

IN THE MATTER OF
**MAURICE WILLENS, DOING BUSINESS UNDER THE FIRM
 NAME AND STYLE OF MUSHROOM GROWERS OF
 AMERICA**

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

Docket 2952. Complaint, Oct. 20, 1936—Decision, May 15, 1937.

Where an individual engaged in promoting sale of mushroom spawn, in competition with others selling such products in interstate commerce, or with legitimate trade associations of growers, or with those who do not represent that such products may be grown in any idle space about the home or raised there in small quantities with tremendous financial returns, or make other representations as hereinafter set forth—

- (a) Represented, through trade name "Mushroom Growers of America," and featuring thereof in his correspondence, advertisements, and trade literature, and as signature to correspondence and circulars, together with signature by "Managing Director," and through use of such name on cards issued to persons making their initial purchase from him, certifying such person was entitled to the benefits of "our Growers Service Bureau at all times," and requesting such person, whenever a problem presented itself, "to communicate with us and we will give you the best possible advice," without charge, and through statement in correspondence, advertisements and trade literature to the effect that "Your M. G. A. membership card entitles you to the prompt and efficient advisory service of the M. G. A. Service Bureau entirely without cost to you," that business operated by him was a large and substantial organization or trade association of many persons, mutually cooperating with each other in the industry in growing and marketing mushrooms, and that it maintained a staff of expert personnel who might be consulted for advice as to technical questions arising in connection with said industry, facts being it was not such an organization, was not incorporated, had no board of directors or managing director, and was simply a firm name or style adopted by individual in question to induce members of public to patronize such individual under false impression that they were dealing with a bona fide trade organization or association, and neither said individual nor any of his employees were expert in growing mushrooms or competent to give technical advice concerning the same; and
- (b) Represented that mushrooms might easily be grown in any idle space in or about the home and without unpleasant odors, and that such growing was a simple and highly remunerative industry in which anyone might successfully engage for profit without previous experience or technical skill, and that there was a shortage on the market of mushrooms and amateurs might make a fortune or a substantial profit, through such statements, among others, as "Almost any vacant, idle space about your home can be quickly and inexpensively converted into an ideal Mushroom bed. * * *," "Just a few dollars will get you well on your way to success," "Almost any vacant space yields big money in mushroom growing," "* * * one of the SIMPLEST and most REMUNERATIVE of industries * * *," "* * *

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so simple and easy that almost any person * * * can become a successful Mushroom Grower," "A DIGNIFIED BUSINESS FOR WOMEN ALSO * * *," "M. G. A. Mushroom beds emit no unpleasant odor," facts being there is no unusual demand for mushrooms, production thereof by amateur growers at home is not highly remunerative and has not been so financially to professional growers for a number of years, mushrooms cannot be successfully raised in any idle space, etc., or simply and readily grown without experience, but growing thereof is a matter involving considerable care and experience, and cannot be carried on without odor and is not such an undertaking as many women would care to engage in, and statements and representations above set forth and indicated were otherwise false and misleading;

With effect of misleading and deceiving a substantial portion of the purchasing public into the erroneous belief that all said representations were true, and into purchase of said individual's mushroom spawn in reliance thereon, and with result that said individual increased his own sales of said product, thus dishonestly promoted, advertised or represented, and thereby lessened market for similar products sold by other growers, merchants or dealers who truthfully represented nature, advantage or expectant financial returns from planting such spawn or desirability of becoming mushroom growers, and also their true size and character as commercial concerns through their trade or corporate name or style, and trade was unfairly diverted to said individual from competitors engaged in sale of similar product and who truthfully represented nature of their firm or corporate structure or that of the mushroom business or desirability of becoming such growers or demand for such products and financial returns obtainable by growing same; to the substantial injury of the purchasing public and of competition in commerce:

Held, That such acts and practices were to the prejudice of the public and competitors and constituted unfair methods of competition.

Before *Mr. William C. Reeves* and *Mr. John L. Hornor*, trial examiners.

Mr. James M. Hammond 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 Maurice Willens, an individual, doing business under the firm name and style of Mushroom Growers of America, 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 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, Maurice Willens, is an individual doing business under the firm name and style of Mushroom Growers of

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America, with his office and principal place of business at 431 North Clark St., Chicago, Ill. He is now, and has been, for more than one year last past, engaged in the business of promoting the sale of mushroom spawn through the medium of the trade name Mushroom Growers of America, and in shipping said mushroom spawn, when sold, to the purchasers thereof, some located in the State of Illinois, and others located in various other States of the United States and in the District of Columbia. There is now, and has been for more than one year last past, a constant current of trade and commerce by respondent in the aforesaid mushroom spawn between and among the various States of the United States. In the course and conduct of his business the respondent is now, and has been, in substantial competition with other persons, and with corporations, firms, and partnerships, likewise engaged in the sale of mushroom spawn in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 2. In the course and conduct of his business, as described in paragraph 1 hereof, and for more than one year last past, the respondent herein, in soliciting the sale of and selling his mushroom spawn in commerce, as herein set out, represents in his correspondence, advertisements, and trade literature that his business is the:

MUSHROOM GROWERS OF AMERICA

Respondent also causes his letters, correspondence, and circulars to be executed in this manner:

Very truly yours,

MUSHROOM GROWERS OF AMERICA,

By _____,

Managing Director.

Respondent also causes cards to be issued to each person on making his initial purchase from him, reading as follows:

No. ----

Non-Transferable

THE MUSHROOM GROWERS OF AMERICA

This is to certify that:

M. _____
Is entitled to the benefits of our Growers Service Bureau at all times. Whenever a problem presents itself you are requested to communicate with us and we will give you the best possible advice. No charge is made for this Service.

Dated _____ 193--

(Signed) _____,

Managing Director.

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Respondent also states in his correspondence, advertisements, and trade literature, among other things, that:

Your M. G. A. membership card entitles you to the prompt and efficient advisory service of the M. G. A. Service Bureau entirely without cost to you.

Said statements serve as representations on the part of the respondent, Maurice Willens, to a substantial portion of the purchasing public that his said firm, Mushroom Growers of America, is a large and substantial organization or trade association of many persons mutually cooperating with each other in the industry of growing and marketing mushrooms, and that said association maintains a staff of expert personnel who may be consulted for advice as to technical questions arising in connection with this industry.

In truth and in fact, respondent's firm name and style, "Mushroom Growers of America," is not an association or trade organization of many individual growers or producers of mushrooms, is not incorporated, has no board of directors or managing director; but is simply a firm name or style adopted by the said respondent, Maurice Willens, an individual, for the purpose of inducing members of the public to patronize him under the false impression that they are dealing with a bona fide trade organization or association, and neither respondent nor any employee is an expert in growing mushrooms or competent to give technical advice concerning the same.

PAR. 3. In the course and conduct of his business as described in paragraph 1 hereof, and for more than one year last past, the respondent herein, in soliciting the sale of and in selling his mushroom spawn in commerce as herein set out, states in his correspondence, advertisements, or trade literature, among other things, that:

Almost any vacant, idle space about your home can be quickly and inexpensively converted into an ideal Mushroom bed. Any cellar, garage or shed is suitable. Consequently just a few dollars will get you well on your way to success.

YOUR CELLAR, SHED, GARAGE, ATTIC—OR ANY OTHER VACANT, IDLE SPACE—WILL MAKE AN IDEAL PLACE FOR YOUR MUSHROOM BEDS.

Almost any vacant space yields big money in mushroom growing.

Mushroom growing, one of the **SIMPLEST** and most **REMUNERATIVE** of industries, is almost unknown in the United States.

Earn big money at home! Raise Mushrooms in your basement, cellar, garage, idle places. Large Companies require tons of mushrooms daily for Mushroom Soup.

The growing of Mushrooms is so simple and easy that almost any person in any walk of life can become a successful Mushroom Grower.

You will find that it does not take very long to become a big, successful operator in this business, if you apply yourself to it, for the rudiments of

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Mushroom Growing under M. G. A.'s competent guidance can be mastered very quickly.

It's easy to grow and market Mushrooms for profit the M. G. A. way. Any man or woman can conduct this paying business right at home.

THE MUSHROOM GROWERS OF AMERICA INVITES YOU TO SHARE IN THE PROFITS OF AN UNUSUALLY WELL-PAYING INDUSTRY.

No other method of establishing a steady, worthwhile income can be so readily undertaken as Mushroom Growing. * * * No other business offers a more unlimited opportunity for quick expansion.

There is a fortune in Mushrooms.

Thus you see, lack of personal experience is no handicap in this amazing business if you put yourself under the guidance of competent, sympathetic advisors.

A DIGNIFIED BUSINESS FOR WOMEN ALSO. Many women also are searching for remunerative and pleasant employment and what can be more dignified than Mushroom Growing? It is clean work and there is nothing menial about it.

M. G. A. Mushroom beds emit no unpleasant odor.

Said statements serve as representations on the part of respondent to a substantial portion of the purchasing public that there is a tremendous demand for mushrooms and that the respondent's mushroom spawn will produce extraordinary financial remuneration to growers thereof, and that said spawn may be planted in any idle space about the home; that said mushroom growing may be accomplished without odors; that it is an easy and pleasant occupation and may be successfully accomplished by persons of no experience whatsoever.

In truth and in fact, there is no unusual demand for mushrooms, and the production of mushrooms by amateur growers at home in small beds is not highly remunerative financially. Mushrooms cannot be successfully raised in any idle space about the home, but can only be grown in properly constructed places kept at a definite temperature, ventilated in a precise manner, accompanied by the exclusion of light. The raising of mushrooms cannot be accomplished without disagreeable odors, as the preparation of the beds involves the use of a compost made from manure. Mushrooms cannot be successfully grown without experience, as production requires a high degree of technical skill. It is not an easy and pleasant occupation, due to the hard work and disagreeable odor incident to preparing the compost, erecting the beds, and the constant care and attention required in regulating the temperature, humidity, and ventilation.

PAR. 4. There are among the competitors of respondent, as set forth in paragraph 1 hereof, other individuals, firms, corporations, or partnerships who do sell mushroom spawn in interstate commerce

or who are legitimate trade associations of mushroom growers, or who do not represent that mushrooms may be grown in any idle space about the home, or that mushrooms can be raised in small quantities at home with tremendous financial returns, and in the other ways set forth in paragraphs 2 and 3 hereof.

PAR. 5. The acts and practices of respondent in using a firm name or style calculated to falsely induce the public to believe that respondent's business, conducted under the name of Mushroom Growers of America is, in fact, a trade organization or association of bona fide mushroom growers, and in falsely representing and advertising that there is a tremendous demand for mushrooms, and that they may be grown in any idle space about the home, to the great financial advantage of the person so doing; that the raising of mushrooms may be accomplished without odors in the home; that the same are easy to plant and grow without any experience or technical skill; that respondent is personally an expert in the growing of mushrooms, and maintains personnel skilled in advising customers how to raise mushrooms, are all calculated to mislead and deceive, and have, and have had, the capacity, tendency and effect of misleading and deceiving, and have misled and deceived, a substantial portion of the purchasing and consuming public into the erroneous belief that all of said representations are true and into the purchase of respondent's mushroom spawn, in reliance on said representations.

By means of these false and misleading representations, made to the purchasing public as above described, respondent has increased his own sales of said mushroom spawn, so dishonestly promoted, advertised, or represented, thereby lessening the market for similar spawn sold by other growers, merchants, or dealers, who truthfully represent the nature, advantage, or expectant financial return from planting or the desirability of becoming mushroom growers, and their true size and character as commercial concerns, by their trade or corporate name or style.

As a result thereof, trade is unfairly diverted to the respondent from competitors engaged in the sale in interstate commerce of similar mushroom spawn, who truthfully represent the true nature of their firm or corporate structure, or the true nature of the mushroom business, or the desirability of becoming mushroom growers, or the demand for mushrooms, and the financial returns obtainable thereby. Further, as a result thereof, substantial injury has been and is being done by respondent to the purchasing public and to competition in commerce among and between the various States of the United States and the District of Columbia.

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PAR. 6. The above and foregoing acts, practices, and representations of the respondent have been and are all to the prejudice of the public and respondent's competitors, as aforesaid, and have been, and are, unfair methods of competition 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."

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 October 20, 1936, issued and served its complaint in this proceeding upon respondent, Maurice Willens, an individual doing business under the firm name and style of Mushroom Growers of America, charging him with the use of unfair methods of competition in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondent's answer thereto, testimony and other evidence in support of the allegations of said complaint were introduced by James M. Hammond and Eugene Carmichael, Jr., attorneys for the Commission, before William C. Reeves and John L. Hornor, examiners for the Commission, theretofore duly designated by it, and said testimony and other evidence were duly recorded and filed in the office of the Commission.

Thereafter, the respondent filed a motion to withdraw his answer to the complaint theretofore filed with the Commission under date of November 24, 1936, and submitted a substitute answer admitting all the material allegations of the complaint to be true. The Commission, by order entered herein, has granted respondent's request for permission to withdraw his original answer and to substitute therefor his answer admitting all the material allegations of the complaint to be true, and waiving the taking of further evidence and all other intervening procedure, which substituted answer was duly filed in the office of the Commission.

Thereafter this proceeding regularly came on for final hearing before the Commission on the said complaint, and the substitute answer thereto, the testimony and other evidence, briefs having been waived, and the Commission having duly considered the same and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts and its conclusion drawn therefrom:

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FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent, Maurice Willens, is an individual doing business under the firm name and style of Mushroom Growers of America, with his office and principal place of business at 431 North Clark Street, Chicago, Ill. He is now, and has been for more than one year last past, engaged in the business of promoting the sale of mushroom spawn through the medium of the trade name, Mushroom Growers of America, and in shipping said mushroom spawn, when sold from his aforesaid place of business, to the purchasers thereof, some located in the State of Illinois, and others located in various other States of the United States and in the District of Columbia. There is now, and has been for more than one year last past, a constant current of trade and commerce by respondent in the aforesaid mushroom spawn between and among the various States of the United States. In the course and conduct of his business, the respondent is now and has been in substantial competition with other persons, and with corporations, firms, and partnerships likewise engaged in the sale of mushroom spawn in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 2. In the course and conduct of his business, as described in paragraph 1 hereof, and for more than one year last past, the respondent herein, in soliciting the sale of and selling his mushroom spawn in commerce, as herein set out, causes his correspondence, advertisements, and trade literature to conspicuously display his said trade name as follows, to wit:

MUSHROOM GROWERS OF AMERICA

Respondent also causes his letters, correspondence, and circulars to be executed in this manner:

Very truly yours,

MUSHROOM GROWERS OF AMERICA,
By _____,
Managing Director.

Respondent also causes cards to be issued to each person on making his initial purchase from him, reading as follows:

No. _____

Non-Transferable

THE MUSHROOM GROWERS OF AMERICA

This is to certify that:

M. _____
Is entitled to the benefits of our Growers Service Bureau at all times. When-

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ever a problem presents itself you are requested to communicate with us and we will give you the best possible advice. No charge is made for this service.

Dated -----193--

(Signed) -----

Managing Director.

431-435 No. Clark St., Chicago, Ill.

Respondent also states in his correspondence, advertisements, and trade literature, among other things, that:

Your M. G. A. membership card entitles you to the prompt and efficient advisory service of the M. G. A. Service Bureau entirely without cost to you.

Said statements serve as representations on the part of the respondent, Maurice Willens, to a substantial portion of the purchasing public that his said firm, Mushroom Growers of America, is a large and substantial organization or trade association of many persons mutually cooperating with each other in the industry of growing and marketing mushrooms, and that said association maintains a staff of expert personnel who may be consulted for advice as to technical questions arising in connection with this industry.

"Mushroom Growers of America" is not an association or trade organization of many individual growers or producers of mushrooms, is not incorporated, has no board of directors or managing director; but is simply a firm name or style adopted by the said respondent, Maurice Willens, an individual, for the purpose of inducing members of the public to patronize him under the false impression that they are dealing with a bona fide trade organization or association. Neither respondent nor any of his employees are expert in growing mushrooms or competent to give technical advice concerning the same.

PAR. 3. In the conduct of his business as described in paragraph 1 hereof, and for more than one year last past, the respondent herein, in selling his mushroom spawn as herein set out, states in his correspondence, advertisements, or trade literature, among other things, that:

Almost any vacant, idle space about your home can be quickly and inexpensively converted into an ideal Mushroom bed. Any cellar, garage or shed is suitable. Consequently, just a few dollars will get you well on your way to success.

YOUR CELLAR, SHED, GARAGE, ATTIC—OR ANY OTHER VACANT, IDLE SPACE—WILL MAKE AN IDEAL PLACE FOR YOUR MUSHROOM BEDS.

Almost any vacant space yields big money in mushroom growing.

Mushroom growing, one of the **SIMPLEST** and most **REMUNERATIVE** of industries, is almost unknown in the United States.

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Earn big money at home! Raise Mushrooms in your basement, cellar, garage, idle places. Large Companies require tons of mushrooms daily for Mushroom Soup.

The growing of Mushrooms is so simple and easy that almost any person in any walk of life can become a successful Mushroom Grower.

You will find that it does not take very long to become a big, successful operator in this business, if you apply yourself to it, for the rudiments of Mushroom Growing under M. G. A.'s competent guidance can be mastered very quickly.

It's easy to grow and market Mushrooms for profit the M. G. A. way. Any man or woman can conduct this paying business right at home.

THE MUSHROOM GROWERS OF AMERICA INVITES YOU TO SHARE IN THE PROFITS OF AN UNUSUALLY WELL-PAYING INDUSTRY.

No other method of establishing a steady, worthwhile income can be so readily undertaken as Mushroom Growing. * * * No other business offers a more unlimited opportunity for quick expansion.

There is a fortune in Mushrooms.

Thus you see, lack of personal experience is no handicap in this amazing business if you put yourself under the guidance of competent, sympathetic advisors.

A DIGNIFIED BUSINESS FOR WOMEN ALSO. Many women also are searching for remunerative and pleasant employment and what can be more dignified than Mushroom Growing? It is clean work and there is nothing menial about it.

M. G. A. Mushroom beds emit no unpleasant odor.

These statements serve as representations on the part of the respondent to the purchasing public that there is a tremendous demand for mushrooms and that the respondent's mushroom spawn will produce extraordinary financial remuneration to growers thereof, and that said spawn may be planted in any idle space about the home; that said mushroom growing may be accomplished without orders; that it is an easy and pleasant occupation and may be successfully accomplished by persons of no experience whatsoever.

Investigation discloses that there is no unusual demand for mushrooms, and the production of mushrooms by amateur growers at home in small beds is not highly remunerative financially. In fact, it has not been financially remunerative to professional mushroom growers for a number of years as the price of mushrooms has been steadily declining and many mushroom growers have become bankrupt. In the opinion of one expert, who testified in this case, no amateur could possibly pay \$5.00 per one-quart unit for spawn, the price charged by the respondent for sufficient to plant fifty square feet as against fifty cents per quart unit paid by professional growers for the same spawn and hope to make money on his product even if a successful crop were grown. Although the bulk of respondent's business was in the \$5.00 unit class he also made other offers for the sale of his spawn such as \$10.25 for sufficient to plant 200 square feet,

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but the price was in every instance entirely exorbitant as compared with the price paid therefor by commercial growers with whom the amateur would be obliged to compete in the sale of his product. Mushrooms cannot be successfully raised in any idle space about the home, but can only be grown in properly constructed places kept at a definite temperature, ventilated in a precise manner, accompanied by the exclusion of light. The great majority of people would not care to have a bed of manure in their attics or other places in their homes, and the conversion of a garage or basement into a satisfactory location for mushroom growing would usually entail considerable expense due to the cost incident to remodeling to secure maintenance of the correct temperature and ventilation. Mushroom growing cannot be considered a year-round occupation due to the necessity of maintaining a constant temperature of from 48 to 65 degrees Fahrenheit during the four months' period from the time the bed is planted to completion of the growing period. This could not readily be accomplished during the summer months while during the winter months, in most sections, heat would be required. The raising of mushrooms cannot be accomplished without disagreeable odors, as the preparation of the beds involves the use of a compost made from manure which is highly odoriferous and which requires thirty days to decompose and prepare. Many women would not care to undertake the preparation of this compost. Mushrooms cannot be successfully grown without experience, as production requires a high degree of horticultural skill and is one of the most difficult of all crops to raise. It is not an easy and pleasant occupation, due to the hard work and disagreeable odor incident to preparing the compost, erecting the beds, and the constant care and attention required in regulating the temperature, humidity, and ventilation.

PAR. 4. There are among the competitors of respondent, as set forth in paragraph 1 hereof, other individuals, firms, corporations, or partnerships who do sell mushroom spawn in interstate commerce or who are legitimate trade associations of mushroom growers, or who do not represent that mushrooms may be grown in any idle space about the home, or that mushrooms can be raised in small quantities at home with tremendous financial returns, and who do not make the other representations set forth in paragraphs 2 and 3 hereof.

PAR. 5. The acts and practices of the respondent in using a firm name or style calculated to falsely induce the public to believe that his business, conducted under the name of Mushroom Growers of America is a trade organization or association of bona fide mushroom growers, and in falsely representing and advertising that there is a tremendous demand for mushrooms, and that they may be grown

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in any idle space about the home, to the great financial advantage of the person so doing; that the raising of mushrooms may be accomplished without odors in the home; that the same are easy to plant and grow without any experience or technical skill; that respondent is personally an expert in the growing of mushrooms; and that respondent maintains personnel skilled in advising customers how to raise mushrooms, are all calculated to mislead and deceive, and have, and have had, the capacity, tendency and effect of misleading and deceiving, and have misled and deceived a substantial portion of the purchasing and consuming public into the erroneous belief that all of said representations are true and into the purchase of respondent's mushroom spawn, in reliance of said representations.

By means of these false and misleading representations, made to the purchasing public as above described, respondent has increased his own sales of said mushroom spawn, so dishonestly promoted, advertised, or represented, thereby lessening the market for similar spawn sold by other growers, merchants, or dealers, who truthfully represent the nature, advantage, or expectant financial return from planting mushroom spawn or the desirability of becoming mushroom growers, and their true size and character as commercial concerns, by their trade or corporate name or style.

As a result thereof, trade is unfairly diverted to the respondent from competitors engaged in the sale in interstate commerce of similar mushroom spawn, who truthfully represent the true nature of their firm or corporate structure, or the true nature of the mushroom business, or the desirability of becoming mushroom growers, or the demand for mushrooms, and the financial returns obtainable by growing mushrooms. Further, as a result thereof, substantial injury has been and is being done by respondent to the purchasing public and to competition in commerce among and between the various States of the United States and in the District of Columbia.

CONCLUSION

The aforesaid acts and practices of the respondent, Maurice Willens, an individual doing business under the firm name and style of Mushroom Growers of America, are to the 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 approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes."

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ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the testimony and other evidence taken before William C. Reeves and John L. Hornor, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and upon a substitute answer filed herein on May 13, 1937, admitting all the material allegations of the complaint to be true and waiving the taking of further evidence and all other intervening procedure, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated 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."

It is ordered, That the respondent, Maurice Willens, as an individual and doing business under the firm name and style of Mushroom Growers of America, or under any other trade name, his representatives, agents, and employees in connection with the offering for sale, sale and distribution of mushroom spawn in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

1. Representing, through the use of any trade name, or through the use of any purported membership cards issued to his customers, or through any other means or device, or in any manner, that the business operated by him is a cooperative, or other, trade association or is other than a private business;

2. Representing, in any manner, that said business is larger in size and scope than it actually is or that he maintains a staff of mushroom experts when such is not the case;

3. Representing in any manner that mushrooms may be easily grown in any idle space in or about the home; that mushroom growing is a simple and highly remunerative industry; that any person can successfully grow mushrooms for profit without previous knowledge, experience or technical skill; that there is a shortage of mushrooms on the market; that amateurs may make a fortune, or substantial profits, in growing mushrooms; that the business of mushroom growing may be accomplished without unpleasant odors.

It is further ordered, That the respondent shall, within 30 days after the service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

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IN THE MATTER OF
JOSEPH H. SELD, TRADING AS SELD LEATHER
COMPANY

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

Docket 2636. Complaint, Nov. 20, 1935—Decision, May 17, 1937

Where an individual engaged in the manufacture and sale of certain leather products made from cheap and inferior leathers having the general appearance of "chamois," in competition with manufacturers of similar products who do not in any wise designate same as "chamois" or associate said word with some other descriptive word, and with manufacturers who make and sell the skin of the chamois antelope or oil-tanned skin of the sheep, and truthfully do represent their said products as "chamois"—

Represented, through designations "Pigskin Chamois," "Pigskin Chamois Se-leco," "Chamois, Rose Brand," and "Genuine Pigskin Chamois," in advertisements, price lists, letterheads, invoices, and in other ways, that said products were "chamois," notwithstanding the fact they were not made from the skin of the practically extinct chamois antelope nor from the oil-dressed and suede-finished flesh of undersplit of sheepskin, and were not, as commercially now known, chamois, and would not serve as a satisfactory substitute for such sheepskin as thus known;

With effect of misleading and deceiving purchasers of aforesaid products into belief that they were chamois, as hereinabove set forth, and to purchase same in such erroneous belief, and of placing in the hands of dealers and retailers means of misleading and deceiving aforesaid public, and of unfairly diverting trade to him from competitors who do not misrepresent their products; to the substantial injury of substantial competition in commerce;

Held, That such acts and practices were to the prejudice of the public and competitors and constituted unfair methods of competition.

Before *Mr. Charles F. Diggs*, trial examiner.

Mr. James M. Hammond for the Commission.

Mr. H. Andrew Schlusberg, of Gloversville, N. Y., 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 Joseph H. Seld, an individual, doing business under the firm name and style of Seld Leather Company, 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