

Complaint

IN THE MATTER OF

SAMUEL BRIER, DOING BUSINESS AS SAMUEL
BRIER & CO.

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

Docket 2097. Complaint, Mar. 29, 1933—Order, June 8, 1933

Consent order requiring respondent individual, in connection with sale or offer in interstate commerce of luggage, to cease and desist "from labeling, stamping, or otherwise advertising luggage manufactured in whole or in part from split seal or seal splits as 'seal' or 'genuine seal' or in any manner indicating that the material used in the manufacture is other than seal splits or split seal."

Mr. Alfred M. Craven for the Commission.

Bender & Rubin, of Philadelphia, Pa., for respondent.

COMPLAINT

Acting in the public interest pursuant to the provisions 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", the Federal Trade Commission charges that Samuel Brier, hereinafter referred to as respondent, has been and is using unfair methods of competition in interstate commerce in violation of the provisions of section 5 of said act and states its charges in that respect as follows:

PARAGRAPH 1. The respondent is now and has been for several years last past engaged at the city of Philadelphia, Pa., under the name of Samuel Brier & Co., in the business of manufacturing and selling in interstate commerce to jobbers and retail dealers throughout the United States handbags, suitcases, and other luggage. He causes said merchandise when sold to be shipped in interstate commerce from his said place of business at Philadelphia into and through other States of the United States to the purchasers thereof at their respective points of location. In the course and conduct of his business respondent is and has been in competition with many other persons, firms, and corporations located in the United States engaged in the manufacture and sale in interstate commerce of handbags, suitcases, and other luggage and in the shipment of same from their respective points of location to purchasers throughout the various States of the United States.

PAR. 2. Many of respondent's competitors mentioned in paragraph 1 hereof make and sell luggage manufactured from leather made

Order

17 F.T.C.

from the outside or top side of sealskin after same has been separated or split from the flesh side of the skin. Such leather is generally described by makers of luggage and generally known to manufacturers, dealers, and the purchasing public as "seal" or "genuine seal." Until recently the flesh side of the sealskin has been by manufacturers of leather discarded as waste material. Such material is now used to some extent for the making of leather, which leather is ordinarily described in the trade as "split seal." It is very much inferior in quality, durability, and price to "seal" or "genuine seal" as described in this paragraph.

PAR. 3. Respondent among other merchandise manufactures and sells in the course of business described in paragraph 1 hereof luggage made from cardboard and wood over which is imposed as a covering the material mentioned in paragraph 2 hereof as split seal, which material is treated, embossed, and finished by said respondent so as to imitate the leather known as seal or genuine seal as described in paragraph 2 hereof. Respondent by means of stamps and tags affixed to said luggage made of split seal describes said luggage as being made of "genuine seal." Said description made on or attached to said luggage reaches the public through the retail merchants and is used by said merchants in advertising said spurious luggage and also in selling said spurious luggage to the public.

PAR. 4. The said description and representation made by respondent as to his merchandise is false and fraudulent in that the material described is not genuine seal or seal in any sense as the terms seal and genuine seal are commonly understood by the purchasing public. The use of said description and representation has the capacity and tendency to deceive the purchasing public and to induce purchasers to buy the luggage thus described in and on account of a belief that the said luggage is made of genuine sealskin. The said false branding and description also have the capacity and tendency unfairly to divert and do divert trade from respondent's competitors to the respondent.

PAR. 5. The above alleged acts and things done by respondent are all to the prejudice of the public and of respondent's competitors and constitute unfair methods of competition in commerce within the intent and meaning of section 5 of an act of Congress entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", approved September 26, 1914.

ORDER TO CEASE AND DESIST

Pursuant to the provisions of an act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Com-

mission, to define its powers and duties, and for other purposes" (38 Stat. 719), the Federal Trade Commission on the 3d of March, 1933, issued and thereafter served its complaint against the respondent, Samuel Brier, doing business as Samuel Brier & Co., charging him with the use of unfair methods of competition in commerce in violation of the provisions of said act. Respondent thereafter filed an answer to said complaint, which answer is in the following language, to wit:

The respondent, Samuel Brier, doing business as Samuel Brier & Co. for answer to the complaint of the Federal Trade Commission herein states—

That respondent refrains from contesting this proceeding and consents that the Commission may make, enter, and serve upon respondent an order to cease and desist from the violation of the law alleged in the complaint.

Thereafter this proceeding came on regularly for disposition and decision by the Commission under subdivision 2 of Rule III of the Rules of Practice and Procedure adopted by the Commission, and the Commission being fully advised in the premises,

It is ordered, That the respondent, Samuel Brier, in connection with the sale and offering for sale of luggage in interstate commerce between and among the several States of the United States and in the District of Columbia do cease and desist from labeling, stamping, or otherwise advertising luggage manufactured in whole or in part from split seal or seal splits as "seal" or "genuine seal" or in any manner indicating that the material used in the manufacture is other than seal splits or split seal.

IN THE MATTER OF
NATURAL EYESIGHT INSTITUTE, INC.

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

Docket 1838. Complaint, May 27, 1930—Decision, June 9, 1933

Where a corporation engaged in the sale and distribution of its so-called "Natural Eyesight System", or course of instruction (including advice as to hygienic living and mental science), and "Natural Eye Normalizer", for cure of defects of vision, so that customer might avoid purchase and use of glasses,

- (a) Included the word "Institute" in its corporate name and thereby and through constant use thereof represented itself to be an institute, notwithstanding fact it carried on no clinic, research work, or experimentation, had no optical equipment, gave same advice and directions, irrespective of particular type of defect of particular individual, to all customers, and seldom learned what defects of vision any customer had or believed himself to have, never made diagnoses of defects of the eyes, had no medical advisor or oculist in its organization or employ, bore no relation to its customers of a professional character, or other than a commercial one, and was not an organization for the promotion of learning, art or science, nor organized for work of a scientific or literary character, and was not an "Institute";
- (b) Made such representations in its advertisements in periodicals of national circulation, circulars, etc., as "Millions of people are wearing glasses, but you don't have to wear them to see with, *unless you want to*", " * * * Specifically speaking, glasses are unnecessary because there is nothing that glasses do that the eyes cannot be taught to do better * * * " *"Divorce your spectacles! See without glasses! The Natural Eyesight System makes them unnecessary. Thinking thousands are using this New Knowledge of the Eye, discarding their glasses and having more satisfactory vision without them than they ever had with them * * *", "The Natural Eyesight System corrects eye defects—simply, safely, satisfactorily—without glasses", "Science has solved the Seeing Problem * * * and it is no longer necessary to wear glasses * * *", and " * * * most people can practically restore their eyes and get rid of glasses in 90 days or less, if they will give a little time daily to the work", and asserted that its said system accomplished "its results through the removal of the causes of defective eyesight", and thereby corrected nearsightedness, farsightedness, astigmatism, old age eyes, and numerous other specified defects and ailments of the eye, notwithstanding the fact that in a substantial majority of cases it is not possible for patients, theretofore users of glasses for defects due to nearsightedness, farsightedness, astigmatism, advancing years, and other conditions, through aforesaid "natural" methods to remove such defects or so far alleviate them, as to make it possible successfully to remove glasses, and its customers, in attempting to apply to themselves its aforesaid system, under the same instructions regardless of their particular defects, could not obtain by a substantial margin, the benefit and improvement obtainable from the so-called "natural" methods of treatment, when administered by skilled practitioners, who adapt the same to the specific ocular conditions of the individual patient; and*