

Complaint

21 F. T. C.

IN THE MATTER OF

PYRENE MANUFACTURING COMPANY

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

Docket 2563. Complaint, Sept. 27, 1935—Order, Nov. 18, 1935

Consent order requiring respondent corporation, its officers, etc., in connection with the sale and offer in interstate commerce of the cleaning fluid made and sold by it under the name Pyrene Safety Cleaner, forthwith to cease and desist from the use of any statement or representation to the effect that said product will remove grease spots from all materials to which it is applied without injury to color or fabric or of any statement such as "no injury to fabric or color" or of any other statement of equivalent meaning so as to import or imply that, or which may have the tendency or capacity to lead purchasers into the belief that said product may be used on materials or fabrics dyed with non-fast or fugitive colors, without impairing, harming, or injuring said colors, and from the use of words or expressions which may naturally import or imply or tend to convey the belief to purchasers that said product will remove spots of whatever kind or character from materials or fabrics to which the product is applied.

Mr. R. L. Kennedy for the Commission.

Chadbourne, Hunt, Jaeckel & Brown, 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 the Pyrene Manufacturing Company, a corporation, hereinafter 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, and states it charges in that respect as follows:

PARAGRAPH 1. The respondent is a corporation, organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its principal office and place of business at 560 Belmont Avenue, Newark, N. J., and branch offices in Chicago, Ill.; Atlanta, Ga.; Kansas City, Mo., and San Francisco, Calif. Respondent is now and for more than two years last past has been engaged in the sale of a cleaning fluid, designated as

Pyrene Safety Cleaner and, in the distribution thereof, in commerce between and among the various States of the United States and the District of Columbia, causes and has caused said product, when sold, to be transported in interstate commerce from its places of business in the States of New Jersey, Illinois, Georgia, Missouri, and California, to purchasers thereof, some located in said States, and others located in various other States in the United States and in the District of Columbia.

PAR. 2. In the course and conduct of its said business, respondent is now and has been, for more than two years last past, in substantial competition with other corporations and with individuals, partnerships, and firms, engaged in the manufacture, sale, and distribution of cleaning fluids and similar products, in interstate commerce between and among the various States in the United States and the District of Columbia, used for purposes similar to the purposes for which respondent's products are used.

PAR. 3. In the course and conduct of its said business as hereinabove described, the respondent in soliciting the sale of and selling, in interstate commerce, a cleaner manufactured and sold by it under the name of the Pyrene Safety Cleaner, composed, substantially, of 70 percent carbon tetrachloride, 30 percent benzol, and a small quantity of oil of lemon and citronella, caused and still causes its said product to be placed in bottle containers of 4- and 8-ounce capacity, which bottles are packed in cartons, and printed statements appearing on the cartons, or cardboard containers, housing said bottles of cleaner and on said bottles describe it as:

PYRENE
Safety Cleaner
Spots "take wings"
Removes Grease Spots from all materials
without injury to fabric
or color
No injury to fabric or color

PAR. 4. In truth and in fact the product hereinabove described, labeled and sold by the respondent will not cause "spots" to "take wings" or disappear, and the aforesaid statements that said product "removes grease spots from all materials without injury to fabric or color"; and that it will cause "no injury to fabric or color" are, and each of them is, false, extravagant, misleading, and deceptive. The use of said product on fabrics, dyed with certain kinds of dyes, such as non-fast dyes, does impair, harm, and affect the colors of such fabrics, by causing the same to bleed or run. The use of said product on certain fabrics, and under certain conditions or cir-

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cumstances, does result in the appearance of a spot or ring on such fabrics, and in either or both of these ways such fabrics are in fact injured by the use of said product thereon.

PAR. 5. Said advertisements and labels have had and still have the tendency and capacity to mislead and deceive; do mislead and deceive, and have misled and deceived the purchasing public, by causing it to believe that respondent's cleaner removes grease spots and other spots without injury to fabric or color; and to induce the purchasing public to buy respondent's cleaner, hereinabove described, in such erroneous belief; afford retail merchants an opportunity to perpetrate a fraud on the purchasing public; have the capacity and tendency to divert, have unfairly diverted, and do now unfairly divert trade to respondent from competing individuals, partnerships, and corporations engaged in the sale of like or similar cleaners in interstate commerce, who truthfully and honestly advertise and label their cleaners.

PAR. 6. The acts, practices, and representations of the respondent hereinabove set forth are all to the injury and prejudice of the public and the competitors of the respondent, in interstate commerce within the intent and meaning 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 coming on for hearing by the Federal Trade Commission upon the record, including the complaint and the answer of the respondent, in which answer the respondent states that it waives hearing on the charges set forth in the complaint, refrains from contesting the proceeding, and consents that the Commission may make, enter, issue, and serve upon it, without trial, without evidence, and without findings as to the facts or other intervening procedure, an order to cease and desist from the methods of competition charged in the complaint, and the Commission having duly considered the record, and being now fully advised in the premises—

It is ordered, That the respondent, Pyrene Manufacturing Company, a corporation, its officers, agents, servants, and employees, in connection with the sale and offering for sale in interstate commerce of the cleaning fluid manufactured and sold by it under the name of Pyrene Safety Cleaner, forthwith cease and desist:

From the use of any statement or representation to the effect that said product will remove grease spots from all materials to which it

is applied without injury to color or fabric or of any statement such as "no injury to fabric or color" or of any other statement of equivalent meaning so as to import or imply that, or which may have the capacity or tendency to lead purchasers into the belief that said product may be used on materials or fabrics dyed with non-fast or fugitive colors, without impairing, harming, or injuring said colors, and from the use of words or expressions which may naturally import or imply or tend to convey the belief to purchasers that said product will remove spots of whatever kind or character from materials or fabrics to which the product is applied.

It is hereby further ordered, That the respondent shall, within 60 days after service upon it of a copy of this order, file with the Federal Trade Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist hereinabove set forth.

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IN THE MATTER OF

ALFRED MENDELL

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

Docket 2585. Complaint, Oct. 17, 1935—Order, Nov. 18, 1935

Consent order requiring respondent, his agents, etc., in connection with the sale or offer of candy in interstate commerce, forthwith to cease and desist from—

- (a) Representing in and on cartons, labels, or in any other way that a brand of candy designated by him as "Fruit Pops" is 100 percent pure, until and unless the candies so designated are made entirely of ingredients all of which are 100 percent pure; and
- (b) Designating on cartons, labels, or in any other way candies not 100 percent pure, but synthetically colored and flavored, as "Fruit Pops" until and unless such designation "Fruit Pops" is followed conspicuously, wherever used, with the statement that such candies are artificially colored and artificially flavored.

Mr. Edward L. Smith 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 Alfred Mendell, hereinafter referred to as respondent, has been and is using unfair methods of competition in commerce as "commerce" is defined in said act of Congress, 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. Respondent Alfred Mendell is an individual having his place of business in Ozone Park, State of New York, and is now, and for more than one year last last, has been engaged in the manufacture of confectionery and in the sale thereof to wholesalers and retailers, between and among the various States of the United States and in the District of Columbia, causing such confectionery when sold by him to be shipped from his place of business in Ozone Park, in the State of New York, to the purchasers thereof, some located in the State of New York and others located in various other States of the United States and in the District of Columbia. In the course and conduct of his business, respondent has been for more