

Syllabus

IN THE MATTER OF

OLIVER L. VON BACHELLE, DOING BUSINESS AS
H. SHADE'S LABORATORIES, AND BUREAU OF EDU-
CATION, SHADE'S LABORATORIESCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 3101. Complaint, Apr. 9, 1937—Decision, Aug. 25, 1937*

Where an individual engaged in sale and distribution of certain medical preparations for use in meeting so-called problems of feminine hygiene, and for use in prevention and treatment of diseases, ailments, and conditions to which women are particularly susceptible, in substantial competition with those engaged in sale and distribution, in commerce among the States and in the District of Columbia, of products intended, designed, and used and useful for the purposes for which said individual represented and implied that his said products were effective, and including, among his competitors in said commerce, many who truthfully represent their products and the nature of their organization—

(a) Falsely represented, in advertising his "Cones," "Suppositories," and "Antiseptic Powder," as variously known and described, in certain advertising literature, such as books, pamphlets, and circulars, distributed to purchasing public through boxes in which products were marketed, and through druggists and the United States mails, direct to prospective purchasers, and in newspaper and magazine advertising, that the particular product, as the case might be, was efficacious for use in prevention, treatment, and cure of diseases, ailments, and conditions peculiar to women, arising out of so-called problems of feminine hygiene, and was safe for general use and solved problems of aforesaid hygiene, and constituted an efficient prophylactic where possibility of venereal infection was present, and was more effective than carbolic acid or chlorine in prevention and treatment and cure of aforesaid diseases, etc., and constituted an efficient treatment for certain specified ailments and conditions, and promoted cleanliness and good health, and misrepresented, in various specific particulars, the functioning and qualities or properties of said products; and

(b) Made use, in his advertisements, of name "Bureau of Education" in connection with other statements in said advertising matter, in such a manner as to represent and imply, and thereby lead purchasing public to believe, that such "Bureau of Education" was a separate organization or institution, in no wise connected with his business, organized to carry on scientific research in methods of preventing, treating, or curing maladies peculiar to women, and that his products had been tested or approved by said organization or institution, facts being there was no such organization created to carry on scientific research in such methods, his products had not been tested by such an organization, and so-called "Bureau of Education" was simply a name adopted in furtherance of the sale thereof;

With effect of misleading and deceiving many members of the purchasing public and causing them erroneously to believe that said representations

Complaint

25 F. T. C.

were true, and, because of such erroneous belief, to buy substantial quantities of his said products, and of thereby unfairly diverting trade in commerce to him from his competitors who truthfully represent their products; to their substantial injury and that of the public:

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

Before *Mr. Robert S. Hall*, trial examiner.

Mr. William L. Taggart 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 Oliver L. Von Bachele, doing business as H. Shade's Laboratories and as Bureau of Education, H. Shade's Laboratories, 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. The respondent, Oliver L. Von Bachele, of 2335 Commonwealth Avenue, Chicago, Ill., is engaged in business individually and under the trade names H. Shade's Laboratories and as Bureau of Education, H. Shade's Laboratories, 2148 North Halsted Street, Chicago, Ill. He directs and controls the sales policies and business operations of said businesses.

PAR. 2. The respondent has been and is now engaged in the business of manufacturing, advertising, distributing and selling certain medical preparations for use in so-called feminine hygiene and for use in the female anatomy to purchasers in commerce among and between the various States of the United States and in the District of Columbia. He maintains a constant course of trade and commerce in said products so distributed and sold by him.

In the course and conduct of said business respondent has been, and is, in substantial competition with other corporations and with firms, individuals, and partnerships engaged in the distribution and the sale of similar products and other products intended and designed for similar use by women in commerce among and between the various States of the United States.

PAR. 3. The products marketed by respondent are variously known and described as "Shade's Cones," "Shade's Suppositories," "Shade's Antiseptic Powder."

In the operation of his business and for the purpose of inducing the purchase of said products on the part of members of the purchasing public, the respondent has made use of certain advertising literature, such as books, pamphlets, circulars, as well as newspaper and magazine advertising which purports to be descriptive of the various products herein named. The advertising literature herein referred to is distributed to the members of the purchasing public through the medium of the boxes in which the products are marketed, in advertising literature distributed through the medium of drug stores, through the United States mails direct to prospective purchasers and in newspapers and magazines.

With reference to the product designated as "Shade's Suppositories," such statements as the following are made:

NEW BLESSING for MODERN WOMANHOOD.

Solve Problem of Feminine Hygiene.

The intelligent practice of feminine hygiene is of vital importance to good health. Shade's Suppositories, a recognized reliable formula, permits modern wives to enjoy the benefits of feminine hygiene without its attendant problems. Safe, reliable and convenient. No water or accessories needed. Melting at body heat, they provide a protective film which is powerfully germicidal, yet soothing to delicate membranes. Don't wait! Send 10¢ for samples and personal information. Box of 24 cones—\$1.00.

In said statements, together with other similar statements not herein set out with respect to the product named, respondent directly and through implication represents and the public is thereby led to believe that said product forms a safe, competent, reliable remedy, cure and preventive of ill health in that it solves the problem of feminine hygiene; that said product is a safe product, reliable and convenient to use and forms a protective film in the vaginal canal which is powerfully germicidal and that said product is soothing to delicate membranes.

PAR. 4. In truth and in fact the product designated above does not form a safe, competent treatment, remedy, cure and preventive of ill health. It does not solve the problem of feminine hygiene and, further, the said product is not a safe product for general use. It will not form a protective film which is powerfully germicidal.

PAR. 5. With reference to the product designated as "Shade's Cones," such statements as the following are made:

* * * Known to the medical profession as Vagi-Seals for Intimate Feminine Hygiene * * *

Shade's Cones are also in demand as a prophylactic, where the possibility of Venereal Disease communication is present.

Dainty women appreciate the value of cleanliness, but cleanliness is far more important in the delicate mucous membranes of the hidden parts, as it is on the

Complaint

25 F. T. C.

face. In fact, any matter foreign to the parts, may soon cause inflammation and annoyance. The use of Shade's Vagi-Seal Cones tends to relieve inflammation and soothes the irritated membranes.

Shade's Cones contain no poisonous chemicals, yet they are more effective than any Solution of odorous Carbolie acid or Chlorine, that can be applied to the human body. Physicians testify to the utter harmlessness and effectiveness to the purpose of these ingredients * * *

Shade's Cones deposit a protective film or coating over the mucous membranes of the area, which is effective for a long period * * *

They also act as a deodorant and the women that use them, can always be sure of being protected from embarrassing odors, which sometimes arise from vaginal disorders.

We know that Shade's Cones are safe, healthful and clean, and that they should be left at least 8 to 10 hours in the cavity, before being washed out with a Shade Antiseptic Powder douche.

In said statements, together with other similar statements not herein set out with respect to the product named, respondent directly and through implication represents and the public is thereby led to believe that said product forms a safe, competent, reliable remedy, cure and preventive of ill health and that it is known to the medical profession for intimate feminine hygiene; that said product is a competent and satisfactory prophylactic for use where the possibility of venereal disease and contamination are present; that said product will relieve inflammation and soothe the irritated membranes of the vagina; that said product is more effective than carbolie acid or chlorine and physicians testify to the utter harmlessness and effectiveness of these products for the troubles set forth; that the product when used deposits a protective film or coating over the mucous membranes of the vagina which is effective for a long period; that the product acts as a deodorant and the women that use it can always be sure of being protected from embarrassing odors which arise from vaginal disorders.

In truth and in fact said product will not form a safe, competent, reliable remedy, cure and preventive for ill health. It is not known to the medical profession as a remedy for intimate feminine hygiene. It is not in demand as a prophylactic and it is not in demand as a prophylactic for use where there is a possibility of venereal disease and contamination present. It will not relieve inflammation or soothe irritated membranes of the vagina. It is not more effective than carbolie acid or chlorine. Physicians do not testify as to its harmlessness and effectiveness for the troubles herein set out and it is not harmless or fully effective for such use. The product when used does not deposit a protective film or coating over the mucous membranes of the vagina and is not effective for long periods. Further, the product does not act as a deodorant and the woman who uses

it cannot be sure of always being protected from embarrassing odors which usually arise from vaginal disorders.

PAR. 6. With reference to the product designated and known as "Shade's Antiseptic Powder" such statements as the following are made:

Vaginal douching is so important to health, that dainty women, cannot afford to neglect it. Douching should be practiced regularly by every woman, and especially the married woman. Secretions in the marital state are more frequent and opportunities for infection are increased.

Shade's Antiseptic Powder not only promotes cleanliness and health, but also destroys bacteria, and it soothes and heals the delicate tissues.

Two teaspoonfuls of the powder to 2 quarts of warm water, used daily, in Leucorrhea (Whites), Vaginitis and Cervicitis.

It destroys unpleasant odors, and produces that wonderful feeling of inner cleanliness, so much desired by every dainty woman.

In said statements, together with other similar statements not herein set out with respect to the product named, respondent directly and through implication represents and the public is thereby led to believe that said product promotes cleanliness and health, destroys bacteria and soothes and heals the delicate tissues of the vaginal tract; that it is a competent and satisfactory treatment for leucorrhea, whites, vaginitis, and cervicitis and destroys unpleasant odors and promotes a feeling of cleanliness.

In truth and in fact the product does not promote cleanliness and health. It does not destroy bacteria nor soothe nor heal the delicate tissues of the vaginal tract. It is not a competent and satisfactory treatment for leucorrhea, whites, vaginitis, and cervicitis and, further, it will not destroy unpleasant odors and promote a feeling of cleanliness.

PAR. 7. In the operation of his business, as aforesaid, respondent makes use of in his advertisements the name of "Bureau of Education." Said statement together with other statements in said advertising represents to the public directly or through implication that the Bureau of Education is a bureau devoted to scientific research on questions involving so-called marriage hygiene.

In truth and in fact the said Bureau of Education is not a separate organization or institution organized for the purpose of carrying on scientific research in the methods of preventing, treating or curing maladies peculiar to women or any other questions, and said bureau does not actually exist but the name is used for the purpose of encouraging the sale of respondent's products.

PAR. 8. There are among respondent's competitors in commerce, as herein set out, those who do not in any way misrepresent the character and nature of their products and who do not make use

Findings

25 F. T. C.

of any of the misleading representations herein set out and similar ones with respect to the therapeutic value of the product and others.

PAR. 9. The aforesaid false and misleading statements and representations used by the respondent in offering for sale and selling the various products as herein described in commerce as herein set out, have had, and now have the tendency and capacity to, and do, mislead and deceive members of the purchasing public into the erroneous and mistaken belief that said representations are true and into the purchase of substantial quantities of respondent's various products on account of said erroneous and mistaken belief.

As a result thereof trade is unfairly diverted from competitors of respondent who do not in the sale and distribution of their respective products make use of the same or similar misrepresentations. In consequence thereof injury has been and is now being done by respondent to competition in commerce among and between the various States of the United States.

PAR. 10. The methods, acts, and practices of respondent herein set forth are to the prejudice of the public and of competitors of the respondent as hereinabove alleged. Said methods, acts, and practices 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."

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 April 9, 1937, issued, and on April 13, 1937, served, its complaint in this proceeding upon respondent, Oliver L. Von Bachel, doing business as H. Shade's Laboratories, and as Bureau of Education, H. Shade's Laboratories, charging him with the use of unfair methods of competition in commerce in violation of the provisions of the said act. On July 16, 1937, the respondent filed his answer, in which answer he admitted all the material allegations of the complaint to be true, and stated that he waived hearings on the charges set forth in the said complaint and that, without further evidence or other intervening procedure, the Commission might issue and serve upon him findings as to the facts and conclusions, and an order to cease and desist from the violations of law charged in the complaint. Thereafter, the proceeding regularly came on for final hearing before the Commis-

sion on the said complaint and the answer thereto, and the Commission having duly considered the same, and being now fully advised in the premises, finds 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, Oliver L. Von Bachelles, is engaged in business under the trade name H. Shade's Laboratories and under the trade name Bureau of Education, H. Shade's Laboratories, and has his office and principal place of business at 2148 North Halsted Street, in the city of Chicago, State of Illinois.

PAR. 2. The respondent is now, and has been for more than one year last past, engaged in the sale and distribution of certain medical preparations, for use in meeting the so-called problems of feminine hygiene, and for use in the prevention, and treatment of diseases, ailments and conditions to which women are particularly susceptible. Respondent causes said products, when sold, to be transported from his place of business in the city of Chicago, State of Illinois, to the purchasers thereof located in various States of the United States other than the State of Illinois and in the District of Columbia. Respondent maintains a constant current of trade in commerce between and among the various States of the United States and in the District of Columbia in the sale and distribution of said products.

In the course and conduct of his business in said commerce respondent has been, and is, in substantial competition with other individuals and with firms, corporations, and partnerships engaged in the sale and distribution in said commerce of products intended, designed, and used and useful for the purposes for which the respondent represent and implies that his said products are efficacious.

PAR. 3. The products marketed by respondent are variously known and described as "Shade's Cones," "Shade's Suppositories," "Shade's Antiseptic Powder."

In the operation of his business and for the purpose of inducing the purchase of said products on the part of members of the purchasing public, the respondent has made use of certain advertising literature, such as books, pamphlets, circulars, as well as newspaper and magazine advertising which purports to be descriptive of the various products herein named. The advertising literature herein referred to is distributed to the members of the purchasing public through the medium of the boxes in which the products are marketed, through advertising literature distributed by drug stores, and through the United States mails direct to prospective purchasers.

Respondent also uses advertisements of similar nature and effect which are placed in newspapers and magazines of interstate circulation.

With reference to the product designated as "Shade's Suppositories," such statements as the following are made:

NEW BLESSING FOR MODERN WOMENHOOD.

Solve Problem of Feminine Hygiene.

The intelligent practice of feminine hygiene is of vital importance to good health. Shade's Suppositories, a recognized reliable formula, permits modern wives to enjoy the benefits of feminine hygiene without its attendant problems. Safe, reliable and convenient. No water or accessories needed. Melting at body heat, they provide a protective film which is powerfully germicidal, yet soothing to delicate membranes. Don't wait! Send 10¢ for samples and personal information. Box of 24 cones—\$1.00.

Through said statements, and in other statements not herein set out, with respect to the product Shade's Suppositories the respondent represents and implies, and the purchasing public is thereby led to believe, that said product is efficacious for use in the prevention, treatment and cure of diseases, ailments and conditions peculiar to women arising out of the so-called problems of feminine hygiene; that it solves the problem of feminine hygiene; that the product may be used with safety; that its use forms a protective film which is powerfully germicidal, and that its use is soothing to delicate membranes. Respondent's product, Shade's Suppositories, is not efficacious for use in the prevention, treatment and cure of diseases, ailments and conditions peculiar to women arising out of the so-called problems of feminine hygiene; said product does not solve the problems of feminine hygiene, and is not safe for general use; said product does not form a protective film which is powerfully germicidal and its use is not soothing to delicate membranes.

PAR. 4. With reference to the product designated as "Shade's Cones," such statements as the following are made:

* * * Known to the medical profession as Vagi-Seals for Intimate Feminine Hygiene.

Shade's Cones are also in demand as a prophylactic, where the possibility of Venereal Disease communication is present.

Shade's Cones contain no poisonous chemicals, yet they are more effective than any Solution of odorous Carbolic acid or Chlorine, that can be applied to the human body. Physicians testify to the utter harmlessness and effectiveness to the purpose of these ingredients * * *

Shade's Cones deposit a protective film or coating over the mucous membranes of the area, which is effective for a long period * * *

They also act as a deodorant and the women that use them can always be sure of being protected from embarrassing odors, which sometimes arise from vaginal disorders.

We know that Shade's Cones are safe, healthful and clean, and that they should be left at least 8 to 10 hours in the cavity, before being washed out with a Shade Antiseptic Powder douche.

Through said statements, and in other statements of similar import, with respect to the product "Shade's Cones," the respondent represents and implies, and the purchasing public is thereby led to believe, that said product is efficacious for use in the prevention, treatment and cure of diseases, ailments and conditions peculiar to women arising out of the so-called problems of feminine hygiene; that said product is safe for general use; that said product is an efficient prophylactic where the possibility of venereal disease infection is present; that said product relieves inflammation and is soothing to irritated membranes; that the product is more effective than carbolic acid or chlorine in the prevention, treatment and cure of diseases and ailments peculiar to women arising out of the so-called problems of feminine hygiene; that its use deposits a protective film or coating over the mucous membranes which remains effective for a long period of time, and that the product is a deodorant and assures the user of protection from embarrassing odors arising from the so-called problems of feminine hygiene. Respondent's product "Shade's Cones" is not efficacious for use in the prevention, treatment and cure of diseases, ailments and conditions peculiar to women arising out of the so-called problems of feminine hygiene; said product is not safe for general use and is not an efficient prophylactic where the possibility of venereal disease infection is present; said product does not relieve inflammation and is not soothing to irritated membranes; said product is not more effective than carbolic acid or chlorine in the prevention, treatment and cure of diseases and ailments peculiar to women arising out of the so-called problems of feminine hygiene; its use does not deposit a protective film or coating over the mucous membrane which remains effective for a long period of time; said product is not a deodorant and its use will not assure the user of protection from embarrassing odors arising from the so-called problems of feminine hygiene.

PAR. 5. With reference to the product designated and known as "Shade's Antiseptic Powder" such statements as the following are made:

Vaginal douching is so important to health that dainty women cannot afford to neglect it. Douching should be practiced regularly by every woman, and especially the married woman. Secretions in the marital state are more frequent and opportunities for infection are increased.

Shade's Antiseptic Powder not only promotes cleanliness and health, but also destroys bacteria, and it soothes and heals the delicate tissues.

Two teaspoonfuls of the powder to 2 quarts of warm water, used daily, in Leucorrhea (Whites), Vaginitis and Cervicitis.

It destroys unpleasant odors, and produces that wonderful feeling of inner cleanliness, so much desired by every dainty woman.

Through said statements, and in other statements of similar import, with respect to the product "Shade's Antiseptic Powder," the respondent represents and implies, and the purchasing public is thereby led to believe, that said product promotes cleanliness and good health; that it destroys bacteria and soothes and heals delicate tissues, and that it is an efficient treatment for leucorrhea (whites), vaginitis and cervicitis and destroys unpleasant odors. The product "Shade's Antiseptic Powder" does not promote cleanliness and good health, destroy bacteria nor does it soothe and heal delicate tissues; said product is not an efficient treatment for leucorrhea (whites), vaginitis and cervicitis and its use has no beneficial effects in the treatment of such conditions, nor will it destroy unpleasant odors.

PAR. 6. In the conduct of his business as aforesaid the respondent uses in his advertisements the name "Bureau of Education" in connection with other statements in the advertising matter in such a manner as to represent and imply, and thereby lead the purchasing public to believe, that the "Bureau of Education" is a separate organization or institution in no wise connected with the business of the respondent, organized for the purpose of carrying on scientific research in the methods of preventing, treating or curing maladies peculiar to women, and that respondent's products have been tested or approved by such organization or institution. There is no such organization as the "Bureau of Education" organized for the purpose of carrying on scientific research in the methods of preventing, treating or curing maladies peculiar to women, and respondent's products have not been tested by such an organization. The so-called "Bureau of Education" is simply a name adopted by the respondent to use in furtherance of the sale of his said products.

There are among respondent's competitors in said commerce many who truthfully represent their products and the nature of their organization.

PAR. 7. The representations and implications used by the respondent as above set out in connection with the offering for sale and sale of the products herein described in said commerce are false, misleading and deceptive and have had, and now have, the tendency and capacity to, and do, mislead and deceive many members of the purchasing public and cause them erroneously to believe that said representations are true and cause them, because of said erroneous belief, to purchase substantial quantities of respondent's said products,

thereby unfairly diverting trade in said commerce to the respondent from his competitors who truthfully represent their products to the substantial injury of said competitors in said commerce and to the injury of the public.

CONCLUSION

The aforesaid acts and practices of the respondent, Oliver L. Von Bachele, 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."

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer filed herein on July 16, 1937, by respondent 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, Oliver L. Von Bachele, an individual, doing business as H. Shade's Laboratories, and as Bureau of Education, H. Shade's Laboratories, or under any other name, his representatives, agents and employees in connection with the offering for sale, sale and distribution of the medicinal or pharmaceutical preparations now designated Shade's Cones, Shade's Suppositories and Shade's Antiseptic Powder, or any other preparations of substantially the same ingredients and therapeutic efficacy, whether designated by the aforesaid names or by any other names, in interstate commerce or in the District of Columbia, do forthwith cease and desist from representing or implying in connection with the offering for sale, sale and distribution of any of said products.

1. That said product is efficacious for use in the prevention, treatment and cure of diseases, ailments and conditions peculiar to women arising out of the so-called problems of feminine hygiene;

2. That said product is safe for general use;

3. That said product solves the problems of feminine hygiene;

Order

25 F. T. C.

4. That said product is an efficient prophylactic where the possibility of venereal disease infection is present;

5. That said product relieves inflammation and is soothing to irritated or delicate membranes;

6. That said product is more effective than carbolic acid or chlorine in the prevention, treatment and cure of diseases, ailments and conditions peculiar to women arising out of the so-called problems of feminine hygiene;

7. That the use of said product deposits a protective film or coating over the membrane which remains effective for a long period of time;

8. That said product is a deodorant and that its use will assure the user of protection from embarrassing odors arising from the so-called problems of feminine hygiene;

9. That said product forms a protective film which is powerfully germicidal;

10. That said product promotes cleanliness and good health, destroys bacterial and soothes and heals delicate tissues or membranes;

11. That said product is an efficient treatment for leucorrhea (whites), vaginitis and cervicitis, or has a beneficial effect in the treatment of such ailments or conditions, or that it will destroy unpleasant odors;

12. That, through the use of the words "Bureau of Education" or other words, said products have been submitted to or approved by an institution organized for the purpose of carrying on scientific research in the methods of treating and curing maladies peculiar to women, and that respondent's products have been tested by such an organization.

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.

Syllabus

IN THE MATTER OF

HARRY NEIVERT, TRADING AS PIGRO CHAMOIS
COMPANY

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

Docket 2513. Complaint, Aug. 13, 1935—Decision, Aug. 28, 1937

Where an individual engaged in the distribution of leather products, including certain products which were neither (1) chamois leather, as originally made from the skin of an Alpine antelope, highly prized for its soft and pliable quality for use in polishing such articles as jewelry, metals, glass, and wood, and possessed of additional feature of absorbing water readily and returning, when dry, to its original softness and pliability, nor (2) composed of the inner side of a sheepskin or "flesher," from which the outer or grain side has been split, tanned exclusively with marine-oil, and with a natural yellowish color well known to purchasing public, and possessed generally of same qualities as those of the original chamois skin, and commercially now known, and to public as "chamois," and in the sale of said products in competition with others engaged in manufacture and sale of washable leather goods to wholesale and retail dealers and other purchasers in the various States and in the District of Columbia—

Made use of trade name including word "chamois" on its invoices, letterheads, circulars, and other printed matter, and in other ways, in soliciting sale of and selling his aforesaid products, and included said word in invoices, circulars, and advertising matter in describing and referring to said certain products hereinabove referred to, through such names as "Carpincho chamois cuts," "Carpincho square cuts, chamois color," "Sheepskin chamois, chrome tan," notwithstanding fact said certain products were not the genuine or commercial chamois leather, as hereinbefore described, but constituted the inner side of the carpincho leather, grain or outside split of which is used in glove manufacture, and which, in color and appearance, as result of tanning process employed, resembles that of chamois, though not possessed of moisture-absorbent quality of the oil-tanned sheepskin fleshers and without latter's quality of returning to their original softness and pliability after being saturated with water;

With capacity and tendency to mislead and deceive number of the purchasing public into buying his said leather products in the erroneous and mistaken belief that they were purchasing such products possessing qualities of chamois as hereinabove set forth, and to deceive ultimate purchasers into buying leather products which they did not intend to buy and which do not possess said certain desirable qualities possessed by the chamois, as above set forth, and with result of placing in the hands of retailers means of deceiving ultimate purchaser as to the leather from which said products are actually made, and with tendency and capacity to divert trade from competitors engaged in selling articles of leather in commerce among the various states, truthfully represented as chamois, and from other competitors likewise engaged in selling in such commerce products truthfully