

Syllabus

IN THE MATTER OF
PUBLIC SERVICE INSTITUTE, INC.

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

Docket 3043. Complaint, Jan. 29, 1937—Decision, Aug. 18, 1937

Where a corporation engaged in sale and distribution of correspondence courses of study and instruction designed and intended to prepare students for examinations for certain United States civil service positions, in substantial competition with those similarly engaged and also with those engaged in sale and distribution in commerce of correspondence courses of study and instruction in other lines—

- (a) Represented, directly or by implication, through statements in circulars, folders, and other printed matter distributed to the public by mail or otherwise, and through its salesmen, that the business conducted by it was operated on a large and substantial basis with a staff of twenty or more teachers or qualified instructors, and that its said staff was made up exclusively, or in the majority, of former Government employees who were experts on the subject of civil service examinations by reason of previous Government employment or prior connection with the United States Civil Service Commission, as well as by general education and other experience, facts being it did not have as many as twenty teachers and instructors on its staff and its said staff was not made up, in whole or in large part, of such former Government employees, and its said instructors were not civil service experts by reason of previous Government connection;
- (b) Represented, as aforesaid, that it conducted a large residence school where individual instruction was given to large numbers of students, and that enrollment for its courses of study and instruction constituted enrollment for a civil service examination or position, or both, and that it was an agency of, or connected with, the United States Government, facts being it did not conduct a residence school, enrollment in its courses did not constitute enrollment for such an examination or position, and it was not an agency of, nor connected with, the Government;
- (c) Represented, as aforesaid, that the position of railway mail clerk in such service was a desirable one with relatively short working hours, and that thousands of its students had successfully passed civil service examinations and received appointments in the Government service, and that, at that time, more than two thousand people had enrolled and fully completed its course of study, facts being hours of such clerks were not, as a regular thing, short, and no such number of its students had successfully passed examinations, as aforesaid, and received appointment, nor had any such number as above set forth at that time fully completed its courses;
- (d) Represented, as aforesaid, that those who purchased its said courses direct, without the intervention of salesmen, were enabled to secure at lower prices not only the same material for study, but also the identical services therewith, and same supervision as offered and given by it in the courses

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of study and instruction sold by salesmen, facts being same service and supervision were not given when study material was sold direct as when courses were sold, as aforesaid, by salesmen; and

- (c) Misleadingly represented, through its salesman and through use of a so-called refund agreement which it entered into with its students, that Government positions were guaranteed to those who successfully completed its courses, and that all sums paid therefor would be refunded if no such position was secured thereby, through use of terms and conditions in agreement in question contingent, among other things, upon taking first examination for which student was qualified, and written application, or training, without additional cost for future examination until same should be passed with an eligible grade, facts being conditions imposed were difficult of fulfillment and conditions precedent upon which refund depended were uncertain and might not exist or happen, due to uncertainty of civil service examinations and remote chances for appointment even for passing candidates, and possibility of either Government position or refund was remote in great majority of cases;

With tendency and capacity to confuse, mislead and deceive members of the public into the belief that it conducted a large school with a staff of twenty or more qualified teachers, and that the facts as to its nature, operations, attendance, and advantages and opportunities, etc., were as hereinabove set forth, and to induce such members to purchase its said courses of study and instruction because of the various erroneous beliefs thus engendered, and to divert trade to it from competitors similarly engaged and from those engaged in such sale in other lines of study, and with effect of diverting business to it from competitors, included among those above set forth, who do not make the same or similar misleading representations but truthfully and accurately state the facts in regard to their courses, as well as in regard to other matters connected therewith; to their substantial injury and prejudice;

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

Mr. Harry D. Michael 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 Public Service Institute, Inc., a corporation, 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 thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. That said respondent, Public Service Institute, Inc., is a corporation organized, existing, and doing business under and by

virtue of the laws of the State of Missouri, with its office and principal place of business at 425 DeBaliviere Avenue, in the city of St. Louis, in said State.

PAR. 2. That said respondent, Public Service Institute, Inc., is now, and has been since September 25, 1935, engaged in the sale and distribution of courses of study and instruction designed and intended for preparing students thereof for examinations for certain civil service positions under the United States Government, which said courses of study and instruction are pursued by correspondence through the medium of the United States mails. That said respondent, in the course and conduct of said business during the time aforesaid, causes and has caused its said courses of study and instruction to be transported from its said place of business in Missouri, to, into, and through, States of the United States other than Missouri to the various purchasers thereof in such other States to whom said courses of study and instruction are, or have been, sold.

PAR. 3. That, during the time above mentioned, other individuals, firms, and corporations in various States of the United States are, and have been, engaged in the sale and distribution of courses of study and instruction designed and intended for the purpose of preparing students thereof for examinations for civil service positions under the United States Government, and also of courses of study and instruction in other lines, all of which are pursued by correspondence. That such other individuals, firms, and corporations have caused and do now cause their said courses of study and instruction, when sold by them, to be transported from various States of the United States to, into and through, States other than the State of origin of the shipment thereof. That said respondent has been, during the aforesaid time, in competition in commerce between and among the various States of the United States in the sale of its said courses of study and instruction with such other individuals, firms, and corporations.

PAR. 4. That respondent, in promoting the sale of its said courses of study and instruction to and among members of the public, makes use of circulars, folders and other printed matter which it distributes to the public by mail or otherwise. That, by such means, respondent makes, or has made, various misleading statements. Among such statements are the following:

1. You will have the help, aid and assistance of our staff of 20 persons,
* * *
2. We have prepared thousands successfully.
3. Railway Mail Clerk * * *. On duty a few hours per day—* * *.

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4. Our staff consists of Ex-Government employees * * * they are Civil Service experts.

5. We have assisted more than two thousand to prepare.

6. You could get no more thorough training in our highly tutored individual instruction school, where we have more than sixteen hundred active students, * * *.

7. Deal Direct With Us And Save Salesman's Commission.

8. Civil Service Enrollment Department.

9. * * * It is our intention without further notice to you to turn this entire matter over to the United States Collection and Credit Agency with instructions to handle to a conclusion.

The aforesaid statements, together with other similar statements not set out herein, and also various statements of like nature made by respondent's salesmen in the sale of said courses of study and instruction, purport to be descriptive of the character, nature and size of respondent's said business or of the personnel connected therewith, or both, and serve respectively, directly or by implication, as representations to purchasers and prospective purchasers of respondent's courses of study and instruction that:

1. The business conducted by respondent is operated on a large and substantial basis with a staff of 20 or more teachers or qualified instructors.

2. Thousands of respondent's students have successfully passed civil service examinations and received appointments in the Government service.

3. The position of railway mail clerk in the Government service is a desirable one with relatively short working hours.

4. That respondent's staff of instructors is made up exclusively, or in the majority, of ex-Government employees who are experts on the subject of civil service examinations by reason of previous Government employment or prior connection with the United States Civil Service Commission as well as by general education and other experience.

5. More than two thousand persons had enrolled and fully completed respondent's course of study at the time said statement was made.

6. Respondent conducts a large residence school where personal, individual instruction is given to large numbers of students.

7. In purchasing respondent's courses of study direct, without the intervention of salesmen, such purchasers are enabled to secure, at lower prices, not only the same material for study but also the identical services therewith and the same supervision as offered and given by respondent in the courses of study and instruction sold by salesmen.

8. The enrollment for respondent's courses of study and instruction is an enrollment for a civil service examination or position, or both.

9. Respondent corporation is an agency of or connected with the United States Government.

That said representations and implications do not reflect the true facts and are erroneous and misleading.

PAR. 5. That, in truth and in fact: Respondent does not have as many as 20 teachers and instructors on its staff. Thousands of respondent's students have not successfully passed civil service examinations and received appointments in the Government service. The hours of work of railway mail clerks are not short as a regular thing. Respondent's staff of instructors is not made up in whole or in large part of ex-Government employees nor are they civil service experts by reason of previous Government connection. No such number as two thousand persons had fully completed respondent's courses at the time representations to that effect were made. Respondent does not conduct a residence school. The same service and supervision is not given when study material is sold direct. Enrollment in respondent's course does not constitute enrollment for a civil service examination or position. And respondent is not an agency of, or connected with, the United States Government.

PAR. 6. That respondent, through its salesmen and through use of a so-called "Refund Agreement," which it enters into with its students, represents that government positions are guaranteed to those who successfully complete respondent's courses and that all sums paid for such courses will be refunded if no government position is secured thereby. Said refund agreement, so used by respondent, is as follows:

REFUND AGREEMENT

It is understood that the Public Service Institute, Inc., agrees to refund all money paid by me, if I have met the following conditions:

(a) I am to complete each lesson of the entire training promptly, as received, sending in all work and examination papers for correction.

(b) I am to make all payments direct to the Public Service Institute, Inc. (except down payment attached hereto), to be received on or before date due.

(c) I am to try the first examination or examinations which I am qualified to take as specified by the Government at the time such examinations are announced by the Civil Service Commission.

(d) If I fail to pass such governmental examination, I am upon written application to receive a refund of the entire amount paid by me for this training, or I will be trained without additional cost for future governmental examinations, which the Government qualifications will permit me to take,

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until I pass an examination with a grade high enough to make me eligible for an appointment in governmental service.

Such refund agreement is misleading in that the conditions upon which it depends are difficult of fulfillment and, further, because the facts and circumstances upon which a refund depends are uncertain and may not exist or happen. Such facts and circumstances are not set out in said agreement and are not explained by salesmen. In consequence, the possibility of either a government position or of a refund is remote in the great majority of cases and the refund agreement is inoperative and meaningless in such cases.

PAR. 7. That, the use by respondent of the foregoing statements and representations, and others similar thereto, in offering for sale and selling its courses of study and instruction, as herein set out, has had, and now has, the tendency and capacity to, and does in fact, mislead and deceive purchasers and prospective purchasers thereof into the erroneous and mistaken belief that such representations as set out in paragraphs 4 and 6 hereof are true and induces them to purchase such courses of study and instruction on account thereof. The result of respondent's said practices is to divert trade to respondent from competitors engaged in the sale of correspondence courses in interstate commerce in similar lines to those offered by respondent, as well as those so engaged in such sale in other lines of study.

There are among the competitors of respondent those who do not make the same or similar misleading representations as those made by respondent, as herein set out, but who truthfully and accurately state the facts in the particulars as aforesaid. As a result of respondent's practices, as herein set forth, injury has been and is now being done by respondent to competition in commerce between and among the various States of the United States.

PAR. 8. The above acts and things done by respondent are all to the injury and prejudice of the public and the competitors of respondent in interstate 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.

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 January 29, 1937, issued and served

its complaint in this proceeding upon respondent, Public Service Institute, Inc., a corporation, charging it 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, a stipulation as to the facts was agreed upon by and between W. T. Kelley, Chief Counsel for the Commission, and the respondent, by which it was agreed that the statement of facts so agreed upon should be taken as the facts in the proceeding and in lieu of testimony in support of the charges stated in the complaint, or in opposition thereto. It was further agreed that said Commission might proceed upon such statement of facts to make its report stating its findings as to the facts (including inferences from said stipulated facts) and its conclusion based thereon, and enter its order disposing of the proceeding without the presentation of argument or the filing of briefs. Said stipulation as to the facts has been duly recorded and filed in the office of the Commission. Thereafter, this proceeding regularly came on for final hearing before the Commission on the said complaint, the answer thereto, and the statement of facts agreed to, as aforesaid, in lieu of testimony, briefs and oral arguments of counsel 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.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. The respondent, Public Service Institute, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Missouri, with its office and principal place of business at 425 DeBaliviere Avenue, in the city of St. Louis, in said State.

PAR. 2. The respondent, Public Service Institute, Inc., is now, and has been since September 25, 1935, engaged in the sale and distribution in commerce between and among various States of the United States of courses of study and instruction designed and intended for preparing students thereof for examinations for certain civil service positions under the United States Government, which said courses of study and instruction are pursued by correspondence through the medium of the United States mails. Said respondent, in the course and conduct of said business during the time aforesaid, causes and has caused its said courses of study and instruction to be transported from its said place of business in Missouri, to, into, and through States of the United States other than Missouri to the various pur-

chasers thereof in such other States to whom said courses of study and instruction are, or have been, sold.

PAR. 3. During the time above mentioned, other individuals, firms, and corporations in various States of the United States are, and have been, engaged in the sale and distribution in commerce between and among the various States of the United States, and in the District of Columbia, of courses of study and instruction designed and intended for the purpose of preparing students thereof for examinations for civil service positions under the United States Government, and also of courses of study and instruction in other lines, all of which are pursued by correspondence. Said respondent has been, during the aforesaid time, in substantial competition in commerce between and among the various States of the United States in the sale of its said courses of study and instruction with such other individuals, firms, and corporations.

PAR. 4. Respondent, in promoting the sale of its said courses of study and instruction to and among members of the public, has made use of circulars, folders and other printed matter which it has distributed to the public by mail or otherwise. By such means, respondent has made various misleading statements. Among such statements are the following:

1. You will have the help, aid and assistance of our staff of 20 persons, * * *.
2. We have prepared thousands successfully.
3. Railway Mail Clerk * * * On duty a few hours per day— * * *.
4. Our staff consists of Ex-Government employees * * * they are Civil Service experts.
5. We have assisted more than two thousand to prepare.
6. You could get no more thorough training in our highly tutored individual instruction school, where we have more than sixteen hundred active students, * * *.
7. Deal Direct With Us and Save Salesman's Commission.
8. Civil Service Enrollment Department.
9. * * * It is our intention without further notice to you to turn this entire matter over to the United States Collection and Credit Agency with instructions to handle to a conclusion.

The aforesaid statements, together with other similar statements, and also various statements of like nature made by respondent's salesmen in the sale of said courses of study and instruction, purported to be descriptive of the character, nature and size of respondent's said business or of the personnel connected therewith, or both, and served, respectively, directly or by implication, as representations to purchasers and prospective purchasers of respondent's courses of study and instruction that:

1. The business conducted by respondent is operated on a large and substantial basis with a staff of 20 or more teachers or qualified instructors.

2. Thousands of respondent's students have successfully passed civil service examinations and received appointments in the Government service.

3. The position of railway mail clerk in the Government service is a desirable one with relatively short working hours.

4. Respondent's staff of instructors is made up exclusively, or in the majority, of ex-government employees who are experts on the subject of civil service examinations by reason of previous government employment or prior connection with the United States Civil Service Commission as well as by general education and other experience.

5. More than two thousand persons had enrolled and fully completed respondent's course of study at the time the statement to that effect was made.

6. Respondent conducts a large residence school where personal, individual instruction is given to large numbers of students.

7. In purchasing respondent's courses of study direct, without the intervention of salesmen, such purchasers are enabled to secure, at lower prices, not only the same material for study but also the identical services therewith and the same supervision as offered and given by respondent in the courses of study and instruction sold by salesmen.

8. The enrollment for respondent's courses of study and instruction is an enrollment for a civil service examination or position, or both.

9. Respondent corporation is an agency of or connected with the United States Government.

Said representations and implications do not reflect the true facts and are erroneous and misleading.

PAR. 5. In truth and in fact:

Respondent does not have as many as 20 teachers and instructors on its staff.

Thousands of respondent's students have not successfully passed civil service examinations and received appointments in the government service.

The hours of work of railway mail clerks are not short as a regular thing.

Respondent's staff of instructors is not made up in whole or in large part of ex-government employees nor are they civil service experts by reason of previous government connection.

No such number as two thousand persons had fully completed respondent's courses at the time representations to that effect were made.

Respondent does not conduct a residence school.

The same service and supervision is not given when study material is sold direct as when courses are sold by salesmen.

Enrollment in respondent's course does not constitute enrollment for a civil service examination or position.

Respondent is not an agency of, or connected with, the United States Government.

PAR. 6. Respondent through its salesmen and through use of a so-called "Refund Agreement," which it enters into with its students, represents that government positions are guaranteed to those who successfully complete respondent's courses and that all sums paid for such courses will be refunded if no government position is secured thereby. Said refund agreement, so used by respondent, is as follows:

REFUND AGREEMENT

It is understood that the Public Service Institute, Inc., agrees to refund all money paid by me, if I have met the following conditions:

(a) I am to complete each lesson of the entire training promptly, as received, sending in all work and examination papers for correction.

(b) I am to make all payments direct to the Public Service Institute, Inc. (except down payment attached hereto), to be received on or before date due.

(c) I am to try the first examination or examinations which I am qualified to take as specified by the Government at the time such examinations are announced by the Civil Service Commission.

(d) If I fail to pass such governmental examination, I am upon written application to receive a refund of the entire amount paid by me for this training, or I will be trained without additional cost for future governmental examinations, which the Government qualifications will permit me to take, until I pass an examination with a grade high enough to make me eligible for an appointment in governmental service.

Such refund agreement is misleading in that the conditions upon which it depends are difficult of fulfilment and, further, because the facts and circumstances upon which a refund depends are uncertain and may not exist or happen. The holding of civil service examinations is uncertain as well as the time thereof. In some classifications many candidates do not pass with a grade high enough to be placed on the eligible list. The chance for appointment to government service is remote even though a candidate passes an examination. Such facts and circumstances are not set out in said agreement and are not explained by salesmen. The possibility of either a government position or of a refund is remote in the great ma-

jority of cases and the refund agreement is, in consequence, inoperative and meaningless in such cases.

PAR. 7. The representations of respondent, as aforesaid, had the tendency and capacity to confuse, mislead and deceive members of the public into the belief that respondent conducts a large school with a staff of twenty or more qualified teachers; that thousands of respondent's students have successfully passed civil service examinations and received appointments in government service; that railway mail clerks have easy jobs and short hours; that respondent's staff is made up of ex-government employees who are experts in civil service matters because thereof; that more than two thousand students had enrolled and completed respondent's course at the time representation to that effect was made; that respondent conducts a residence school with large enrollment; that the same supervised instruction is offered at lower price when respondent's course is purchased direct as that given when sold by salesmen; that enrollment for respondent's course is an enrollment for a civil service examination or position, or both; that respondent is an agency of or connected with the United States Government; and that government positions are guaranteed to those who successfully complete respondent's course and that all money paid therefor will be refunded if no Government position is secured, when such are not and were not the facts. Said representations of respondent had the tendency and capacity to induce members of the public to purchase said courses of study and instruction because of the erroneous beliefs engendered as above set forth, and to divert trade to respondent from competitors engaged in the sale, in interstate commerce, of correspondence courses in similar lines to those offered by respondent, as well as those so engaged in such sale in other lines of study. There were and are among the competitors of respondent those who do not make the same or similar misleading representations as those made by respondent, as herein set out, but who truthfully and accurately state the facts in regard to the courses offered by them as well as in regard to other matters connected therewith. Respondent's said acts and practices tended to and did in fact divert business to respondent from its said competitors to the substantial injury and prejudice of such competitors.

CONCLUSION

The aforesaid acts and practices of the respondent, Public Service Institute, Inc., are to the prejudice of the public and of respondent's competitors, and constitute unfair methods of competition in com-

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merce, 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 having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, and an agreed statement of facts in lieu of testimony, briefs and oral argument having been waived, 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, Public Service Institute, Inc., a corporation, its officers, representatives, agents, and employees, in connection with the offering for sale, sale, and distribution of courses of study and instruction, designed and intended for preparing students thereof for examinations for civil service positions under the United States Government, in interstate commerce, or in the District of Columbia, do forthwith cease and desist from representing, directly or indirectly, through salesmen or in any other manner:

1. That the number of instructors on its staff is greater than the actual number of bona fide, qualified instructors.

2. That the number of respondent's students who have successfully passed civil service examinations or received positions in the Government service is greater than the actual number who have passed such examinations or received such positions.

3. That railway mail clerks or other Government workers have unusually short hours or that such work is easy as a result thereof.

4. That the staff of said school consists of ex-government employees who are civil service experts, unless such is the fact.

5. That the number of students who have enrolled in said school or completed the courses involved or successfully prepared for civil service examinations, is greater than the actual number so enrolled or prepared or who have completed said courses.

6. That respondent conducts a residence school.

7. That the service rendered on sale of instruction material direct to students is the same as that given when courses are sold by salesmen at a higher price and in which supervised instruction is given.

8. That enrollment for respondent's course constitutes an enrollment for a civil service examination or position, or both.

9. That respondent is connected with, or represents the United States Government, or the United States Civil Service Commission.

It is further ordered, That said respondent, its officers, representatives, agents, and employees, in the connection as aforesaid, do forthwith cease and desist from the use of any so-called refund agreement which is misleading because of failure to disclose all the facts upon which it depends or because it is inoperative, or for any other reason.

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

IN THE MATTER OF
MARYLAND BAKING COMPANY

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

Docket 3058. Complaint, Feb. 15, 1937—Decision, Aug. 18, 1937

Where a corporation engaged in manufacture, sale, and distribution of ice cream cones, including cones packed and assembled with small printed slips bearing various legends so as to involve use of a lottery scheme when sold and distributed by retail dealers to consumers thereof, and including legend "LUCKY! U-WIN-A Cone FREE With this COUPON," chance recipient of which thereby, and in accordance with explanatory display circulars furnished by it, depicting a child with ice cream cone and winning ticket, became entitled to receive, free of charge, another such cone—

Sold, thus packed, to wholesalers, jobbers, and ice cream manufacturers, for use, sale, and distribution by their retail dealer purchasers to purchasing public, in accordance with aforesaid sales plan, said cones and slips, and thereby supplied to and placed in the hands of others the means of conducting lotteries in the sale of its product in accordance with such sales plan, contrary to public policy long recognized by the common law and criminal statutes and to an established public policy of the United States Government, and in competition with many who, unwilling to offer or sell ice cream cones with printed slips as above described, or otherwise arranged and packed for sale to purchasing public so as to involve game of chance, refrain therefrom;

With capacity and tendency to induce purchasers to buy its said product in preference to cones offered and sold by its competitors, and with result that many dealers in and ultimate purchasers of ice cream cones were attracted by its said method and manner of inserting in a number thereof printed slips entitling purchasers to free ice cream cones, and by element of chance involved in sale thereof as above described, and were thereby induced to buy its said products, containing such printed slips and sold by it, in preference to those offered and sold by said competitors who do not use same or equivalent method, and with tendency and capacity, by reason of said game of chance, to divert to it trade and custom from its said competitors who do not use such or equivalent method, exclude from said trade all competitors who are unwilling to and do not use such method because unlawful, lessen competition therein, and tend to create a monopoly thereof in it and such other distributors of ice cream cones as do use same or equivalent method, deprive purchasing public of benefit of free competition in trade involved, and eliminate therefrom all actual, and exclude therefrom all potential, competitors who do not adopt and use said or equivalent method:

Held, That such method, acts and practices, under the conditions and circumstances set forth, were all to the prejudice of the public and competitors and constituted unfair methods of competition.