

Order

18 F.T.C.

IN THE MATTER OF  
JOHN MCGRAW, E. A. GLENNON, COPARTNERS DOING  
BUSINESS UNDER THE NAME OF ROYAL MILLING CO.,  
ETC., AND INDIVIDUALLY

## MODIFIED ORDER TO CEASE AND DESIST

*Docket 1597. Order, Sept. 25, 1933*

Order modifying order in 15 F.T.C. 38, relating to the use of trade or other names which include the words "milling company", or words of like import, and the making of representations, by concerns engaged in the purchase, mixing, and sale of plain and selfrising flour, in competition with others similarly engaged, and also with those actually grinding wheat into flour and making and selling such products; as in the order set forth.

The motion heretofore filed by counsel for the Commission to modify the order to cease and desist that was originally issued by the Commission in the above-entitled case, having been heretofore, after due notice to respondents, presented and submitted to the Commission, and the Commission, having considered the same and being fully advised in the premises, now sustains said motion to modify said order to cease and desist.

*It is therefore ordered*, By the Commission that the cease and desist order heretofore issued by the Commission in this case be, and hereby is, modified by changing the period at the end of the first paragraph thereof to a semicolon and adding immediately thereafter the following words, to wit:

unless and until respondent shall insert and use also the words "Not Grinders of Wheat" in immediate conjunction with its title, corporate name, trade name or other designation, and in letters equally legible and conspicuous, when said title, corporate name, trade name or other designation is used on stationery, letterheads, bags, containers, advertising matter, or otherwise.<sup>1</sup>

*It is further ordered*, That all other portions of said original order be and remained unaffected by this order.<sup>2</sup>

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<sup>1</sup> Said paragraph required respondents, their representatives, etc., to—

"Cease and desist from carrying on the business of selling flour in commerce among the several States of the United States under a trade name or any other name which includes the words 'milling company' or words of like import, and from making representations through advertisements, circulars, correspondence stationery, or in any manner whatsoever, designed to promote or otherwise affect interstate commerce, that they or either of them is a manufacturer of flour, or that the flour sold by them or either of them comes direct from manufacturer to purchaser, unless and until respondents, or the individual respondent using such words or making such representations, actually owns and operates or directly and absolutely controls a factory or mill wherein is made by grinding or crushing the wheat berry any and all flour sold or offered for sale by them or either of them under such title or name, or by or through any such representations."

<sup>2</sup> The second and remaining paragraph of the order constituted the usual compliance provision calling for such a report within 60 days.

## MEMORANDUM

Similar modifying orders were issued as of the same date in the other cases of the Royal Milling group as follows:

D. V. JOHNSON, doing business under the name of TENNESSEE GRAIN Co. and TENNESSEE MILLING Co. Docket 1598. (See 15 F.T.C. 48.)

NASHVILLE ROLLER MILLS ET AL. Docket 1599. (See 15 F.T.C. 49.)

SNELL MILLING Co. ET AL. Docket 1600. (See 15 F.T.C. 51.)

J. A. WELLS ET AL., doing business as State Milling Co. and Myracle Milling Co., and individually. Docket 1602. (See 15 F.T.C. 55.)

E. C. FAIRCLOTH, SR., ET AL., doing business as Cherokee Mills and individually. Docket 1604. (See 15 F.T.C. 57.)

IN THE MATTER OF  
MAGNECOIL COMPANY, INC.

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

*Docket 1846. Complaint, June 16, 1930—Order, Sept. 25, 1933*

Consent order requiring respondent, its officers, etc., in connection with the sale in interstate commerce of its blankets or other products, fitted with wiring devices, to cease and desist from,

Representing either orally, or by written or printed reading or pictorial matter that,

(1) Said products—

(a) Constitute a great discovery or discoveries in electrotherapeutics or will cure or prevent diseases, ailments afford a beneficial or remedial influence therein other than such as may result from heat afforded by said products and from a subjective, mental stimulus or effect which may result from hope and confidence in said products; or

(b) Are based upon and make practical application of the biological, chemical and other scientific discoveries and theories of well-known scientists or are the result of painstaking tests and long experience; or

(c) When used as directed, transmit a radio-magnetic energy or a thermo-electromagnetism to the person using the appliance, causing an increased activity and revitalizing of the organs and cells of the body, a charging of the blood stream with electromagnetic energy, an elimination of poisons and waste matters or a magnetic stimulation of the various cells of the human body; with a resulting alleviation or cure of diseases or ailments from which the person may be suffering; or

(d) Are used, endorsed and recommended by prominent and well-known physicians, scientists, hospitals, educators and other well-known and prominent persons, and have been tested and endorsed by such persons and by institutions for medical and scientific research; provided that nothing in the aforesaid paragraph shall be deemed to prohibit it from advertising or representing its said products as so endorsed or recommended where treatment by heat or elimination by sweating are indicated; or from advertising or representing that its said products are endorsed and recommended by certain specified physicians and others for such purposes as said physicians and others actually do recommend them, for where such endorsements are confined to conditions where heat or elimination by sweating are indicated and no compensation in any form is paid therefor; or

(2) It occupies a large building in which its products are manufactured and its business generally conducted and that it has laboratories and an advisory and a consulting board of medical experts for analysis and advice in cases where respondent's products are being or are to be used; provided that nothing in such paragraph shall be deemed to prohibit it from advertising or representing that it occupies such portion of the building in which it is located as it actually does occupy.

*Mr. Eugene W. Burr* for the Commission.

*Ball, Musser & Mitchell*, of Salt Lake City, Utah, for respondent.