

IN THE MATTER OF
CECIL B. BOND, TRADING AS WORLD WOOLEN COM-
PANY, INTERNATIONAL WOOLEN COMPANY, DUPLEX
CLOTHES, C. B. BOND, AND C. BOND

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

Docket 2100. Complaint, Apr. 17, 1933—Order, Feb. 5, 1934

Consent order requiring respondent to cease and desist representing to purchasers or prospective purchasers, directly or indirectly in connection with the offer or sale of clothes in interstate commerce, that (1) such clothes have been, are, or will be (a) tailor made in accordance with the measurements of the individual ordering them, unless such is the fact; or (b) made from or out of cloth selected by purchasers from samples submitted to them by respondent or his salesmen or his solicitors, unless such is the fact; or (2) that a store is about to be or will be opened by respondent in the locality or localities in which any purchasers reside at which store or stores clothes purchased from respondent can and will be fitted or altered, unless such is the fact.

Mr. James M. Brinson for the Commission.

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 Cecil B. Bond, trading as World Woolen Company, International Woolen Company, Duplex Clothes, C. B. Bond, and C. Bond, 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. Respondent Cecil B. Bond has been and is an individual residing and having his office and principal place of business in the City and State of New York. He has been for several years last past, and now is, engaged in the sale and distribution of men's clothes in commerce among and between the various States of the United States, under the name of "World Woolen Company", "International Woolen Company", "Duplex Clothes", "C. B. Bond", and "C. Bond." He has caused and causes such clothes, when sold by him by, through, or under any of such trade names, to be transported from his place of business in the City and State of New York to purchasers located in the various other States of

the United States than the State of New York. In the course and conduct of his business in or by such trade names, or any of them, the respondent has been, is, and at all times hereinafter mentioned was engaged in competition with individuals, partnerships, and corporations offering for sale or selling men's clothes in interstate commerce. His business has consisted only to a negligible extent, if at all, in filling so-called repeat orders, and no effort has been, or is made by respondent to satisfy customers so as to retain their patronage or to secure repeat orders.

It has been and is the practice of respondent, as one of his particular methods of competition, to adopt and use various trade names for his business, and in connection therewith to follow the other method of competition described in paragraph 2 hereof, until the particular trade name or trade names so used, has or have acquired unfavorable notoriety, and thereupon to adopt a new trade name or trade names and to carry on the same type of business as had been, or was his practice theretofore until the new names so adopted and used have become unfavorably known to the public, whereupon, in pursuance of his said method of competition, still another name or other names would be and are used in offering for sale and selling men's clothes. As examples of such method and practice respondent, Cecil B. Bond, on November 30, 1927, duly registered, in accordance with the laws of the State of New York, as a trade name "Lasalle Gold Seal Clothes" with his address as 527 Broadway, New York, N.Y. On June 4, 1928, he duly registered as a trade name "Rialto Clothing Company", 94 Spring Street in said city and State. On January 3, 1931, he duly registered as a trade name "International Woolen Company", 525 Broadway, and with his residence stated as 1483 College Avenue, New York, N.Y. On April 27, 1931, he duly registered as his trade name "Duplex Clothes", 640 Broadway, with his residence stated as Victoria Hotel, New York, N.Y. On November 12, 1931, he duly registered as a trade name "World Woolen Company", 640 Broadway, with his residence given as 1000 Anderson Avenue, New York, N.Y. On June 6, 1932, he duly registered as a trade name "C. Bond", 640 Broadway, New York, N.Y., with his residence given as 1005 Jerome Avenue. Should respondent continue or be allowed to continue this practice as one of his methods of competition, it is only a question of time when his trade names of "World Woolen Company", "International Woolen Company", "Duplex Clothes", "C. B. Bond", and "C. Bond" will be discontinued and others adopted in their stead.

PAR. 2. It has been and is the practice of respondent Cecil B. Bond to sell his clothes by and through the agency of salesmen or solicitors in the various States of the United States.

Such salesmen or solicitors have offered for sale and sold the clothes of respondent in the various States of the United States in the course and conduct of his business, and acting under his direction and with his knowledge and consent, it has been and is their practice to represent, to purchasers and prospective purchasers, that clothes furnished by respondent, in pursuance of orders given to them, would be and are tailor made or made to their individual measure.

In truth and in fact the suits of clothes sold and distributed by respondent have not been and are not tailor made, have not been and are not made according to the measurements of purchasers or according to the measurements contained in orders received by respondent from purchasers through his solicitors or salesmen. On the contrary, clothes sold and distributed by respondent have been, were at all times herein mentioned, and are, ready-made clothes which have not corresponded and do not correspond with the measurements of purchasers, have not been and are not altered to fit purchasers, and have not fitted and do not fit them. There have been and are clothes sold by respondent in such disregard of, or lack of conformity to, the measurements of individuals ordering the clothes through agents or solicitors of respondent, that garments delivered by respondent to them have been, in numerous instances, so unfitted to purchasers as to appear ludicrous and, in many instances, even grotesque when worn by them.

It has been and is the practice of respondent to represent as inducement for the purchase of his clothes that suits ordered by purchasers will be made from or out of cloth represented by or corresponding with samples selected by purchasers or individuals ordering clothes of respondent from samples exhibited to them by his agents, solicitors, or salesmen.

In truth and in fact it has been and is the practice of respondent to deliver to purchasers, on receipt of orders for clothes, suits which had not been, have not been, were not, and are not made from or out of the cloth selected, and which have not corresponded and do not correspond with the sample exhibited, by respondent's agents, salesmen, or solicitors, to and selected by the purchaser.

It has been and is the practice of respondent to represent to purchasers and prospective purchasers that alterations of suits purchased from him could and would be made for the purchasers at a store or stores of respondent which, it was represented, was or were about to be opened within a short time thereafter in the particular locality in which the purchaser or prospective purchaser resided.

In truth and in fact respondent has neither opened, operated, conducted, nor expected or intended to open a store or stores in such locality or localities, or any of them.

PAR. 3. The acts and practices of respondent described in paragraph 2 hereof have had and have, and each of them has had and has the capacity and tendency to mislead and deceive the purchasing public into the erroneous belief, and to induce purchase of respondent's products in reliance on such belief, that suits of clothes ordered from respondent would be tailor made or made to individual measure of purchaser, from and out of cloth represented by and corresponding with the sample thereof selected by customers from samples of cloth exhibited to them by salesmen or agents of respondent; and that necessary alterations desired by the purchaser of the suit or suits furnished by respondent could and would be made at branch places of business thereafter shortly to be established by respondent within convenient or easy reach of the purchaser.

The aforesaid acts and practices of respondent have had and have, and each of them has had, and has the capacity and tendency to divert trade to respondent from competitors selling suits of men's clothes in interstate commerce by fair and truthful representations.

PAR. 4. The acts and practices of respondent as described in paragraph 2 hereof are all to the prejudice of respondent's competitors and the public and have been and are 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

This proceeding having come on to be heard upon the complaint and the amended answer of respondent wherein he waives hearing and right to contest the proceeding and consents, in pursuance of the Rules of Practice (III. Answers, paragraph 2), that the Federal Trade Commission may make enter and serve upon respondent an order to cease and desist from the violations of the law alleged in the complaint and the Commission having considered the record and being now fully advised in the premises:

It is ordered, That Cecil B. Bond, trading either as Cecil B. Bond or C. B. Bond or C. Bond or World Woolen Company or International Woolen Company or Duplex Clothes or by, with, or under any other name or trade name, cease and desist in connection with offering for sale or selling clothes in interstate commerce from representing to purchasers or prospective purchasers, directly or indirectly,

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(a) That such clothes have been, are, or will be tailor made in accordance with the measurements of the individual ordering them, unless such is the fact.

(b) That such clothes have been, are, or will be made from out of cloth selected by purchasers from samples submitted to them by respondent or his salesmen or his solicitors, unless such is the fact.

(c) That a store is about to be or will be opened by respondent in the locality or localities in which any purchasers reside at which store or stores clothes purchased from respondent can and will be fitted or altered, unless such is the fact.

It is further ordered, That respondent file with the Commission within 60 days from and after service of this order a report in writing setting forth in detail the manner and form of his compliance with the provisions of the order.

Syllabus

IN THE MATTER OF
THAYER PHARMACAL COMPANY

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

Docket 1980. Complaint, Oct. 19, 1931—Decision, Feb. 6, 1934

Where a corporation engaged in the manufacture and sale of perfumes, creams, face powders and other toiletries,

- (a) Represented that certain preparations dealt in by it were of French origin, and made in and imported from France and the products of French houses and famous French cosmeticians, through such statements in their advertisements as "Mons. Henri's Birthday Offer For 'Les Madames et Mademoiselles Americaines'", "*Two Bottles* of imported French perfumes," "French Perfume and Face Powder Maison Andre, French Perfumer Introduces His Newest *Narcissus*", "And now from France, comes the most startling beauty discovery of the century by the famous Felix Laroche, world-known Parisian Cosmetician"; the facts being that the aforesaid preparation and others similarly referred to were neither imported nor of French origin, but were domestic products compounded, prepared and packaged at its place of business in the United States, and the supposed French perfumers and establishments referred to were entirely fictitious;
- (b) Represented its products as sold at reduced prices for the purpose of introducing the same through such statements as, "A Very Rare Bargain By Mail Only. 10 Everyday Beauty Needs 99¢. \$7.75 Total Value. Your One Chance to Get All This for 99¢." "Bring this coupon and only 98¢—which merely helps to pay our local advertising campaign, special salesladies, expenses, etc. and we will give you Free, without further cost, *Two Bottles* of imported French perfumes * * * each regular \$2 full ounce bottle, and also a \$1 box of Youthful Glow—the world's most exquisite face powder," "Manufacturers' Introductory Sale * * * Formerly Two to Three Times This Price. Both for 98¢," \$4.50 value only 98¢. Cleansing Cream—Regularly 75¢. Face Powder—Regularly \$1.00. Tissue and Astr. Cream—Regularly 75¢, *Narcissus* Perfume—Regularly \$2.00"; the facts being that the aforesaid purported reduced and bargain prices constituted its regular and usual prices for its products sold by it in combination lots, as aforesaid;

With capacity and tendency to confuse, mislead and deceive the members of the public into believing that the said preparations had been imported from France and were products of French perfumers or cosmeticians, the persons named as originators thereof were real persons, and the prices named were special prices and lower than those at which said preparations were ordinarily sold by it, and to induce members of the public to buy and use such products because of the erroneous beliefs thus engendered, and to divert trade to it from competitors engaged in sale in interstate commerce of perfumes, cold creams, face powders and other cosmetics, including those who in no wise misrepresented the origin, make, kind and prices of their competing products, and with effect of diverting business to it from such competitors, to their substantial injury and prejudice: