

Complaint

IN THE MATTER OF

VINCENT MAGGIORE, TRADING AS THE AMO-LINE
COMPANY AND AMO-LINE COMPANY

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

Docket 2491: Complaint, July 3, 1935—Decision, Oct. 8, 1935

Where a corporation engaged for years in the manufacture, distribution, and sale of a cleanser and water-softener under its registered trade name "Climalene" and in its light blue registered cartons with dark blue overprintings, and through sale of said water-softener under said name and in such cartons and the wide advertisement thereof throughout the United States, acquired a wide and favorable reputation for said product which was in great demand by the trade and purchasing public; and thereafter an individual sold a similar product under the name "Amo-Line" and employed therefor cartons or packages which were of the same size, and colored light greenish blue with dark blue overprintings, and which imitated the former in many particulars; with capacity and tendency to confuse, deceive, and mislead trade and public under conditions usually prevailing in the sale of such products, and with result of inducing members of such trade and public to buy the product of said individual as and for that of such corporation, and of thus unfairly diverting trade from latter and its dealers to said individual and his dealers, and of placing in the hands of retailers an instrumentality permitting them more easily to substitute such goods of said individual for those of another, and with capacity and tendency so to do:

Held, That such practices, under the conditions and circumstances set forth, were each and all to the substantial prejudice of the public and of said competitor, and constituted unfair methods of competition.

Mr. J. T. Welch for the Commission.

Mr. Gerard Manack, of Navarre, Ohio, 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 Vincent Maggiore trading as The Amo-Line Company and Amo-Line Company, hereinafter referred to as respondent, has been and is 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

thereto would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, Vincent Maggiore, trading as The Amo-Line Company and Amo-Line Company, is an individual engaged in business in the city of Canton, State of Ohio. He is now and for more than one year last past has been engaged in the business of manufacturing and selling a cleanser and water-softener which he distributes to purchasers, many of whom reside in States other than the State of Ohio, and when orders are received therefor, they are filled by respondent by shipping the same from the said city of Canton, Ohio, into and through other States of the United States and in the District of Columbia, to the respective places of business or residence of such purchasers.

PAR. 2. In the course and conduct of his business the said respondent was and is in substantial competition with other corporations, individuals, firms, and partnerships, likewise engaged in the sale and distribution of cleansers and water softeners between and among the various States of the United States and in the District of Columbia.

PAR. 3. During all the time since or about the year 1918, the Climalene Company, a corporation organized and existing under and by virtue of the laws of the State of Ohio, and having its principal office and place of business in the city of Canton in said State, and one of the sellers mentioned in paragraph 2 hereof has been engaged in the manufacture, distribution, and sale of a cleanser and water-softener known to the trade as "Climalene", which name together with the general style of the package in which said cleanser and water-softener is sold has been registered by the said corporation in the United States Patent Office and bears trade mark No. 37330. Said package is light blue in

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color with overprintings of dark blue and is of the style and character as follows:

Front, top, and side

CLIMALENE	[Trade mark]
CLIMALENE (Trade mark reg. U. S. Pat. Office) A CLEANSER WATER SOFTENER AND SOAP SAVER FOR KITCHEN—LAUNDRY AND BATH NET WEIGHT 12 OZ. Copyright 1932 by The Climalene Co.	CLIMALENE <i>for</i> <i>Boiling Clothes</i> Two tablespoonfuls in a half boiler of water, one-fourth the usual amount of soap or soap chips. <i>Soaking Clothes</i> Two tablespoonfuls, half tub water, one-fourth usual amount soap or soap chips. Soak over night. <i>Washers</i> Two tablespoonfuls in washer of water to water line, one-fourth usual amount soap or soap chips. <i>Fine Fabrics</i> For dainty things; use a pinch, warm water, pure mild soap. Wash by dipping up and down.
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Back, bottom, and side

CLIMALENE CLEANSER WATER SOFTENER SOAP SAVER FOR KITCHEN—LAUNDRY AND BATH CLIMALENE instantly takes the harshness out of hard water . . . makes it soft and gentle as Rain Water. It is perfectly soluble in hot or cold water and is invaluable in the kitchen, laundry and bathroom. At the same time it instantly dissolves all grease, dirt, and grime and so can be used wherever water of any kind is used in cleaning. And thus cuts your working time . . . One-Half or More . . . saves soap . . . in washing, cleaning and in the dishpan. The saving in soap more than pays for <i>Climalene</i>. THE CLIMALENE CO., CANTON, OHIO	CLIMALENE <i>for The Bath</i> One tablespoonful to tub. A quick rich lather is made with soap. No high water mark is left on tub. — <i>Washing Dishes</i> One teaspoonful in the dishpan cuts the grease from dishes and cooking utensils. Quickly cleans sink. — <i>Cleaning Silver</i> One teaspoonful in a pan of water. Boil the silver for two minutes, longer if badly stained. Rinse. — <i>Cleaning Floors</i> One teaspoonful in a pail of water renews floors, woodwork, linoleum, tiling to a fresh brightness.
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PAR. 4. During and since the year 1934, the respondent, in the course and conduct of his business has sold and distributed a cleanser and water-softener known as "Amo-Line", in cartons or packages in which said cleanser and water-softener is and has been displayed for

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resale by dealers to the members of the public for their use; the said respondent's carton or package being of the same size as that of his competitor mentioned in paragraph 3 hereof, is a light greenish blue in color with overprintings of dark blue, and being of the style and character as follows:

Front, top, and side

AMO-LINE	
AMO-LINE A NEW CLEANSER WATER SOFTENER SOAP AND TIME SAVER FOR BATH, LAUNDRY AND KITCHEN NET WEIGHT—12 Oz.	AMO-LINE <i>For Clothes Washing</i> Two to three tablespoon- fuls in a boiler of warm water. Soak the clothes over night (if possible), wring into machine with hot water, add two tablespoon- fuls and one-fourth the usual amount of soap. <i>Woolens and Blankets</i> Dissolve two tablespoon- fuls and little pure mild soap in a tub of warm water (not hot). Soap half hour. Wash by dipping up and down—squeeze gently, rinse in lukewarm water. <i>Lingerie and Laces</i> One teaspoonful in one gallon of warm water. Add a little pure mild soap wash gently and carefully by hand. Rinse well.
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Back, bottom, and side

AMO-LINE A NEW CLEANSER WATER SOFTENER, SOAP AND TIME SAVER FOR BATH, LAUNDRY AND KITCHEN AMO-LINE is the latest and greatest discovery of modern times—as a cleaner it has no equal. AMO-LINE cleans on a new principle. It's different from other cleaners. It's stronger, better, and yet less harmful. A little AMO-LINE goes a long ways. Just a teaspoonful in a dishpan of hot or cold water takes all the hardness and makes it as soft as rain water. Cuts and dissolves dirt, grease or scum—just like magic. Can be used for any kind of cleaning. <i>When once you use AMO-LINE, you can't do without it</i> THE AMO-LINE CO.—CANTON, OHIO	AMO-LINE <i>Tubs and Basins</i> One teaspoonful to a wet cloth will remove all grease, scum and stains. Makes the enamel a sparkling white. — <i>Dishes and Glassware</i> One teaspoonful in a dishpan of warm water cuts grease and leaves surface clean. — <i>Brass and Silverware</i> One teaspoonful in two quarts of warm water. Do not rub hard with cloth. — <i>Floors and Woodwork</i> One tablespoonful into a pail of lukewarm water (not hot.) Rinse with clean water and dry with damp cloth.
	Paper Boxes & Cartons THE A. L. GARBER CO. Ashland, Ohio

PAR. 5. The Climalene Company, by its sale of its cleanser and water-softener in the carton depicted in paragraph 3 hereof, and by widely advertising the same throughout the United States has acquired a wide and favorable reputation for its product which is in great demand by the trade and purchasing public.

PAR. 6. The carton or package above referred to in which respondent sells his cleanser and water-softener imitated and still imitates in many particulars the cartons or packages in which Climalene has been and is being packed and sold, and such similarity had and still has the capacity and tendency to confuse, deceive and mislead the trade and public, and was and is calculated to and continues to confuse, mislead and deceive the trade and public. Under the ordinary conditions which prevailed and still prevail in the usual course of business in the sale of such cleanser and water-softener, and in consequence thereof, members of the trade and public were and are induced by the similarity of the packages or cartons to buy, and they did buy and continue to buy respondent's product, in the belief that they were and are purchasing the product sold by the Climalene Company. Trade has been and continues to be unfairly diverted from respondent's competitor and from dealers in the product of respondent's competitor to the respondent and dealers who sell respondent's product and the use by respondent of the name and package described in paragraph 4 hereof has the tendency to and does place in the hands of retail dealers an instrumentality which permits them more easily to substitute the goods of respondent for those of another.

PAR. 7. The above acts and things caused to be done are and were each and all to the substantial prejudice and injury of the public and of respondent's competitor and constitute unfair methods of competition in commerce within the meaning and intent 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.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

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 3rd day of July 1935 issued against and thereafter served its complaint upon respondent Vincent Maggione, charging him with the use of unfair methods of competition in commerce in violation of the provisions of said Act. Respondent having failed to enter his appearance or file his answer to said complaint, a hearing was called before a trial examiner heretofore duly appointed, at which hearing the said respondent having appeared thereat person-

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ally and by attorney, before the taking of any testimony, stipulated on the record as to each and every one of the allegations in the complaint. Thereafter the Commission having duly considered the record and being now fully advised in the premises, makes this its report, stating its findings as to the facts and its conclusion drawn therefrom:

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent, Vincent Maggiore, trading as The Amo-Line Company and Amo-Line Company, is an individual engaged in business in the city of Canton, State of Ohio. He is now and for more than one year last past has been engaged in the business of manufacturing and selling a cleanser and water-softener which he distributes to purchasers, many of whom reside in States other than the State of Ohio, and when orders are received therefor, they are filled by respondent by shipping the same from the said city of Canton, Ohio, into and through other States of the United States and in the District of Columbia, to the respective places of business or residence of such purchasers.

PAR. 2. In the course and conduct of his business the said respondent was and is in substantial competition with other corporations, individuals, firms, and partnerships, likewise engaged in the sale and distribution of cleansers and water-softeners between and among the various States of the United States and in the District of Columbia.

PAR. 3. During all the time since or about the year 1918, the Climalene Company, a corporation organized and existing under and by virtue of the laws of the State of Ohio, and having its principal office and place of business in the city of Canton in said State, and one of the sellers mentioned in paragraph 2 hereof has been engaged in the manufacture, distribution, and sale of a cleanser and water-softener known to the trade as "Climalene", which name together with the general style of the package in which said cleanser and water-softener is sold has been registered by the said corporation in the United States

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Patent Office and bears trade mark No. 37330. Said package is light blue in color with overprintings of dark blue and is of the style and character as follows:

Front, top, and side

CLIMALENE	[Trade mark]
CLIMALENE (Trade mark Reg. U. S. Pat. Office) A CLEANSER WATER SOFTENER AND SOAP SAVER FOR KITCHEN—LAUNDRY and BATH NET WEIGHT 12 Oz. Copyright 1932 by the Climalene Co.	CLIMALENE <i>for</i> <i>Boiling Clothes</i> Two tablespoonfuls in a half boiler of water, one-fourth the usual amount of soap or soap chips. <i>Soaking Clothes</i> Two tablespoonfuls, half tub water, one-fourth usual amount soap or soap chips. Soak over night. <i>Washers</i> Two tablespoonfuls in washer of water to water line, one-fourth usual amount soap or soap chips. <i>Fine Fabrics</i> For dainty things: use a pinch, warm water, pure mild soap. Wash by dipping up and down.
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Back, bottom, and side

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PAR. 4. During and since the year 1934, the respondent, in the course and conduct of his business has sold and distributed a cleanser and water-softener known as "Amo-Line", in cartons or packages in which said cleanser and water-softener is and has been displayed for resale by dealers to the members of the public for their use; the said respondent's carton or package being of the same size as that of his competitor mentioned in paragraph 3 hereof, is a light greenish blue

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in color with overprintings of dark blue, and being of the style and character as follows:

Front, top, and side

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Back, bottom, and side

AMO-LINE A NEW CLEANSER WATER SOFTENER, SOAP AND TIME SAVER FOR BATH, LAUNDRY AND KITCHEN AMO-LINE is the latest and greatest discovery of modern times—as a cleaner it has no equal. AMO-LINE cleans on a new principle. It's different from other cleaners. It's stronger, better, and yet less harmful. A little AMO-LINE goes a long ways. Just a teaspoonful in a dishpan of hot or cold water takes all the the hardness and makes it as soft as rain water. Cuts and dissolves dirt, grease or scum—just like magic. Can be used for any kind of cleaning. <i>When once you use AMO-LINE, you can't do without it</i> THE AMO-LINE CO.—CANTON, OHIO	AMO-LINE <i>Tubs and Basins</i> One teaspoonful to a wet cloth will remove all grease, scum and stains. Makes the enamel a sparkling white. <i>Dishes and Glassware</i> One teaspoonful in a dishpan of warm water cuts grease and leaves surface clean. <i>Brass and Silverware</i> One teaspoonful in two quarts of warm water. Do not rub hard with cloth. <i>Floors and Woodwork</i> One tablespoonful into a pail of lukewarm water (not hot). Rinse with clean water and dry with damp cloth.
	Paper Boxes & Cartons The A. L. GARBER CO. Ashland Ohio

PAR. 5. The Climalene Company, by its sale of its cleanser and water-softener in the carton depicted in paragraph 3 hereof, and by widely advertising the same throughout the United States has ac-

quired a wide and favorable reputation for its product which is in great demand by the trade and purchasing public.

PAR. 6. The carton or package above referred to in which respondent sells his cleanser and water-softener imitated and still imitates in many particulars the cartons or packages in which Climalene has been and is being packed and sold, and such similarity had and still has the capacity and tendency to confuse, deceive, and mislead the trade and public, and was and is calculated to and continues to confuse, mislead; and deceive the trade and public. Under the ordinary conditions which prevailed and still prevail in the usual course of business in the sale of such cleanser and water-softener, and in consequence thereof, members of the trade and public were and are induced by the similarity of the packages or cartons to buy, and they did buy and continue to buy respondent's product, in the belief that they were and are purchasing the product sold by the Climalene Company. Trade has been and continues to be unfairly diverted from respondent's competitor and from dealers in the product of respondent's competitor to the respondent and dealers who sell respondent's product and the use by respondent of the name and package described in paragraph 4 hereof has the tendency to and does place in the hands of retail dealers an instrumentality which permits them more easily to substitute the goods of respondent for those of another.

CONCLUSION

The practices of the respondent and the acts and things he caused to be done under the conditions and circumstances described in the foregoing findings are and were each and all to the substantial prejudice and injury of the public and of respondent's competitor and constitute unfair methods of competition in interstate commerce within the meaning and intent 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 been ordered to be heard by the Federal Trade Commission upon the complaint of the Commission, and the respondent, upon the opening of the hearing, having stipulated on the record as to all the allegations of the complaint and, the Commission having made its report in writing in which it stated its findings as to the facts with its conclusion that the respondent had violated the pro-

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visions 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", and the Commission being fully advised in the premises—

It is now ordered, That the respondent, Vincent Maggiore, trading as The Amo-Line Company or trading under any other name, his agents, representatives and employees, in the manufacture, packaging, advertising and sale of cleansers and water-softeners, or other merchandise in interstate commerce, do cease and desist from:

(1) Using, in connection with the sale, offering for sale or advertising of any cleanser and water-softener or similar commodity, the name Amo-Line.

(2) Marketing, displaying, advertising, or offering for sale any cleanser and water-softener or other merchandise in packages, cartons or containers deceptively similar in color, combinations of color, lettering, or design to packages, cartons, or containers of any competitor of respondent engaged in the sale of such commodities.

(3) Specifically, simulating the packages, labels, brand names, or advertising of the Climalene Company, an Ohio corporation.

(4) Selling or offering for sale any cleanser and water-softener or other merchandise in packages, cartons, or containers so contrived and designed that the appearance thereof in conjunction with any brand name, howsoever contrived, printed, or depicted on said packages, cartons, or containers, has the capacity and tendency to confuse, deceive, and mislead dealers and members of the public into the belief that respondent's cleanser and water-softener or other merchandise is the cleanser and water-softener or other merchandise of a competitor.

It is further ordered, That the respondent, Vincent Maggiore, shall within 30 days after the service of this order file with the Federal Trade Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Complaint

IN THE MATTER OF

GOTTLIEB BROTHERS, MANUFACTURERS OF SILK
UNDERWEAR, INC.

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

Docket 2522. Complaint, Aug. 17, 1935—Order, Oct. 11, 1935

Consent order requiring respondent corporation, its officers, etc., in connection with the sale in interstate commerce of women's underwear and undergarments, to cease and desist from—

- (a) Representing women's underwear by labels or otherwise as "100 percent pure silk" until such undergarments are composed entirely of silk, the product of the cocoon of the silkworm; and
- (b) Representing women's underwear as "pure silk" until they are composed entirely of silk and contain not more than 10 percent of any substance (weighting) except black, which shall not exceed 15 percent.

Mr. George Foulkes for the Commission.

Mr. Max Levy, of New York City, 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 Gottlieb Brothers, Manufacturers of Silk Underwear, Inc., a corporation, hereafter referred to as the respondent, has been and is 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. The respondent is and has been since the year 1930, or thereabouts 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 and office in the city of New York, in said State. It is now and has been since the year 1930, or thereabouts, engaged in the manufacture and sale of women's silk underwear and undergarments. In the course and conduct of its business the respondent sells through salesmen or representatives appointed by it as agents in its behalf to retail dealers, some located in the State of New York and others in other States of the United States, and pursuant to such sales, shipments are made from respondent's place of business in New York to such retailers. In the course and con-