

Complaint

21 F. T. C.

IN THE MATTER OF

DAVIS KNITTING MILLS, INC., TRADING UNDER ITS OWN
NAME AND AS YORKE KNITTING MILLSCOMPLAINT AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF SEC. 5
OF AN ACT OF CONGRESS APPROVED SEPT. 23, 1914*Docket 2525. Complaint, Aug. 21, 1935—Order, Oct. 15, 1935*

Consent order requiring respondent corporation, its officers, etc., in connection with the advertisement, offer for sale and sale in interstate commerce and in the District of Columbia of men's and boys' knitted outerwear, to cease and desist from using the word "Mills" or the words "Knitting Mills" in its corporate or trade name and in any trade name under which it may do business; and from the use of the word "Mills" or the words "Knitting Mills" in any way which may have the capacity or tendency to confuse, mislead or deceive purchasers into the belief that it owns, controls and operates a mill or factory wherein its products are made or fabricated, unless and until such representations are true in fact.

Mr. Wilbur N. Baughman for the Commission.

Mr. Harry W. Pitt, 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 Davis Knitting Mills, Inc., trading under its own name, and as Yorke Knitting Mills, have been and are using unfair methods of competition in commerce, as "commerce" is defined in said act of Congress, in violation of 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. That the respondent is a corporation incorporated and existing under the laws of the State of New York, having its principal place of business at 1199 Broadway, New York City; in its own name and also under the style and name of Yorke Knitting Mills, and is engaged in the business of selling men's and boys' knitted outerwear, in the course of which it has solicited orders for its products from dealers and prospective customers in various States other than the State of New York, and has contracted to sell and deliver and has sold and caused to be transported to purchasers outside of the State of New York, its products as above described; that the respondent is in competition with persons, partnerships, and corporations who manufacture and sell in interstate commerce a similar line of knitted outer-

wear, advertising themselves truly as manufacturers; and also in competition with other persons, partnerships, and corporations who sell in interstate commerce a similar line of knitted outerwear who do not manufacture the same and do not advertise themselves as manufacturers of the same.

PAR. 2. That the respondent does not own or operate a knitting mill, although in its corporate name and trade name it uses the words "Knitting Mills"; and although the letterheads and billheads of both the Davis Knitting Mills, Inc., and the Yorke Knitting Mills, represents them, and each of them, to be "Manufacturers of Knitted Novelties".

PAR. 3. That the use by respondent of the words "Knitting Mills", or the word "Mills", in its corporate or trade name and in any trade name under which it may do business, and the use of letterheads and billheads which represents it to be "manufacturers of knitted novelties", have the capacity and tendency to confuse, mislead, and deceive purchasers into the belief that it owns, controls, and operates a knitting mill or factory wherein its products are made and fabricated, and to believe that in purchasing its product they are buying direct from a manufacturer and without the intervention of, or profit to, any middleman, when such is not the fact; and said representations constitute unfair methods of competition with persons, partnerships, and corporations who do manufacture and sell a similar line of knitted outerwear, and said representations further constitute an unfair method of competition with persons, partnerships, and corporations who sell a similar line of knitted outwear but who do not manufacture the same and who do not advertise themselves as manufacturers of the same.

Wherefore, said acts and practices of respondents are all to the prejudice of the public 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.

ORDER TO CEASE AND DESIST

This proceeding coming on for final hearing by the Federal Trade Commission on the record, including the complaint of the Commission issued under Section 5 of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its power and duties, and for other purposes", and respondent's amended answer thereto in which respondent waives hearing on the charges set forth in the complaint, refrains from

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contesting the proceeding and, pursuant to the Commission's Rules of Practice with respect to answers, consents that the Commission may make, enter and serve upon respondent without a trial, without evidence, and without findings as to the facts or other intervening procedure, an order to cease and desist from the method or methods of competition alleged in the complaint; and the Commission having duly considered the matter and being fully advised in the premises—

It is now ordered, That respondent, Davis Knitting Mills, Inc., trading under its own name and as Yorke Knitting Mills, a corporation, its officers, agents, servants, and employees, in connection with the advertising, offering for sale, and selling in interstate commerce, and in the District of Columbia, of men's and boys' knitted outerwear, do cease and desist from:

The use of the word "Mills" or the words "Knitting Mills" in its corporate or trade name and in any trade name under which it may do business; and from the use of the word "Mills" or the words "Knitting Mills" in any way which may have the capacity or tendency to confuse, mislead, or deceive purchasers into the belief that it owns, controls and operates a mill or factory wherein its products are made or fabricated, unless and until such representations are true in fact.

It is further ordered, That the respondent within 60 days from and after the date of service upon it of this order shall file with the Commission a report or reports, in writing, setting forth in detail the manner and form in which it is complying with the order to cease and desist hereinbefore set out by the Commission.

Complaint

IN THE MATTER OF

PETERS SERUM COMPANY

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

Docket 2556. Complaint Sept. 20, 1935—Order, Oct. 18, 1935

Consent order requiring respondent corporation, its agents, etc., in connection with the sale or offer for sale in interstate commerce of its serums, biologics, bacterins, and veterinary products, to cease and desist from advertising or in any other wise representing directly or by implication that it manufactures all of its said products, unless such is the case, or that purchasers can save the middleman's profit by buying said products from it, unless such is the case.

Mr. DeWitt T. Puckett for the Commission.

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 Peters Serum Company, a corporation, hereinafter referred to as respondent, has been and now is using unfair methods of competition in commerce, as "commerce" is defined in said act, and it appearing to the 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. Respondent, Peters Serum Company, is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Missouri, with its principal place of business located in the Lobby Livestock Exchange Building in Kansas City, Mo. It is now and for several years last past has been engaged in the manufacture of serums and bacterins for the inoculation of livestock and poultry against disease. It also deals in a line of veterinary remedies and preparations which it purchases from other dealers. Respondent has been engaged in the sale of its manufactured products and the products purchased from other dealers between and among the various States of the United States and the District of Columbia, and now causes and for several years last past has caused such products when sold by it to be shipped from its place of business in Kansas City, Mo., to the purchasers thereof, some located in the State of Missouri and others located in various other States of the United States and in the District of Columbia, and there is now