is now publishing and circulating certain advertising matter relating to a war map, designated and labeled by it "Liberty Map," which for more than six months last past said competitor has been and is now selling

in interstate commerce; that the respondent, in the conduct of its business for more than six months last past has published and sold and continues to publish and sell a similar war map designated and labeled "Liberty War Map," in direct competition with said competitor; that respondent as a means of furthering the sale of its maps, and instead of originating, composing, publishing, and circulating advertising matter of its own, for more than six months last past has been and now is publishing, circulating, and causing the publication and circulation of advertising matter composed by respondent by extensively copying and appropriating the context, subject matter, statements, expressions, language, punctuation, typographical arrangement, and general appearance of the advertising matter of said competitor; that many of said statements are false as applied to respondent's maps and to the steps leading to the preparation of the same; that all of the aforesaid acts of respondent have been and are well calculated to cause confusion and to mislead and deceive the public and prospective purchasers of maps into believing that respondent's maps are the same as, or identical with, those of said competitor, and thus to enable respondent to appropriate and obtain the benefit of the selling arguments and other advertising values created by expenditures and resources of said competitor and to obtain much patronage which except for respondent's said acts would go to said competitor; and that all of said acts of respondent have been and are well calculated to have other and similar effects and results.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER.

The Federal Trade Commission having issued and served its complaint herein, wherein it is alleged that it had reason to believe that the above-named respondent, The Geographical Publishing Co. (erroneously named and styled "Geographical Publishing Co., of Chicago"), has been, and now is, using unfair methods of competition in interstate commerce in violation of the provisions of section 5 of the act of Congress approved September 26, 1914, entitled, "An act to create a Federal Trade Commission, to define its

powers and duties, and for other purposes," and that a proceeding by it in that respect would be to the interest of the public, and fully stating its charges in this respect, and the respondent having appeared by John Thomas, its president, duly authorized and empowered to act in the premises, and filed its answer admitting that the matters and things alleged in said complaint are true in the manner and form as therein set forth and agreeing and consenting that the Commission shall forthwith proceed to make and enter its report stating its findings as to the facts and its conclusions of law, and its order disposing of this proceeding without the introduction of testimony in support of the same, and waiving any and all right to the introduction of such testimony, the Commission now makes this report and findings as to the facts and conclusions.

FINDINGS AS TO THE FACTS.

PARAGRAPH 1. That the respondent, The Geographical Publishing Co., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Illinois, having its home office located at the city of Chicago, in the said State of Illinois, now and for more than one year last past engaged in the business of manufacturing and selling maps generally in commerce throughout the States and Territories of the United States in direct competition with other persons, firms, copartnerships and corporations similarly engaged.

PAR. 2. That within the year last past, respondent has manufactured and published a war map designated and labeled "Liberty War Map," and in the sale of the same in commerce as aforesaid has published and caused to be published and circulated throughout the various States of the United States, certain advertising matter composed by the respondent by copying and appropriating the context, subject matter, statements, impressions, language, punctuation, typographical arrangement, and general appearance of the advertising matter of a competitor or competitors of said respondent.

PAR. 3. That within the year last past, the respondent in the sale of its maps aforesaid has published and

caused to be published and circulated throughout the various States of the United States, certain advertising matter containing false and misleading statements calculated and designed to confuse and mislead and deceive the trade and general public and to cause them to believe that the maps so offered for sale by the respondent were one and the same and identical with those offered for sale by a competitor or competitors of said respondent.

CONCLUSIONS.

That the methods of competition set forth in the foregoing findings as to the facts in paragraphs 2 and 3, and each and all of them, are under the circumstances herein set forth unfair methods of competition in interstate commerce in violation of the provisions of section 5 of an act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes."

ORDER TO CEASE AND DESIST.

The Federal Trade Commission having issued and served its complaint herein, and the respondent having entered its appearance and filed its answer by John Thomas, president, duly authorized and empowered to act in the premises, admitting that the matters and things alleged and contained in the said complaint are true in the manner and form herein set forth, and agreeing and consenting that the Commission shall forthwith proceed to make and enter its report stating its findings as to the facts and conclusions of law, and its order disposing of this proceeding without the introduction of testimony in support of the same, and waiving any and all right to introduction of such testimony, and the Commission having made and filed its report containing its findings as to the facts and its conclusion that the respondent is violating section 5 of an act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," which said report is hereby referred to and made a part hereof: Now, therefore,

It is ordered, That the respondent, The Geographical Publishing Co., of Chicago, State of Illinois, and its officers, directors, agents, servants, and employees, cease and desist from directly or indirectly:

1. Publishing or causing to be published and circulated in commerce, advertising matter in the composition of which the context, subject matter, statements, impression, language, typographical arrangement and general appearance of the advertising matter of any competitor or competitors of the respondent has been copied and appropriated by the respondent.

2. Publishing and causing to be published and circulated in commerce any advertising matter which by the words, phrases and designs therein contained, cause or have a tendency to cause the trade or general public to believe that respondent's product is the same as that of any of its competitors.