

FEDERAL TRADE COMMISSION v. CONSOLIDATED OIL CO., NATHAN WEISENBERG AND A. BERNSTEIN, COPARTNERS, DOING BUSINESS UNDER THE FIRM NAMES AND STYLES OF STANDARD LINSEED CO., MANCHURIAN LINSEED CO., STANDARD PAINT & LEAD WORKS, SOUTHERN STATES TURPENTINE CO., AND EASTLAND LINSEED CO.

COMPLAINT IN THE MATTER OF THE ALLEGED VIOLATION OF SECTION 5 OF AN ACT OF CONGRESS APPROVED SEPTEMBER 26, 1914.

Docket No. 193.—November 12, 1918. Order modified December 19, 1919.

SYLLABUS.

Where a manufacturer of and dealer in paints, oils, turpentine, and kindred products—

- (a) Used cuts, prints, pictures, and other representations on its letterhead which falsely represented its office, factory, plant, place of business, and equipment;
- (b) Sold and offered for sale by advertisements and otherwise, oils, turpentine, and kindred products which had been adulterated, mixed, or compounded with low-grade mineral oil and other ingredients as and for pure products and without affirmatively indicating that the same were adulterated, compounded, or mixed;
- (c) Advertised and offered for sale to the trade and to the general public "Japanese Oil" and "Second-run Turpentine," which products had been compounded, mixed, and adulterated with baser mineral oils and other ingredients, without affirmatively indicating that the same were adulterated, compounded, or mixed;
- (d) Sold and offered for sale to the trade and general public a product called "Manchurian Linseed Oil Compound," which was not imported: and

Where an individual engaged in the manufacture and sale of oils, paints, turpentine, and kindred products—

- (a) Published and circulated the false statement that the Ohio food and drug commission had ruled that linseed oil (and other products) not used for food or medicinal purposes, must be labeled "adulterated";
- (b) Used cuts, prints, pictures, and other representations on his letterhead which falsely represented his office, factory, plant, or place of business;
- (c) Sold or offered for sale linseed oil and kindred products which had been adulterated, mixed, or compounded with low-grade

mineral oil and chemicals or other ingredients without affirmatively indicating that the same were adulterated, compounded, or mixed,

Held, That such acts constituted unfair methods of competition in violation of section 5 of the act of September 26, 1914.

COMPLAINT.

That the Federal Trade Commission, having reason to believe from a preliminary investigation made by it that the Consolidated Oil Co. and Nathan Weisenberg and A. Bernstein, copartners, doing business under the firm names and styles of Standard Linseed Co., Manchurian Linseed Co., Standard Paint & Lead Works, Southern States Turpentine Co., and Eastland Linseed Co., hereinafter referred to as the respondents, have been and are using 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," 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 this respect on information and belief as follows:

PARAGRAPH 1. That the respondent, Consolidated Oil Co., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Ohio, having its principal office and place of business located at the city of Cleveland, in said State; that Nathan Weisenberg and A. Bernstein own and control a majority of the capital stock and are the dominant and controlling factors in the aforesaid corporation; that Nathan Weisenberg and A. Bernstein are copartners, doing business under the firm names and styles of Standard Linseed Co., Manchurian Linseed Co., Standard Paint & Lead Works, Southern States Turpentine Co., and Eastland Linseed Co., having their principal offices and places of business in the city of Cleveland, State of Ohio, and own and control a majority of the capital stock and are the dominant and controlling factors in the aforesaid copartnerships; that all of the said respondents are now and at all times hereinafter mentioned have been engaged in the business of manufacturing and selling paints, oils, turpentine, and

kindred products in direct competition with other persons, firms, copartnerships, and corporations similarly engaged.

PAR. 2. That in the conduct of their business the respondents purchase the component ingredients used in the manufacture of said paints, oils, turpentine, and kindred products in various States and Territories of the United States and transport the same through other States and Territories in and to the city of Cleveland, State of Ohio, where they are made and manufactured into the finished product, and sold and shipped to purchasers thereof; that after such products are so manufactured, they are continuously moved to, from, and among other States of the United States, the Territories thereof, and the District of Columbia; and there is continually and has been at all times herein mentioned a constant current of trade and commerce in said products between and among the various States and Territories of the United States, the District of Columbia, and foreign countries, and more particularly from other States and Territories of the United States and the District of Columbia to and through the city of Cleveland, State of Ohio, and from there to and through other States of the United States, Territories thereof, the District of Columbia, and foreign countries.

PAR. 3. That the respondent within the two years last past, with the intent, purpose, and effect of stifling and suppressing competition in the manufacture and sale of paints, oils, turpentine, and kindred products in interstate commerce, have sold and are now selling and offering for sale certain of their products which had been adulterated with a low-grade mineral oil and other ingredients by representing, holding out, and stating that the same was composed of "second-run" turpentine and Manchurian and Japanese oils prepared and made from oriental seeds and gums; that such representations and statements are false and misleading and calculated and designed to and do deceive the trade and the general public into believing respondent's products to be pure and unadulterated.

PAR. 4. That, with the intent, purpose, and effect of stifling and suppressing competition in the manufacture and sale of paints, oils, turpentine, and kindred products in

interstate commerce, within the two years last past, respondents have stated and are now stating and representing by circular letters issued and published to the trade and general public that by virtue of a ruling of the Ohio food and drug commission the linseed oil and spirits of turpentine of respondents must be labeled adulterated, when in fact and truth no such ruling had or has been made; that such statements and representations are false and misleading and are calculated and designed to, and do, deceive the trade and general public into believing the said oil and turpentine of respondents are pure and unadulterated.

PAR. 5. That, with the intent, purpose, and effect of stifling and suppressing competition in the manufacture and sale of paints, oils, turpentine, and kindred products in interstate commerce within the two years last past, respondents have used and are now using a cut upon their letterheads of several buildings, on one of which is marked "Laboratory" and another "Cooperage," with the intent and purpose of deceiving and misleading the trade, and general public into believing that the said cut represents the manufacturing plants as shown to be the plant of respondents, when in fact and truth respondents have no buildings marked "Laboratory" or "Cooperage" and do not own or operate the large plants as is represented and indicated by the said cut, that such representations so made by respondents on said letterheads are misleading and calculated and designed to and do deceive the trade and general public.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER.

The Federal Trade Commission, having reason to believe that the above-named respondents, Consolidated Oil Co., Nathan Weisenberg and Aaron Bernstein, have been and now are using 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," and that a proceeding by it in that respect would be to the interest of the public, and fully stating its charges in that respect;

and the respondents, The Consolidated Oil Co. (erroneously named in the complaint Consolidated Oil Co.), Nathan Weisenberg and Aaron Bernstein, having entered their appearance by David Perris, Esq., their attorney, duly authorized and empowered to act in the premises, and having filed their answer admitting that certain of the matters and things alleged in said complaint are true in the manner and form therein set forth, and denying others therein contained, and thereafter having made and executed an agreed statement of facts, which has been heretofore filed, in which it is stipulated and agreed by the respondents that the Federal Trade Commission shall take such agreed statement of facts as evidence in this case, and in lieu of testimony and shall forthwith thereupon make and enter its report, stating its findings as to the facts and its conclusions, and its order disposing of this proceeding, without the introduction of testimony or the presentation of argument; therefore, the Federal Trade Commission now makes and enters this its report, stating its findings as to the facts and its conclusions, as to the respondents, The Consolidated Oil Co., Nathan Weisenberg, and Aaron Bernstein:

FINDINGS AS TO THE FACTS.

(1) That the respondent, The Consolidated Oil Co., is now and for more than two years last past has been, a corporation organized, existing, and doing business under and by virtue of the laws of the State of Ohio, having its principal factory, office, and place of business located at the corner of Willey Avenue and Big Four Railroad, in the city of Cleveland, in said State, at all times hereinafter mentioned engaged in the business of manufacturing and selling paints, oils, turpentine, and kindred products in interstate commerce throughout the various States of the United States, the Territories thereof, the District of Columbia, and foreign countries, in direct competition with other persons, firms, copartnerships, or corporations similarly engaged.

(2) That the respondent named as A. Bernstein in the complaint herein is Aaron Bernstein, and he and the respondent Nathan Weisenberg are and were at all times

herein mentioned residents of the county of Cuyahoga, State of Ohio, and are officers of and own and control a majority of the capital stock, and are the dominating and controlling factors of the respondent, The Consolidated Oil Co.

(3) That prior to the month of April, 1911, the respondents Nathan Weisenberg and Aaron Bernstein were co-partners doing business under the firm names and styles of Standard Linseed Co., Manchurian Linseed Oil Co., and Southern States Turpentine Co.; that in said month of April, 1911, the said respondents, Weisenberg and Bernstein, organized the respondent corporation, The Consolidated Oil Co., under the laws of the State of Ohio as aforesaid, and sold, transferred, and assigned to said corporation all of their right, title, and interest in and to said trade names.

(4) That for more than one year last past the respondent The Consolidated Oil Co., has carried on and conducted the paint and lead department of its business under the trade name and style of Standard Paint and Lead Works.

(5) That during the year prior to the filing of the complaint herein the respondents used, in the conduct of their business, a certain cut or picture upon their letterheads, representing several buildings, on one of which was marked "Laboratory" and on another "Cooperage," and that respondents during the time in which they used, circulated, and published such pictures and representations had no buildings marked "Laboratory" or "Cooperage" and did not own, lease, occupy, or operate the large plants represented and indicated by said cut or picture, and that such representations or such letterheads were calculated and designed to and did deceive the trade and general public.

(6) That for more than one year prior to the filing of the complaint herein the respondents have sold and offered for sale, oils, turpentine, and kindred products in interstate commerce, which had been adulterated, mixed, or compounded with low-grade mineral oil and other ingredients without notifying or informing or indicating to the customers and purchasers thereof that the same were adulterated, compounded, or mixed as aforesaid.

(7) That for more than one year prior to the filing of the complaint herein the respondents in the conduct of their business published, circulated, and caused to be published and circulated throughout the various States of the United States, the Territories thereof, the District of Columbia, and foreign countries, certain advertisements and other printed matter wherein it was stated, set forth, and held out to the trade and general public that the respondents were offering to sell linseed oil and turpentine; that the linseed oil and turpentine so advertised and offered for sale were not pure linseed oil and pure turpentine, but the same had been adulterated, mixed, or compounded with baser mineral oil and other ingredients.

(8) That for more than one year prior to the filing of the complaint herein, the respondents in the conduct of their business, published, circulated, and caused to be published and circulated throughout the various States of the United States, the Territories thereof, the District of Columbia, and foreign countries, certain advertisements and other printed matter, wherein it was stated, set forth, and held out to the trade and general public, that the respondents were offering to sell Japanese oil and second-run turpentine; that said Japanese oil and said second-run turpentine so advertised and offered for sale were not pure Japanese oil and pure turpentine, but had been compounded, mixed and adulterated with baser mineral oils and other ingredients.

(9) That for more than one year prior to the filing of the complaint herein, the respondents sold and offered for sale to the trade and general public, a product which they named and called "Manchurian Linseed Oil Compound"; that said product was compounded and mixed at the factory and place of business of the respondents, and was not imported from any foreign country.

(10) That for more than one year last past the respondents, in the conduct of their business, have sold as and for linseed oil and turpentine, compounds or mixtures of the same containing baser mineral oil and other ingredients.

(11) That the respondents in the conduct of their business, have never stated, represented, or held out by circular letters issued and published to the trade and general

public, that, by virtue of a ruling of the Ohio food and drug commission, the linseed oil and spirits of turpentine of respondents must be labeled adulterated.

(12) That the respondents are not carrying on and have never carried on and conducted their business under the trade name and style of Eastland Linseed Co., and have no business connection or relation whatsoever to one David Bernsteen, doing business under such trade name and style, who has heretofore filed his separate answer to the complaint herein.

(13) That the effect of the acts and practices in the manner and form above mentioned and set forth may be to hinder, harass, and embarrass competitors of the respondents in the conduct of their business.

(14) That the corporate and legal name of respondent, Consolidated Oil Co., is "The Consolidated Oil Co.," and that at all times herein mentioned where said respondent is named and mentioned as "Consolidated Oil Co." it is stipulated and agreed that such company was and is "The Consolidated Oil Co."

CONCLUSIONS.

That the methods of competition set forth in the foregoing findings as to the facts, in paragraphs 5, 6, 7, 8, 9, 10, and 13, and each and all of them are, under the circumstances therein 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 respondents, The Consolidated Oil Co., Nathan Weisenberg, and Aaron Bernstein, having entered their appearance by David Perris, Esq., their attorney, duly authorized and empowered to act in the premises, and having filed their answer, and, thereafter, having made, executed, and filed an agreed statement of facts, in which they stipulated and agreed that the Federal Trade Commission should take such agreed statement of facts as

the evidence in this case and in lieu of testimony, and proceed forthwith upon the same to make and enter its report, stating its findings as to the facts and its conclusions, and its order, without the introduction of testimony, and waiving therein any and all right to require the introduction of testimony or the presentation of argument in support of same, and the Federal Trade Commission having made and entered its report stating its findings as to the facts and its conclusions, that the respondents, The Consolidated Oil Co., Nathan Weisenberg, and Aaron Bernstein, have violated 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 respondents, The Consolidated Oil Co., its officers, agents, representatives, servants, and employees, and the respondents, Nathan Weisenberg and Aaron Bernstein, their agents, representatives, servants, and employees, cease and desist from directly or indirectly:

(1) Using cuts, prints, pictures, or other representations on their letterheads, or in their advertisements or other printed matter circulated and published by them, which falsely represent their office, or factory, or plant, or equipment, or place of business.

(2) Using the trade names, Standard Linseed Co., Manchurian Linseed Oil Co., Standard Paint and Lead Works, Southern States Turpentine Co., or any other similar trade name or style of doing business in any form, shape, or manner whatsoever, that will confuse or deceive the trade and general public as to the identity of the person or persons doing business under such trade name.

(3) Selling or offering for sale oils, turpentine, and kindred products which have been adulterated, mixed, or compounded with low-grade mineral oil and chemicals or other ingredients without notifying or informing or indicating to the purchasers thereof that the same are adulterated, compounded, or mixed as aforesaid.

(4) From selling or offering for sale any compound or mixture of oils or turpentine with cheaper oils, chemicals,

or other ingredients, as and for pure linseed oil or pure turpentine.

(5) From publishing, circulating, or causing to be published or circulated throughout the various States of the United States, the Territories thereof, the District of Columbia, or foreign countries advertisements, circular letters or any other printed matter whatsoever, wherein it is stated, set forth, or held out to the trade and general public that the respondents are offering to sell linseed oil or turpentine, when the product so offered or advertised has been adulterated, mixed, or compounded with baser mineral oil, chemicals, or other ingredients unless it is clearly, definitely, and distinctly stated or indicated or shown to the purchasers or prospective purchasers thereof that the same are such.

(6) From selling or offering for sale in any manner whatsoever, paints, oils, turpentine, or kindred products which have been adulterated, or which contain adulterated ingredients, as and for pure products.

(7) Selling or offering for sale in any manner whatsoever, linseed oil or turpentine or kindred products which have been mixed or compounded with cheaper oils, chemicals, or other ingredients by the respondents at their place of business in the city of Cleveland, or in any other place within the United States, under the trade names of "Japanese Oil" or "Manchurian Linseed Oil" or any other similar or like trade name, unless it be clearly, definitely, and distinctly shown and indicated to the purchasers or prospective purchasers thereof, that the same are not imported from any foreign country, but are manufactured, made, mixed, or compounded within the United States.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER AGAINST DAVID BERNSTEIN.

The Federal Trade Commission, having issued and filed its complaint herein, wherein it is alleged that it had reason to believe that the above-named respondents, Consolidated Oil Co., Nathan Weisenberg and A. Bernstein, copartners, doing business under the firm names and styles of Standard Linseed Co., Manchurian Linseed Co., Standard Paint &

Lead Works, Southern States Turpentine Co., Eastland Linseed Co., have been and are using 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," 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 David Bernsteen, having entered his appearance by Emanuel F. Wohlwert, his attorney, duly authorized to act in the premises, and having filed his answer saying that he is the respondent named herein as Eastland Linseed Co., and is doing business under such trade name and style and admitting that certain of the matters and things alleged in the said complaint are true in the manner and form therein set forth and denying others therein contained, and thereafter having entered into an agreed statement of facts wherein it is stipulated and agreed by and between the respondent and the Commission that such statement of facts so made and heretofore filed with the Commission, are the facts in this case, and are to be taken by the Commission in lieu of testimony, and that the Commission shall forthwith proceed upon said agreed statement of facts to make and enter its report stating its findings as to the facts and conclusions and its order without the introduction of testimony, and waiving any and all right to the taking of such testimony and argument in support of the same, the Commission upon said agreed statement of facts now makes and enters this its report stating its findings as to the facts and its conclusions, as to the respondent, David Bernsteen, doing business under the trade name and style of Eastland Linseed Co.

FINDINGS AS TO THE FACTS.

(1) That the respondent, David Bernsteen, is a resident of the State of Ohio, with his office, factory, and place of business located at the city of Cleveland, in said State, and is now, and for more than one year last past has been, engaged in the business of manufacturing and selling paints, oils, turpentine, and kindred products in interstate commerce in direct

competition with other persons, firms, copartnerships, and corporations similarly engaged.

(2) That respondent, for more than one year last past, has sold and offered for sale to the trade and the public generally a mixture of pure linseed oil and mineral oil and acids, known as dryers, under the trade names of Calcutta Linseed Oil Compound and Argentine Linseed Oil Compound.

(3) That within the two years last past the respondent in letters circulated generally among the trade throughout the country has held out and stated that—

On account of recent ruling of the Ohio food and drug commission, all linseed oil, spirits of turpentine, Soya bean oil, corn oil, etc., that is not used for food and medical purposes must be labeled adulterated, and that said Ohio food and drug commission has never made such ruling.

(4) That within the two years last past in the conduct of his business, respondent has used a certain letterhead for his correspondence on which there was pictured a boat which bore the name "Eastland," moored to a wharf behind which stood a large factory or elevator.

(5) That the office and place of business of the respondent is located at No. 5716 Euclid Avenue, in the city of Cleveland, State of Ohio, and that he has a warehouse at No. 625 Champlain Avenue, in said city, and that respondent is not now, nor has been in the last two years, owner of any large factory or elevator located by the side of a navigable stream, nor is he now, nor has he been, the owner of any boat or vessel whatsoever which he has used in the conduct of his business.

CONCLUSIONS.

That the methods of competition set forth in the foregoing findings as to the facts in paragraphs 3 and 4 and each of them are under the circumstances above 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 David Bernstein, having entered his appearance by Emanuel F. Wohlwert, his attorney, duly authorized to act in the premises, and having filed his answer saying that he is doing business under the trade name and style of Eastland Linseed Co., named in said complaint as a respondent, and thereafter having made, executed, and filed an agreed statement of facts in which he stipulated and agreed that the Federal Trade Commission should take said agreed statement of facts as the evidence in this case and in lieu of testimony and proceed forthwith upon the same to make and enter its report, stating its findings as to the facts and its conclusions and its order without the introduction of testimony, and waiving therein any and all right to require the introduction of testimony, and the Federal Trade Commission having made and entered its report stating its findings as to the facts and its conclusions, that the respondent, David Bernstein, has violated 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, David Bernstein, of Cleveland, State of Ohio, and his agents, representatives, servants, and employees, cease and desist from directly or indirectly:

1. Making, circulating, publishing, or advertising in any manner whatsoever, the statement that—

On account of recent ruling of the Ohio food and drug commission, all linseed oil, spirits of turpentine, Soya bean oil, corn oil, etc., that is not used for food and medical purposes must be labeled adulterated.

2. Using cuts, prints, pictures, or other representations on his letterheads or in his advertisements or other printed matter circulated and published by him which falsely represent his office or factory or plant or place of business or equipment.

3. Using the trade names Eastland Linseed Co., National Linseed Co., Great Lakes Refining Co., Republic Paint & Lead Works, or any other similar trade name or style of doing business in any form, shape, or manner whatsoever that will confuse or deceive the trade and general public as to the identity of the person or persons doing business under such trade name.

4. Selling or offering for sale oils, turpentine, and kindred products which have been adulterated, mixed, or compounded with low grade mineral oil and chemicals or other ingredients, without notifying or informing or indicating to the purchasers thereof that the same are adulterated, compounded or mixed as aforesaid.

5. From selling or offering for sale any compound or mixture of oils or turpentine with cheaper oils, chemicals, or other ingredients, as and for pure linseed oil or pure turpentine.

6. From publishing, circulating, or causing to be published or circulated throughout the various States of the United States, the Territories thereof, the District of Columbia, or foreign countries, advertisements, circular letters, or any other printed matter whatsoever, wherein it is stated, set forth, or held out to the trade and general public that the respondent is offering to sell linseed oil or turpentine, when the product so offered or advertised has been adulterated, mixed, or compounded with baser mineral oil, chemicals, or other ingredients, unless it is clearly, definitely, and distinctly stated or indicated or shown to the purchasers or prospective purchasers thereof, that the same are such.

7. Selling or offering for sale in any manner whatsoever, paints, oils, turpentine, or kindred products which have been adulterated or which contain adulterated ingredients, as and for pure products.

8. Selling or offering for sale in any manner whatsoever, linseed oil or turpentine or kindred products, which have been mixed or compounded with cheaper oils, chemicals, or other ingredients by the respondent at his place of business in the city of Cleveland or in any other place within the United States, under the trade names of Calcutta Linseed Oil Compound, Argentine Linseed Oil Compound, or

any other similar or like trade names, unless it is clearly, definitely, and distinctly shown and indicated to the purchasers or prospective purchasers thereof, that the same are not imported from any foreign country, but are manufactured, made, mixed, or compounded within the United States.

MODIFIED ORDER TO CEASE AND DESIST.

The Federal Trade Commission, having issued and served its complaint herein, and David Bernsteen, having entered his appearance by Emanuel F. Wohlwert, his attorney, duly authorized to act in the premises, and having filed his answer saying that he is doing business under the trade name and style of Eastland Linseed Co., named in said complaint as a respondent, and thereafter having made, executed, and filed an agreed statement of facts in which he stipulated and agreed that the Federal Trade Commission should take said agreed statement of facts as the evidence in this case and in lieu of testimony and proceed forthwith upon the same to make and enter its report, stating its findings as to the facts and its conclusions and its order without the introduction of testimony, and waiving therein any and all right to require the introduction of testimony, and the Federal Trade Commission having made and entered its report stating its findings as to the facts and its conclusions that the respondent, David Bernsteen, has violated 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, and the Commission having heretofore, to wit, on the 12th day of November, 1918, entered and served its order upon the respondent requiring him to cease and desist from certain practices, as reference to the said order being had will more fully and at large appear:

And it appearing to the Commission, upon reconsideration of the matter, that said order should be modified in certain respects:

Now, therefore, the Federal Trade Commission, on its own motion, under and by virtue of the provisions of section 5 of an act of Congress approved September 26, 1914, enti-

tled, "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," hereby orders that the order to cease and desist heretofore made in this proceeding on the 12th day of November, 1918, be, and the same is, hereby modified, so that, as modified, said order shall read as follows, to wit: Now, therefore,

It is ordered, That the respondent, David Bernsteen, of Cleveland, State of Ohio, and his agents, representatives, servants, and employees, cease and desist from directly or indirectly:

(1) Making, circulating, publishing, or advertising in any manner whatsoever, the statement that—

On account of recent ruling of the Ohio food and drug commission, all linseed oil, spirits of turpentine, soya bean oil, corn oil, etc., that is not used for food and medical purposes, must be labeled adulterated.

(2) Using cuts, prints, pictures, or other representations on his letterheads, or in his advertisements, or other printed matter circulated and published by him, which falsely represent his office, or factory, or plant, or place of business, or equipment.

(3) Selling or offering for sale linseed oils and kindred products, which have been adulterated, mixed, or compounded with low grade mineral oil and chemicals, or other ingredients, without notifying, or informing, or indicating to the purchasers thereof that the same are adulterated, compounded, or mixed, as aforesaid.

(4) Selling or offering for sale any compound or mixture of oils with cheaper oils, chemicals, or other ingredients, as, and for, pure linseed oil.

(5) Publishing, circulating, or causing to be published or circulated throughout the various States of the United States, the Territories thereof, the District of Columbia, or foreign countries, advertisements, circular letters, or any other printed matter whatsoever, wherein it is stated, set forth, or held out to the trade and general public that the respondent is offering to sell linseed oil when the product so offered or advertised has been adulterated, mixed, or compounded with baser mineral oil, chemicals, or other ingredients, without clearly, definitely, and distinctly stating

FEDERAL TRADE COMMISSION DECISIONS. 301

or indicating or showing to the purchasers or prospective purchasers thereof the true character thereof.

(6) Selling or offering for sale, in any manner whatso-