

Modified order

IN THE MATTER OF

NATHANIEL L. BLAUSTON, AN INDIVIDUAL DOING
BUSINESS UNDER THE NAMES AND STYLES OF
MARIE ANTOINETTE PERLE COMPANY AND BRISTOL
GIFT SHOP

MODIFIED ORDER TO CEASE AND DESIST

Docket 1479. Order, May 11, 1931

Order modifying order in 12 F. T. C. 11 et seq., so as to remove from the prohibitions thereof that relating to the use of the words "Nickel Silver" or either of them, to describe articles of merchandise not composed in whole or in part of the metals known as silver and nickel.

MODIFIED ORDER TO CEASE AND DESIST

This proceeding having been heard upon the complaint of the Commission and the answer of the respondent, filed pursuant to Rule III of the Rules of Practice of the Commission, in which answer it is set forth that respondent refrains from contesting the proceeding instituted by the Commission, and the Commission having made its findings as to the facts, with its conclusion that the respondent has been and is using unfair methods of competition in 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 the Commission, on November 15, 1930, having served due notice upon the respondent that it proposed to modify the order to cease and desist theretofore issued herein on, to wit, the 6th day of February, 1928, and the respondent having failed to appear in response to said notice, and having failed to make any objection to the entry of the order as proposed to be modified,

It is ordered, That respondent, Nathaniel L. Blauston, his agents, employees and successors, cease and desist from:

(a) Using the words "Gold Plate" or "Gold Plated", or either of them, to advertise or describe watch cases which have a plating of gold less than three one-thousandths of an inch in thickness on the outside, and one one-thousandth of an inch in thickness on the inside; and using the words "life guaranteed" to indicate the length of time such watch cases will last or wear.

(b) Using the words "Silver Finished" or "Silvered", or either of them, to advertise or describe watch or clock dials which contain no silver metal; or the words "Gold Finish" to advertise or describe

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pen and pencil sets which contain no gold metal; or the words "Platinoid Finish", or "Platinum Effect", or either of them, to advertise or describe articles or merchandise which contain no platinum; or the words "Platinum Top", or "Gold Top", respectively, to advertise or describe brooches or bar pins or similar articles of jewelry which have only a thin plating of platinum or gold, as the case may be.

(c) Using the words "Amber", "Crystal", "Jade", "Jet", "Amethyst" or "Garnet", or either of them, respectively, to advertise or describe necklaces which are not composed of genuine amber, crystal, jade, jet, amethyst or garnet, as the case may be.

(d) Using the words "Gold Filled" or "Gold Shell", or either of them, to advertise or describe finger rings and charms, unless such articles contain a layer or shell of gold of substantial thickness on the outside, and unless said words are preceded by the designation of the alloy of gold used in the shell, which is preceded by a fraction designating the correct proportion of the weight of the layer or shell of gold to the weight of the entire ring or charm.

(e) Using the word "Ivory" as a noun to advertise or describe articles of merchandise which are not composed in any part of genuine ivory, but are composed of a material made to simulate ivory in appearance and finish.

(f) Using the word "Ivoroid" or "Rubberoid", or "Amberite", or either of them, respectively to advertise or describe articles of merchandise which do not contain in any part genuine ivory, rubber or amber, respectively; and from using the word "Leather", either alone or in combination with any other word or words, letter or letters, to advertise or describe articles of merchandise which are not made in part of the prepared skins of animals.

(g) Using in catalogues or other advertising matter pictorial representations of any article of merchandise which is not an illustration of the particular article of merchandise actually offered for sale.

(h) Making any other untrue advertisement or description of any article offered for sale by him.

It is further ordered, That the respondent Nathaniel L. Blauston, shall, within 60 days after the service upon him of a copy of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist hereinbefore set forth.

Syllabus

IN THE MATTER OF

C. J. OZMENT, INDIVIDUALLY AND DOING BUSINESS
UNDER THE TRADE NAME AND STYLE, OZMENT'S IN-
STRUCTION BUREAU

COMPLAINT (SYNOPSIS), FINDINGS, AND ORDER IN REGARD TO THE ALLEGED
VIOLATION OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914

Docket 1872. Complaint, Nov. 3, 1930—Decision, May 11, 1931

- Where an individual engaged in the sale of correspondence courses of instructions for civil-service examinations, purporting to qualify applicants for success therein; in describing its courses in advertisements in newspapers, magazines, and elsewhere, and in printed circulars, letters, and otherwise—
- (a) Made such statements as "Wanted Immediately—18-55, Men—Women, qualified for permanent Government positions, \$105-\$250 a month," "Wonderful Jobs with U. S. Government for Men—Women, 18-55. \$125-\$250 a month," etc., "Government Positions \$35 to \$75 weekly. Age 18-55," together with list of places including such positions as railway mail clerk, forest ranger, R. F. D. carrier, etc., facts being salaries for some of positions were not as high as \$250 a month to commence with, and some were not available to persons over 50 years of age, or had maximum age limits considerably below 55;
 - (b) Represented that a large number of examinations would be held soon, that "if you can get started right away, we can have you ready for one or more examinations within three or four weeks from now," that "civil-service examinations are held in almost all towns and cities of 3,000 population and upward," and that "it is not necessary for anyone to go far in order to enter an examination," etc., and that "U. S. Government stenographers and typist examinations are announced to be held in almost every large city throughout the United States about every 60 days," facts being that no examinations were to be held soon for some of the positions, while for others only a small number were to be held or likely to be held soon, examinations are held in comparatively few towns and cities of 3,000 population and upward, and examinations for Government stenographers and typists were held or announced to be held only once or twice yearly in many of the large cities instead of each sixty days in almost all such cities;
 - (c) Represented that "there are good Government positions in almost every town, and in the larger cities there are thousands and thousands of places," and that "in the smaller towns and cities there are places such as postmaster, assistant postmaster, post-office clerk, city carrier, village carrier, rural carrier, etc., while in the larger cities there are many kinds," fact being that the number of Government positions available in the larger cities is very much less than represented;
 - (d) Stated in connection with the description of duties and compensation of forest rangers that examinations were usually held in a large number of States specified, but that it was not necessary to be a resident thereof