

FEDERAL TRADE COMMISSION DECISIONS

FINDINGS AND ORDERS, JUNE 25, 1935, TO JANUARY 13, 1936

IN THE MATTER OF

GREAT NORTHERN FUR DYEING & DRESSING
COMPANY, INC., ET AL.

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

Docket 2035. Complaint, May 18, 1932—Order, June 25, 1935¹

Complaint charged respondent, Great Northern Co., dressers and dyers of rabbit skins for, and at the instance and request of, and in accordance with agreements with, the owners thereof, by processes which caused said skins to resemble appearance of dyed sealskin, respondents Brickner & Bernfeld, importers and sellers of Australian and New Zealand rabbit skins, and respondents Kutik Brothers, manufacturers of fur garments, with misbranding or mislabeling and advertising falsely or misleadingly, in that, with knowledge of the use to be made thereof in sales in interstate commerce, they respectively dress, dye, and sell rabbit skins and garments made thereof under said first-named respondent's long advertised and featured brands and marks, "Bonded Northern Seal", "Northern Seal", or "Golden Seal", with words "Dyed Cony" or "Seal-Dyed Cony" in small and inconspicuous (and sometimes illegible or unnoticeable) letters, so placed that former may be displayed without latter in opening the garment's lining and displaying said brands on the back of the skin or pelt, and in that they supply, transmit, and use garment labels furnished by said first-named respondent, bearing said trade marks and designations in large and conspicuous letters, and the other words in small and inconspicuous letters, and advertise and describe said furs and garments to be made therefrom as "Sealines", and encourage customers so to advertise and to feature or display such trade brands and names, and aid in the expense thereof;

With capacity and tendency to mislead and deceive the purchasing public into the belief that said furs and the garments made thereof, thus dyed, stamped, branded, labelled, and described, are made of the genuine, superior, and more costly sealskin, and into purchasing the same in such belief, and with effect of furnishing dealers therein and manufacturers with the means of thus misleading and deceiving purchasers, and aiding and abetting such

¹ The order is published as modified as of that date. Original order, not printed, was made as of May 16, 1935.

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deception, and of diverting trade to them from competitors dressing, dyeing, and dealing in sealskins or rabbit skins, or garments thereof, truthfully described, and with capacity and tendency so to do; all to the prejudice of the public and competitors:

Ordered, respondents consenting, that respondents first named, and their agents, officers, etc., in connection with the dyeing or dressing, sale, offer or advertisement of dyed muskrat fur or dyed cony (rabbit) fur, in interstate commerce, cease and desist from describing furs other than by the use of the correct name of the fur as the last word in the designation thereof, and from use of the word "seal" as designation thereof, subject to permitted use thereof in an adjective sense, together with such words as "dyed" or "blended", as in said order in detail set forth; and, it appearing that respondents Kutik Bros. have discontinued said business, that proceeding as to them be closed.

Mr. James M. Brinson for the Commission.

Burnstine, Geist & Netter, of New York City, for respondents.

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 Great Northern Fur Dyeing & Dressing Company, Inc., Brickner & Bernfeld, Inc., and Henry Kutik, Isador Kutik, Morris Kutik, and George Kutik, trading under the firm name and style of Kutik Brothers, hereinafter called respondents, have been and are using unfair methods of competition in commerce in violation of the provisions of Section 5 of said Act, and states its charges in that respect as follows:

PARAGRAPH 1. Respondent Great Northern Fur Dyeing & Dressing Company, Inc., is now, and since March 1928, has been, a corporation organized, existing and doing business under and by virtue of the laws of the State of New York with its principal place of business at Pierini Park, Springfield Gardens, Long Island, in the State of New York. It has been, since its organization, and now is, engaged in the business of dressing and dyeing rabbit skins for their owners, including respondent Brickner & Bernfeld, Inc., by special processes which cause them to resemble dyed sealskins. It has rendered and renders such service at the instance and request of respondent Brickner & Bernfeld, Inc., and other owners of rabbit skins in accordance with, or in pursuance of, agreements with them, with the knowledge, expectation, purpose, and intent that the rabbit skins, or a substantial proportion thereof, dressed and dyed by it for respondent Brickner & Bernfeld, Inc., and other owners will be offered for sale and sold in interstate commerce by them to dealers in furs, or to manufacturers of fur garments, engaged in interstate commerce, or

will be used by the owners of the skins themselves for the manufacture of fur garments sold in such commerce.

Respondent Great Northern Fur Dyeing & Dressing Company, Inc., in the course and conduct of such business has been, since its organization in 1928, and now is, engaged in competition with individuals, partnerships, and corporations engaged in dressing or dyeing rabbit skins, or the skins of other fur-bearing animals for individuals, partnerships, and corporations selling rabbit skins or the skins of other fur-bearing animals, including seals, or garments manufactured therefrom, in interstate commerce.

Respondent Brickner & Bernfeld, Inc., has been since 1926, and now is, a corporation organized, existing, and doing business under and by virtue of the laws of the State of New York, with its principal place of business in the city and State of New York. It has been since its organization and now is, engaged in the importation into the United States of Australian and New Zealand rabbit skins which it has caused and now causes to be dressed and dyed by respondent Great Northern Fur Dyeing & Dressing Company, Inc., to resemble dyed sealskins, and in their sale thereupon or thereafter, in commerce among and between the various States of the United States, to dealers in skins or furs, or manufacturers of fur garments.

Respondent Brickner & Bernfeld, Inc., in the course and conduct of such business has been, and now is, in competition with individuals, partnerships, and corporations engaged in the sale of skins of fur-bearing animals in interstate commerce.

Respondents Henry Kutik, Isador Kutik, Morris Kutik, and George Kutik have been for several years last past and now are, engaged in the business, under the firm name and style of Kutik Brothers, of manufacturing fur garments, and their sale in and among the various States of the United States. Their office and principal place of business is in the city and State of New York. It has been and is the practice of said respondents Henry Kutik, Isador Kutik, Morris Kutik, and George Kutik, as Kutik Brothers, in the course of their said business, to cause their products, when sold to be transported from their said place of business in the city and State of New York to purchasers of their products, in the various other States of the United States than the State of New York, and in such commerce among and between the various States of the United States, respondents Kutik Brothers have been, and are, in competition with individuals, partnerships, and corporations offering for sale or selling fur garments in interstate commerce.

PAR. 2. A. Pierini in 1926 established at Pierini Park, Long Island, in the State of New York, a business of dressing and dyeing rabbit skins by a process which causes them to resemble dyed sealskins.

He adopted and used in such business the trade name Great Northern Fur Dyeing & Dressing Company. The business consisted in the importation of Australian and New Zealand rabbit skins, and in dyeing and dressing them, and thereafter in selling them in commerce among and between the various States of the United States, and also in dressing and dyeing rabbit skins for the owners thereof, in accordance with special contracts for such services. Sometime in 1925, A. Pierini caused a company to be incorporated under the laws of the State of New York under the name of Great Northern Fur Dyeing & Dressing Corporation to take over the business of the unincorporated concern which he had conducted theretofore under the name of Great Northern Fur Dyeing & Dressing Company. He continued to advertise his business under and by the name Great Northern Fur Dyeing & Dressing Company, and furs dyed by him under such name were widely advertised in trade journals and by means of large and striking display cards, which were distributed under the name of Great Northern Fur Dyeing & Dressing Company among purchasers and prospective purchasers of furs and fur garments in the various States of the United States. There was also published and circulated or distributed, among purchasers and prospective purchasers in the various States of the United States, a house organ called the Northern Seal Bulletin, in which impressive displays were made of fur garments described as "Northern Seal."

Trade journals, circulated throughout the fur trade including fur merchants or dealers in the various States of the United States, carried large and extensive advertisements of the Great Northern Fur Dyeing & Dressing Company, wherein were shown pictorial representations or illustrations of women arrayed in fur coats described and designated "Northern Seal." Large placards or display cards were caused by A. Pierini, under his name Great Northern Fur Dyeing & Dressing Company, to be conspicuously exhibited in places of business of dealers engaged in selling fur garments in other States of the United States than the State of New York, as well as in the State of New York, containing pictorial illustrations of women wearing fur garments described as "Northern Seal." It was the practice of A. Pierini and of the Great Northern Fur Dyeing & Dressing Company or Corporation to stamp, or caused to be stamped on the back of rabbit skins dressed or dyed by it, the brand name "Northern Seal", and in addition to featuring such trade name in all his advertisements, to describe and designate as "Sealines", garments made from rabbit skins dyed by him.

In 1927, A. Pierini, under the name Great Northern Fur Dyeing & Dressing Company, or his incorporated concern the Great North-

ern Fur Dyeing & Dressing Corporation, discontinued the practice of buying, dyeing, and selling rabbit skins on his or its own account, but continued in the business of dressing and dyeing rabbit skins for the owners thereof or manufacturers of fur garments.

As Great Northern Fur Dyeing & Dressing Company or Great Northern Fur Dyeing & Dressing Corporation which he controlled, he dyed or caused to be dyed rabbit skins to resemble sealskins to the extent of 7,000,000 in each of the years 1924, 1925, and 1926, about 5,000,000 in 1927, and 3,000,000 in 1928. It requires from 40 to 50 rabbit skins to construct a fur garment for women, and there were manufactured and sold, in interstate commerce from rabbit skins so dyed and stamped "Northern Seal", from 100,000 to 150,000 coats each year until 1928. It was the practice of A. Pierini and of the Great Northern Fur Dyeing & Dressing Company, after dressing and dyeing or after dyeing skins for their owners or for manufacturers of fur garments, to return or deliver them in boxes containing 50 skins, accompanied by a label bearing the words "Genuine Northern Seal", to be attached by manufacturers to the completed garment made from such skins on the outside of the lining, and in the conspicuous place where labels usually appear.

The stamps, brands, and labels so used or furnished by A. Pierini as the Great Northern Fur Dyeing & Dressing Company or Corporation did not carry or contain the name Great Northern Fur Dyeing & Dressing Company, or that of such corporation, or any other words than the name "Northern Seal", and it was the general practice of manufacturers of fur garments from or out of rabbit skins dyed by respondent A. Pierini, the Great Northern Fur Dyeing & Dressing Company, or by the Great Northern Fur Dyeing & Dressing Corporation controlled by him, to attach to such garments the labels furnished bearing the words "Genuine Northern Seal".

Sometime in 1926 the Federal Trade Commission caused a trade conference to be held of those engaged in the fur industry and trade. It was the consensus of opinion among those attending such conference that the use of such brands or names as "Northern Seal", "Golden Seal", "Belgian Seal", or "Baltic Seal", or any names containing the word "Seal" to describe dyed rabbit skins, when unaccompanied or unqualified by words showing clearly the true name of the fur, had a tendency to deceive the public. There were formulated, by such trade conference, certain rules which thereafter were approved and published by the Federal Trade Commission, relating to the manner or method to be followed in branding, stamping, describing, or designating furs or fur garments. The rules so adopted, which are pertinent, were as follows:

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Rule 1. In order to describe a fur, in every case the correct name of the fur must be the last word of the description, and if any dye or blend is used in simulating another fur, the word "dyed" or "blended" must be inserted between the name signifying the fur that is simulated and the true name of the fur: as, "Seal Dyed Muskrat" or "Mink Dyed Marmot".

Rule 4. Where goods are sold under a registered trade mark that trade mark should not, by intent or otherwise, be capable of misinterpretation by the public. In case of trade marks heretofore established in common use, the advertisers should invariably indicate by suitable descriptive matter in addition to the trade mark just what the fur is, or better, the trade mark should be modified so as to include the descriptive matter.

After publication of such rules, A. Pierini, as the Great Northern Fur Dyeing & Dressing Company, or the Great Northern Fur Dyeing & Dressing Corporation which he controlled, adopted and followed the practice of placing beneath the words "Northern Seal" stamped on rabbit skins dyed by him or it, at a distance of an inch therefrom, the words "Seal Dyed Coney", and on labels furnished owners of such skins the words "Seal Dyed Coney" were also placed beneath the words "Genuine Northern Seal" in small and inconspicuous letters.

In 1928 the respondent Great Northern Fur Dyeing & Dressing Company, Inc., was incorporated and organized, as set forth in paragraph 1 hereof, as a new and independent company to take over the property and business theretofore conducted by A. Pierini under the name "Great Northern Fur Dyeing & Dressing Company" and the property and business of the Great Northern Fur Dyeing & Dressing Corporation, which he controlled as aforesaid. Respondent adopted as its corporate name and its trade name precisely that formerly used by A. Pierini for more than ten years theretofore. It assumed the property and business of A. Pierini or the Great Northern Fur Dyeing & Dressing Company, or Great Northern Fur Dyeing & Dressing Corporation, and ever since has had, enjoyed, and maintained, and now has, enjoys and maintains the good will its said predecessor or predecessors have developed among the trade or purchasing public, including the fruits of the extensive advertising by its said predecessor or predecessors, and the widespread use of the trade mark "Northern Seal", and of such good will as may have accrued or has accrued from the sale and distribution each year for many years in interstate commerce of from 100,000 to 150,000 fur garments bearing the trade mark "Northern Seal", and the label "Genuine Northern Seal".

In April 1928 there was a consolidation or merger between the respondent Great Northern Fur Dyeing & Dressing Company, the Golden Fur Dyeing Company, and the Ideal-Belgian Fur Dyeing

Company, which companies had been and were engaged in dressing and dyeing rabbit skins to resemble dyed sealskins for owners of such skins or manufacturers of fur garments. Prior to such consolidation or merger the Golden Fur Dyeing Company had operated and controlled two factories in the city of Brooklyn and State of New York. At the time of the merger or consolidation it was the practice, and had been for many years theretofore, of the Golden Fur Dyeing Company to stamp rabbit pelts dyed by it with the words "Golden Seal" in large and conspicuous letters, enclosing them within a circle. Sometime in 1926, after the aforesaid trade conference, this company altered its trade mark by adding the words "Seal Dyed Coney" in small and inconspicuous letters at a distance of an inch or an inch and a half beneath the lower border of the circle inclosing the said trade mark "Golden Seal".

Since such consolidation or merger respondent Great Northern Fur Dyeing & Dressing Company, Inc., has used on rabbit skins dyed by it trade marks theretofore used, to wit, "Northern Seal", "Bonded Northern Seal", and registered trade marks formerly owned by, and acquired from, Golden Fur Dyeing Company and Ideal Belgian Fur Dyeing & Dressing Company respectively, "Golden Seal" and "Ideal-Belgian". It has been and is the practice of said respondent to stamp the best grade of rabbit skins dyed by it with the trade mark "Bonded Northern Seal", and to stamp the second grade of rabbit skins dyed by it with the trade mark "Northern Seal". The third grade of rabbit skins dyed by it have been and are stamped by said respondent either "Golden Seal" or "Ideal Belgian".

Respondent Great Northern Fur Dyeing & Dressing Company, Inc., has adopted and continued, and now follows, the practice of A. Pierini doing business under the name Great Northern Fur Dyeing & Dressing Company and the Great Northern Fur Dyeing & Dressing Corporation controlled by him, of furnishing with the number of rabbit skins required for fur garments, labels bearing the words "Northern Seal" or "Bonded Northern Seal" in large and conspicuous letters and the words "Seal Dyed Coney" in small and inconspicuous letters to be attached by manufacturers of garments from such skins to the completed garment at the usual place for labels on the outside of the lining. It also requests and encourages the use of such labels for such purpose.

It has been and also is the practice of respondent Great Northern Fur Dyeing & Dressing Company, Inc., to furnish owners of skins dyed by it and manufacturers of fur garments from such skins, tags to be attached to containers of the completed garment which have contained the name of respondent and its address, and have featured

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the trade mark "Northern Seal" in red, with the trade mark "Golden Seal" on one side and the trade mark "Ideal-Belgian" on the other side. Above the trade mark "Northern Seal" has appeared the word "Bonded" and beneath such trade mark in small and inconspicuous letters the words "Seal Dyed Coney." Such words have also appeared beneath the trade mark "Golden Seal" and beneath the trade mark "Ideal-Belgian" have appeared the words "Seal" and "Dyed Coney". The word "Seal" appears in larger and more conspicuous letters than the words "Ideal-Belgian", and the words "Dyed Coney" are expressed in letters so small as not to be legible or noticeable.

Said respondent Great Northern Fur Dyeing & Dressing Company, Inc., also features and exploits its corporate name and the aforesaid trade names or trade marks upon its stationery, including invoices, order forms, credit memoranda and letterheads on all of which the words "Ideal-Belgian Seal", "Bonded Northern Seal" or "Northern Seal" and "Golden Seal" appear in large and conspicuous letters, and the words "Dyed Coney" or "Seal Dyed Coney" appear in small and inconspicuous letters which are sometimes entirely illegible or unnoticeable. It follows the same practice with respect to display calendars and packing containers, and it advertises in the various trade papers which circulate in the different States of the United States among fur dealers, and in its advertisements features its said trade marks and describes garments made from rabbit skins dyed by it as "Sealines." It encourages and urges its customers to advertise garments made from rabbit skins dyed by it, and to feature or display its trade names, and contributes a portion of the expense of such advertisements.

PAR. 3. It has been and is the practice of respondent Brickner & Bernfeld, Inc., in the course and conduct of its business as described in paragraph 1 hereof, to cause its Australian and New Zealand rabbit skins imported into the United States by it, or a substantial proportion thereof, to be dressed and dyed to resemble dyed sealskins by respondent Great Northern Fur Dyeing & Dressing Company, Inc., as stated in said paragraph, and such rabbit skins dyed by said respondent Great Northern Fur Dyeing & Dressing Company, Inc., in pursuance of agreements with respondent Brickner & Bernfeld, have been and are returned to respondent Brickner & Bernfeld, Inc., after performance of such dyeing service, branded and stamped with the words "Bonded Northern Seal" or "Northern Seal" or "Golden Seal" and with the words "Seal Dyed Coney" in small letters inconspicuously placed some distance from or below the words "Bonded Northern Seal" or "Northern Seal" or "Golden Seal." Respondent Great Northern Fur Dyeing & Dress-

ing Company, Inc., has also furnished and furnishes respondent Brickner & Bernfeld, Inc., labels bearing the words "Northern Seal" or "Bonded Northern Seal" in large and conspicuous letters, with the words "Seal Dyed Coney" appearing below them in small and inconspicuous letters.

Such rabbit skins so dyed and stamped by respondent Great Northern Fur Dyeing & Dressing Company, Inc., have been offered for sale and sold by respondent Brickner & Bernfeld, Inc., in course of its business described in paragraph 1 hereof to dealers in rabbit skins and the skins of other fur-bearing animals and to manufacturers of fur garments in the State of New York and in the various other States of the United States than the State of New York, including respondents Henry Kutik, Isador Kutik, Morris Kutik, and George Kutik trading under the firm name and style of Kutik Brothers. Respondent Brickner & Bernfeld, Inc., has furnished and furnishes, along with rabbit skins so dyed and stamped by respondent Great Northern Fur Dyeing & Dressing Company, Inc., to its customers including the individual respondents trading as Kutik Brothers, the labels hereinbefore described and furnished respondent Brickner & Bernfeld, Inc., by respondent Great Northern Fur Dyeing & Dressing Company, Inc. Such labels have been and are furnished its customers, including said respondents Kutik Brothers, by respondent Brickner & Bernfeld, Inc., to be attached to garments made out of the dyed rabbit skins sold them, with the full knowledge that garments manufactured from such dyed rabbit skins by its customers, including respondents Kutik Brothers, would be sold in interstate commerce, and for the purpose and with the effect of promoting and facilitating the business of its customers, including said Kutik Brothers, in selling in such commerce garments made from dyed rabbit skins to the consuming public, as and for garments made from dyed sealskins.

Respondent Brickner & Bernfeld, Inc., in order to induce the purchase of its dyed rabbit skins and the sale of garments manufactured therefrom by its customers including respondents trading as Kutik Brothers, advertises in the various trade papers circulated in the various States of the United States, and among its various methods of advertisement has adopted and uses large display cards, posters, and circulars wherein and whereby it represents that Brickner & Bernfeld, Inc., is the world's largest "Sealine" house, and in said advertisements it particularly features the trade mark "Bonded Northern Seal" or "Golden Seal" in large and conspicuous letters with the words "Seal Dyed Coney" below them in small and inconspicuous letters.

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PAR. 4. Respondents Henry Kutik, Isador Kutik, Morris Kutik, and George Kutik, trading under the firm name and style of Kutik Brothers, in the course and conduct of their business as described in paragraph 1, have offered for sale and sold garments manufactured from dyed rabbit skins bearing the stamp or brand "Northern Seal" or "Bonded Northern Seal" or "Golden Seal", with the words "Seal Dyed Coney" in small and inconspicuous letters. Such garments so manufactured and sold by respondents Kutik Brothers have been and are so constructed that at or near the place on each fur garment where the labels of garments usually appear, the words "Northern Seal" or "Bonded Northern Seal" or "Golden Seal" may or can be exposed by ripping or opening the lining of the garment without exposure of the words "Seal Dyed Coney." Respondents Kutik Brothers have also placed or caused to be placed on the completed garments, manufactured from said dyed rabbit skins at the usual or appropriate place, labels furnished them as stated in paragraph 3 hereof by respondent Brickner & Bernfeld, Inc., and have sold and sell such garments advertised, described and designated as "Sealines".

PAR. 5. It requires from 40 to 50 rabbit skins for the construction of a coat for women, and from 7 to 8 sealskins. Garments made from rabbit skins dyed to resemble sealskins resemble garments made from dyed sealskins, but they resemble them in appearance only. Dyed rabbit skins are greatly inferior to the skins of seals in pliability and durability of the leather and in wearing quality and luster, and garments made from sealskins command prices far in excess of or substantially greater than the prices commanded by garments made from rabbit skins.

PAR. 6. There are now and have been for many years competitors of respondents offering for sale and selling in interstate commerce genuine dyed sealskins, and competitors offering for sale and selling in such commerce garments manufactured from genuine dyed sealskins.

There are now and for many years last past have been competitors of respondents offering for sale and selling, in interstate commerce, dyed rabbit skins clearly described and advertised as such, and there have been and are competitors of respondents offering for sale and selling, in such commerce, garments manufactured from dyed rabbit skins without any brand, stamp, advertisements, or description containing the word "seal", or thereby or otherwise suggesting or implying, by brand, stamp, trade mark, label, or other descriptive matter, that such garments have been or are made from or out of sealskins, or any other skins than rabbit skins.

PAR. 7. The practices of respondents Henry Kutik, Isador Kutik, Morris Kutik, and George Kutik trading under the firm name and style of Kutik Brothers, of offering for sale and selling, in course of the commerce described in paragraph 1 hereof, garments manufactured from rabbit skins dyed so as to resemble sealskins, branded or stamped "Northern Seal" or "Bonded Northern Seal" and labeled "Northern Seal" or "Bonded Northern Seal" with the words "Seal Dyed Coney" in small and inconspicuous letters, or garments made from dyed rabbit skins stamped "Golden Seal", with the words "Seal Dyed Coney" in small and inconspicuous letters, and of advertising such garments as "Sealines" have had and have, and each of them has had and has the capacity and tendency to mislead and deceive the public into the belief that the garments so dyed, stamped, branded, labeled, and described have been and are garments manufactured from genuine sealskins, and into the purchase of such garments in reliance on such erroneous belief. Such practices have also furnished and furnish dealers with the means to mislead and deceive the purchasing public into the belief that said garments have been and are manufactured from genuine sealskins by exposing the brand "Northern Seal" or "Bonded Northern Seal" or "Golden Seal" stamped on the pelts composing such garments without disclosing the words "Seal Dyed Coney", and thereby to support their false representations or pretences to the effect that the garments offered for sale are in fact made from genuine sealskins.

The practices of respondent Brickner & Bernfeld, Inc., of offering for sale and selling to dealers in skins and to manufacturers of fur garments, rabbit skins dyed and stamped as aforesaid by respondent Great Northern Fur Dyeing & Dressing Company, Inc., of furnishing purchasers of its skins so dyed and stamped the false and misleading labels hereinbefore described, and of advertising them as "Sealines", have had and have, and each of them has had and has the capacity and tendency to mislead and deceive, and has furnished and furnishes dealers and manufacturers with the means to mislead and deceive their respective purchasers into the belief that the dyed rabbit skins sold by respondent Brickner & Bernfeld, Inc., have been and are genuine sealskins, and have furnished and furnish such dealers, and manufacturers, with the means by which they have been and are enabled to supply dealers in fur garments with facilities for selling the completed garments made from such dyed rabbit skins and for garments made from genuine sealskins.

The practices of respondent Great Northern Fur Dyeing and Dressing Company, Inc., in dyeing rabbit skins for respondent Brickner muskrat furs, rabbit furs, seal furs and those of other fur-bearing

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on the backs of skins so dyed by it the words "Northern Seal" or "Bonded Northern Seal" or "Golden Seal" in large and conspicuous letters with the words "Seal Dyed Coney" in small and inconspicuous letters so placed with reference to the words "Northern Seal" or "Bonded Northern Seal" or "Golden Seal" that such words may be displayed without exposing the words "Seal Dyed Coney", in furnishing labels to be attached to garments manufactured from such skins bearing the words "Northern Seal" or "Bonded Northern Seal" in large and conspicuous letters with the words "Seal Dyed Coney" in small and inconspicuous letters, have, and each of them has aided, abetted, assisted, promoted, and facilitated the sale, in interstate commerce by respondent Brickner & Bernfeld, Inc., of dyed rabbit skins as and for genuine sealskins, and the sale in such commerce of garments made from dyed rabbit skins as and for garments made from genuine sealskins by respondents Kutik Brothers.

The aforesaid practices of respondent, Great Northern Fur Dyeing & Dressing Company, Inc., have had and have and each of them has had and has the capacity and tendency to divert trade to it and has diverted and does divert trade to it from competitors' dressing and dyeing, or dyeing the skins of rabbits, seals, or other fur-bearing animals, for their owners, either for sale in interstate commerce truthfully described, or for manufacture of fur garments sold or to be sold in interstate commerce truthfully described, or for sale by their owners to manufacturers of fur garments selling them in interstate commerce truthfully described; and by aiding, assisting, and abetting the sale in interstate commerce by respondent Brickner & Bernfeld and respondents Henry Kutik, Isador Kutik, Morris Kutik, and George Kutik trading under the firm name and style of Kutik Brothers, respectively, of rabbit skins and garments made from rabbit skins, the aforesaid practices of respondent Great Northern Fur Dyeing & Dressing Company, Inc., have had and have and each of them has had and has the capacity and tendency to divert trade and has diverted trade and does divert trade to respondent Brickner & Bernfeld, Inc., and to respondents Henry Kutik, Isador Kutik, Morris Kutik, and George Kutik trading under the firm name and style of Kutik Brothers, from their respective competitors offering for sale or selling in interstate commerce sealskins or rabbit skins truthfully described and garments made from sealskins or rabbit skins or the skins of other fur-bearing animals truthfully described.

The aforesaid practices of respondent Brickner & Bernfeld, Inc., have had and have and each of them has had and has the capacity and tendency to divert and does divert trade from competitors offer-

ing for sale or selling in interstate commerce skins of fur-bearing animals including those of seals and rabbits truthfully described; and the aforesaid practices of respondents Henry Kutik, Isador Kutik, Morris Kutik, and George Kutik trading under the firm name and style of Kutik Brothers have had and have the capacity and tendency to divert and do divert trade to said respondents from competitors offering for sale or selling in interstate commerce garments made from or out of sealskins, rabbit skins or the skins of other fur-bearing animals truthfully described.

PAR. 8. The above and foregoing practices of respondents have been and are, and each of them has been and is to the prejudice of the public and of respondents' competitors, and the competitors of all of them, and have been and are unfair methods of competition in interstate commerce in violation of the provisions of Section 5 of the Act 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 ²

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, on the 18th day of May 1932 issued its complaint against the respondents herein and caused the same to be served upon said respondents as required by law, in which complaint it is alleged that respondents have been and are using unfair methods of competition in commerce in violation of the provisions of Section 5 of said Act.

On May 17, 1934, respondents filed an answer to said complaint in which they consented that the Commission may make, enter, and serve upon them an order to cease and desist from the violations of law alleged in the complaint in accordance with the provisions of Section (b) of Rule V of the Rules of Practice of the Commission; and the Commission having accepted said answer, and it appearing that respondents Kutik Brothers have discontinued the business described in the complaint, and the Commission having considered the record, issued an order to cease and desist on May 16, 1935, and thereafter, on to wit the 17th day of June 1935 the Commission, being now fully advised in the premises, modifies the said order to cease and desist, and

It is now ordered, That respondents, Great Northern Fur Dyeing & Dressing Company, Inc., and Brickner & Bernfeld, Inc., their officers, agents, representatives, and employees, in connection with

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the dyeing or dressing, sale, offering for sale, or advertising of dyed muskrat fur or dyed cony (rabbit) fur, cease and desist from:

1. Describing furs in any other way than by the use of the correct name of the fur as the last word of the description, and when any dye or blend is used simulating another for the true name of the fur appearing as the last word of the description must be immediately preceded by the word "dyed", or "blended", compounded with the name of the simulated fur.

2. Using the word "seal" alone or in connection, combination or conjunction with any other word or words to describe or designate dyed cony, unless and until the word "seal" is compounded with the word "dyed" and such compounded word is immediately followed by the word "cony", as "seal-dyed cony".

3. Using the word "seal" or the words "Hudson Seal" standing alone or in connection, combination or conjunction with any other word or words to describe or designate dyed muskrat unless and until the word "seal" or the words "Hudson Seal" are compounded with the word "dyed" and such word or words so compounded are immediately followed by the word or words signifying or designating the true name of the fur, as "seal-dyed muskrat" or "Hudson Seal-dyed muskrat".

4. Using the word "seal" or the words "Hudson Seal" standing alone or in connection, combination or conjunction with any other word or words (regardless of corporate name, trade name, or trade mark), except that the word "seal" may be used as an adjective to denote or describe the color or character of the dye of muskrat or cony fur, as "seal-dyed muskrat" or "seal-dyed cony", and except that the words "Hudson Seal" may be used as an adjective to denote or describe the color or character of the dye of muskrat fur, as "Hudson Seal-dyed muskrat".

5. Using the word "Hudson" standing alone or in connection, combination or conjunction with any other word or words to describe or designate dyed cony (rabbit) fur.

It is further ordered, That the respondents shall, within 90 days from the date of the service upon them of the order herein, file with the Commission a report in writing, setting forth in detail the manner and form of their compliance with this order.

It is further ordered, That the proceeding be, and it hereby is closed as to Henry Kutik, Isador Kutik, Morris Kutik, and George Kutik, trading under the firm name and style of Kutik Brothers.

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Syllabus

IN THE MATTER OF

BAYONNE-NEWLAND FUR DRESSERS & DYERS, INC.

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

Docket 2121. Complaint, Nov. 9 1933—Order, June 25, 1935¹

Complaint charged respondent corporation, engaged in dressing, dyeing, marking, and designating skins of fur-bearing animals, at the instance and request of and in accordance with special agreements with, the owner-furriers or dealers, who sell the same thus dressed, dyed, marked, and designated to garment manufacturers, with misbranding or mislabeling, in stamping upon the backs of rabbit skins so dressed and dyed by it as to resemble sealskin fur, the letters "B" and "N", superimposed, together with word "Seal" in large and conspicuous letters, and, below, words "Dyed Cony" in much smaller and less conspicuous letters, with full knowledge and in aid of sale in interstate commerce by said owners of said rabbit skins thus dressed, dyed, and marked by it, and by said owners' manufacturer vendees of garments made therefrom, by reason of its aforesaid treatment and marking and their resemblance to the dyed fur of genuine seal, under the name or description "Sealines";

With capacity and tendency to mislead and deceive the public into the purchase of said skins as and for seal, with its superior pliability, durability, wearing quality and luster, and into the purchase of garments made therefrom as and for the more costly sealskin garments, and with effect of furnishing manufacturers and dealers, wholesale and retail, with the means enabling them to perpetrate a fraud upon said public by representing said garments as made of genuine seal, and exhibiting to customers and prospective customers, in support of such false representations, the word "Seal" stamped on the skins thereof, as hereinbefore set forth, and of aiding, assisting and abetting sale in interstate commerce of skins of rabbit and other fur-bearing animals, thus dressed, etc., by it, and of garments therefrom, as and for seal, by the owners and manufacturers, respectively, and by wholesale and retail dealers in said garments, and with further tendency and capacity to divert trade to owners of rabbit skins dressed and dyed by it, offered and sold in interstate commerce, and to manufacturers of garments made therefrom and wholesale dealers therein, offering the same in said commerce, and to latter's retail dealer customers in the United States, from dealers selling skins of rabbit and other fur-bearing animals, truthfully described, and from manufacturers and their wholesale dealers selling garments made from sealskin and skin of other fur-bearing animals, truthfully branded and described, and from their retail customer dealers in the various States; to the prejudice of the public and of the competitors of said corporation and its principals, and those thus aided, assisted and abetted by it in such practices.

Ordered, respondent consenting, that respondent, its officers, etc., in connection with the dyeing or dressing, sale, offer or advertisement of dyed muskrat fur or dyed cony (rabbit) fur, in interstate commerce, cease and desist from describing fur other than by the use of the correct name of the fur

¹The order is published as modified as of that date. Original order, not printed, was made as of May 16, 1935.