

Complaint

IN THE MATTER OF
NATIONAL DELIVERY ASSOCIATION, INC.

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

Docket 2163. Complaint, Feb. 14, 1934—Order, Dec. 10, 1934

Order accepting and approving stipulation, pursuant to which it was stipulated and agreed that respondent had ceased and would not resume representing in advertisements and telephone directories, circulars, newspapers, or periodicals, or by radio or otherwise, in or in connection with its business of moving and transporting goods, wares, and merchandise, in commerce, as defined in said act, that—

- (a) It makes daily trips to Philadelphia, New York, Pittsburgh, New Haven, Boston, Albany, Richmond, Norfolk, York, and all way points, or to any other point or points, unless and until it shall in fact have and maintain a regular schedule of daily trips to the cities or points so named;
- (b) It makes weekly trips to Buffalo, Cleveland, Detroit, Chicago, Cincinnati, Columbus, Indianapolis, St. Louis, Rochester, Charlotte, Atlanta, Jacksonville, and all way points, or to any other point or points, unless and until it shall in fact have and maintain a regular schedule of weekly trips to the cities or points so named;
- (c) It has or maintains offices in Boston, Hartford, Bridgeport, New York, Albany, Philadelphia, Reading, York, Wilmington, Baltimore, Roanoke, or in any other cities or at any other points, unless and until it shall in fact have or maintain offices at any place or places so named in charge of a representative of respondent and that reasonably fulfill the requirements of offices as that term is ordinarily used and understood; or
- (d) It owns and/or operates storage warehouses and does a general storage business, unless and until it does in fact own and/or operate storage warehouses; and that—

Upon the execution of this stipulation the Commission will close the case without prejudice to its being reinstated and carried through to an order to cease and desist, in the discretion of the Commission.

Mr. Robt. N. McMillen for the Commission.

Mr. Samuel Boyd, of Washington, D. C., for respondent.

COMPLAINT

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 having reason to believe that the National Delivery Association, Inc., a corporation, has been, or is, using unfair methods of competition in commerce as "commerce" is defined in such act, and it appearing to said Commission that a proceeding by it in respect thereto would be in the

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public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, National Delivery Association, Inc., is a corporation organized and existing under and by virtue of the laws of the District of Columbia, having its principal office and place of business in the City of Washington, in said District. The said respondent was incorporated in 1924 and since said date has been and now is engaged in the business of transporting and moving household goods and other merchandise for hire. The respondent in carrying on its business enters into contracts for moving of such merchandise with individuals, partnerships, and corporations desiring to have such household goods and merchandise moved. In further carrying on its business respondent enters into contracts with owners and operators of such moving vans and trucks for a consideration to transport and move such household goods and other merchandise in the name of the respondent. Such household goods or other merchandise is transported or moved as a result of the above-mentioned contracts, from its point of location in one State of the United States, or the District of Columbia, to other States of the United States or from its point of location in the District of Columbia to other points in said District.

In the course and conduct of its said business, respondent is in competition with other corporations, partnerships, and individuals engaged in the business of transporting and moving household goods and other merchandise in interstate commerce for compensation or hire.

PAR. 2. The respondent advertises its business and services in telephone directories and in magazines having general circulation throughout the United States and by means of circulars, blotters, and various other advertising media. The following statements and representations appear in such advertisements:

(a) "75 padded vans" (This statement is accompanied by a picture representation of moving vans bearing respondent's name);

(b) Fleet of 75 motor vans for long distance moving;

(c) Fleet of 50 padded vans for local and long distance moving;

(d) Take advantage of door-to-door deliveries by motor trucks of this company;

(e) Daily trips to Philadelphia—Baltimore—New York—Pittsburgh—New Haven—Boston—Albany—Richmond—Norfolk—York, and all way points;

(f) Weekly trips to Philadelphia—Baltimore—New York—Pittsburgh—New bus, Indianapolis, St. Louis, Rochester, Charlotte, Atlanta, Jacksonville, and all way points;

NATIONAL DELIVERY ASSOCIATION
EXECUTIVE OFFICES, 1317 NEW YORK AVENUE, WASHINGTON, D. C.

(g) We have affiliations with some of the largest transport companies and have direct offices in the following twelve cities: Washington, D. C. (Executive offices), Boston, Hartford, Bridgeport, New York City, Albany, N. Y., Philadelphia, Reading, Pa., York, Pa., Wilmington, Del., Baltimore, and Roanoke, Va.

The statements and representations made by respondent in its advertising as set forth above are each and all false and misleading in that, to wit:

(a) The respondent does not own 75 padded vans;

(b) Respondent does not own a fleet of 75 motor vans for long distance moving;

(c) Respondent does not own any padded motor vans;

(d) Respondent does not make door-to-door deliveries in motor vans of its company, its deliveries are made in motor vans owned by others, the services of such motor vans being obtained by contract;

(e) The respondent does not, and vans operating as a result of contracts with the respondent do not make daily trips to the cities mentioned nor to all way points, but trips are made to such places only when loads of merchandise are available;

(f) The respondent does not, and vans operating as a result of contracts with the respondent do not make weekly trips to the cities mentioned, but such trips are made only when loads are available.

(g) Respondent does not have offices in the cities and towns mentioned; respondent does have offices in Washington, D. C., in New York, N. Y., and Newark, N. J.

PAR. 3. Respondent in advertising its business in telephone directories and by circulars and blotters has represented that it maintains and operates or owns storage warehouses and does a general storage business. In truth and in fact the respondent neither owns, operates nor controls any storage warehouses and does not do a general storage business. When goods and merchandise are delivered to it for storing, respondent causes the same to be stored with some general storage company.

PAR. 4. Respondent in advertising its business by the media aforesaid makes use of the title "Return Load Bureau, Inc." and causes advertisements to be inserted purporting to be the advertisements of the Return Load Bureau, Inc., and in said advertisements causes such expressions to be made as "50 padded vans" "75 padded vans", "storage", when in truth and in fact respondent is not incorporated under the name "Return Load Bureau, Inc." and does not have a license or permission of any corporation by that name to use such title, but the same is merely a trade name or title appropriated by respondent, and the advertisements as to "50 padded vans", "75 padded vans", and "storage" are false and untrue.

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PAR. 5. The said advertisements and representations made by respondent as to its business and services and each of them set forth in paragraphs 2, 3, and 4 hereof, have the capacity and tendency to deceive the public desiring the services of a moving or storage organization, and to induce persons desiring to have merchandise moved or stored, to do business with the respondent in and on account of the belief that said advertisements and representations are true.

Many persons desire to have their household goods or other merchandise transported or moved by companies: (1) owning and operating their own moving vans and employing their own drivers, (2) making daily or weekly trips to designated places, (3) maintaining offices in the cities to which or from which their household goods are to be transported or moved, and many persons desire to have their household goods or other merchandise moved and stored or stored by companies owning, maintaining or operating their own storage warehouses. Said advertisements and representations referred to in paragraphs 2, 3, and 4 have had, and do have, the tendency and capacity to induce persons to do business with the respondent because of the erroneous belief that said advertisements and representations are true and thus to divert trade from competitors of the respondent engaged in the moving or storage business in interstate commerce, to respondent.

The above acts and things done by respondent are all to the injury and 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.

STIPULATION

Whereas, on the 14th day of February, 1934, the Federal Trade Commission, 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", issued its complaint under the above docket number, charging that National Delivery Association, Inc., hereinafter referred to as respondent, had been and was using unfair methods of competition in commerce within the meaning of said act in connection with the advertisement of its business;

And, whereas, thereafter said respondent filed its answer to said complaint and a hearing was had before an examiner of the Commission;

And, whereas, it now appears that respondent has changed and modified the claims and representations of its advertising matter so as to omit therefrom those claims and representations now deemed by the Commission to be false and/or misleading and to constitute unfair methods of competition within the meaning of said act, and is willing to enter into a stipulation with the Commission wherein it will agree not to resume the use of the same;

Now, therefore, it is hereby stipulated and agreed by and between Ewin L. Davis, acting chairman of the Federal Trade Commission, and said respondent that respondent has ceased and will not resume representing in its advertisements in telephone directories, pamphlets, circulars, newspapers, periodicals, by radio, or otherwise, in or in connection with its business of moving and transporting goods, wares and merchandise in commerce, as commerce is defined in said act:

1. That it makes daily trips to Philadelphia, Baltimore, New York, Pittsburgh, New Haven, Boston, Albany, Richmond, Norfolk, York, and all way points, or to any other point or points, unless and until it shall in fact have and maintain a regular schedule of daily trips to the cities or points so named;

2. That it makes weekly trips to Buffalo, Cleveland, Detroit, Chicago, Cincinnati, Columbus, Indianapolis, St. Louis, Rochester, Charlotte, Atlanta, Jacksonville, and all way points, or to any other point or points, unless and until it shall in fact have and maintain a regular schedule of weekly trips to the cities or points so named;

3. That it has or maintains offices in Boston, Hartford, Bridgeport, New York, Albany, Philadelphia, Reading, York, Wilmington, Baltimore, Roanoke, or in any other cities or at any other points, unless and until it shall in fact have or maintain offices at any place or places so named in charge of a representative of respondent and that reasonably fulfill the requirements of offices as that term is ordinarily used and understood;

4. That it owns and/or operates storage warehouses and does a general storage business, unless and until it does in fact own and/or operate storage warehouses.

It is further stipulated and agreed that upon the execution of this stipulation the Federal Trade Commission will close the case without prejudice to its being reinstated and carried through to an order to cease and desist in the discretion of the Commission.

ORDER APPROVING STIPULATION

This proceeding being before the Federal Trade Commission upon the complaint of the Commission, answer of respondent, the evidence taken and briefs filed;

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And it appearing to the Commission that the respondent has modified the claims and representations of its advertising matter so as to omit therefrom those claims and representations now deemed by the Commission to be false and/or misleading and to constitute unfair methods of competition within the meaning of the Federal Trade Commission Act, and, as evidence of its good faith in making such modifications, has tendered to the Commission a stipulation that it will not resume the claims and representations theretofore used and in said stipulation referred to, a copy of which is hereto attached and made a part hereof;

Now therefore it is ordered, That said stipulation be and hereby is accepted and approved and the chairman of the Commission is authorized to execute the same on behalf of the Commission, and that thereupon this matter be closed without further order but without prejudice to its being reinstated hereafter and carried through to an order to cease and desist in the discretion of the Commission.

Complaint

IN THE MATTER OF

MAX MANDEL AND DAVID M. WOLFSON, COPARTNERS
TRADING AS WOLFSON TRADING COMPANY

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

Docket 2179. Complaint, May 10, 1934—Order, Dec. 13, 1934

Consent order requiring respondents, its agents, etc., in connection with the sale or distribution of military uniforms or military equipment in interstate commerce or in the District of Columbia or in any Territory, to cease and desist from directly or indirectly making or causing to be made, in catalogs, advertising matter, or by any other means, any representations, statements, or assertions to the effect that—

- (a) The cut or design of any such military uniforms or equipment is or has been produced by leading designers of military uniforms or military equipment, unless the cut or design thereof has in fact been produced by leading designers of such military uniforms or military equipment; or that—
- (b) Tailoring in any such uniforms or equipment is or has been done by hand, when the tailoring or making thereof is not or has not been by hand in all parts and operations, except the sewing of the seams and edges of such garments.

Mr. Henry Miller for the Commission.

Mr. Abraham Mandel, of New York City, for respondents.

COMPLAINT

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, having reason to believe that Max Mandel and David M. Wolfson, copartners trading as Wolfson Trading Company, hereinafter referred to as the respondents have been and are using unfair methods of competition in commerce, as "commerce" is defined in said act, and it appearing to said Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondents Max Mandel and David M. Wolfson are copartners trading under the name and style of Wolfson Trading Company, with their principal place of business in the City of New York, State of New York. They are now and for more than two years last past have been engaged in the manufacture of military uniforms and military equipment and in the sale thereof between